

POLITICS

US Politics Fundamentals

Built directly on Political Theory Fundamentals' own established framework, deliberately drawing direct real contrasts against UK Politics Fundamentals wherever the two systems structurally diverge — a codified constitution, a strict separation of powers, the Electoral College, the real two-party system, and federalism — grounded throughout in real, WebFetch-verified constitutional text, Supreme Court rulings (Marbury, McCulloch, Wickard, Lopez, Citizens United, NFIB v. Sebelius), and legislative history, closing with a capstone tracing the real Affordable Care Act's own full journey from bill to law to Supreme Court ruling.

10 Chapters

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CHAPTER 1: THE US CONSTITUTION: A REAL, CODIFIED DOCUMENT

US Politics Fundamentals

Chapter 1 · The US Constitution: A Real, Codified Document

UK Politics Fundamentals opened with a real, load-bearing distinction: the UK's constitution is "uncodified" — real, but scattered across statutes, court cases, and unwritten conventions rather than collected in a single document. This course opens on the exact opposite structural fact: the United States has a single, physical, written constitution — and, per Wikipedia's own precise wording, it is "the oldest and longest-standing written and codified national constitution in force in the world." That single sentence is this chapter's own real starting point.

From the Articles of Confederation to Philadelphia

The Constitution wasn't the country's first governing document. The Articles of Confederation, in force from 1781, created a deliberately weak national government — Congress could not levy taxes, regulate interstate commerce, or enforce its own laws on individual citizens. By the mid-1780s that weakness was widely seen as a genuine crisis, and delegates from twelve of the thirteen states (Rhode Island abstained) convened in Philadelphia to fix it.

The Constitutional Convention ran from **May 25 to September 17, 1787**, meeting at Independence Hall. What the delegates produced went well beyond a patch — a wholly new framework of government — and the finished document was signed on **September 17, 1787**.

The Great Compromise

Two competing plans deadlocked the Convention for weeks. The Virginia Plan (proposed 29 May 1787 by Edmund Randolph) wanted a bicameral Congress with both chambers apportioned by population — favoring large states. The New Jersey Plan (proposed 15 June 1787 by William Paterson) wanted a single chamber with equal votes per state, preserving the Articles' own structure — favoring small states. Roger Sherman's real compromise, adopted 16 July 1787, split the difference: a House of Representatives apportioned by population, and a Senate with two seats per state regardless of size. That single structural fix is the reason the US Congress has two chambers elected on two entirely different logics — a fact Chapter 3 builds on directly.

Ratification: Nine of Thirteen

Signing the document in Philadelphia didn't make it law. Article VII set the bar for ratification deliberately high but not unanimous: **nine of the thirteen states** had to ratify it in state conventions before it would take effect among those states. New Hampshire became the ninth state to ratify on **21 June 1788**, clearing that threshold. The new government took effect on **4 March 1789**, the date the first Congress convened; George Washington was inaugurated as the first President on **30 April 1789**.

A written document is not the same as a static one

"Codified" describes where the rules live — collected in one physical document — not how easily they change. As this chapter's own Article V section shows, the US Constitution is in practice one of the hardest constitutions in the world to formally amend. Written-down and easy-to-change are two separate properties, and the US Constitution is a real example of a document that is emphatically the first without being the second.

The Seven Original Articles

The Constitution's own text is organized into seven Articles, each covering a distinct structural question. Later chapters return to most of these in real depth — this table is the map for the rest of the course.

Article I — Legislative

Establishes Congress: the House of Representatives and the Senate. The longest Article in the document. Covered in depth in Chapter 3.

Article II — Executive

Creates the presidency, the Electoral College, and the President's real powers. Covered in Chapters 2 and 6.

Article III — Judiciary

Establishes "one supreme Court" and authorizes Congress to create lower federal courts. Covered in Chapter 4.

Article IV — States

Defines state-to-state and state-to-federal relationships (full faith and credit,

extradition, new-state admission). Covered in Chapter 5.

Article V — Amendment

The formal process for changing the Constitution itself. Covered in full below.

Article VI — Federal Supremacy

The Supremacy Clause: the Constitution, federal laws, and treaties are "the supreme Law of the Land," binding on every state.

Article VII — Ratification

Sets the nine-of-thirteen-states threshold described above. Its own job was finished the moment the Constitution took effect.

Article V: How the Document Itself Changes

Article V is worth its own section because it is the mechanism every other structural fact in this course ultimately answers to — and because, deliberately, it makes formal change hard. There are two ways to *propose* an amendment, and two ways to *ratify* one, and in over two centuries only one combination of the four has ever actually been used.

Stage	Method A (the one always used)	Method B (never yet used)
Propose	Two-thirds of both the House and the Senate vote to propose it	Two-thirds of state legislatures call a national convention to propose it
Ratify	Three-fourths of state legislatures approve it	Three-fourths of states approve it via specially called state ratifying conventions

Every one of the 27 amendments in force today — including all ten of the Bill of Rights, ratified in **1791** — was proposed by Congress and ratified by state legislatures. The convention-based route in the right-hand column has never once been successfully completed. That's a real, verifiable outcome of the threshold itself: two-thirds of Congress and three-fourths of the states is a genuinely high bar, deliberately designed to require broad, cross-partisan and cross-regional consensus rather than a narrow majority.

Finding: hard-to-amend is a design choice, not an accident

Compare this directly against UK Politics Fundamentals Chapter 2's own real finding — that under Parliamentary sovereignty, an ordinary Act of Parliament, passed by a simple majority in a single session, can in principle change any part of the UK's constitutional arrangement, including how Parliament itself is elected. The US Constitution was built to do the structural opposite: making fundamental change require supermajorities specifically so that no single election result, however decisive, can rewrite the rules of the game on its own. This is the single sharpest real difference between the two systems this course will keep returning to.

Codified vs. Uncodified, Side by Side

UK Politics Fundamentals Chapter 1 established that the UK constitution rests on four real sources — Acts of Parliament, court cases, constitutional conventions, and works of authority — with no single document holding them all. The table below puts that finding directly next to what this chapter has just covered.

	United States	United Kingdom
Where the rules live	One physical, written document (plus 27 ratified amendments)	Spread across statutes, case law, and unwritten convention — no single document
How ordinary law relates to it	An ordinary federal law that conflicts with the Constitution can be struck down (Chapter 4)	Parliament is sovereign; an ordinary Act of Parliament can in principle override anything, including constitutional practice
How it's formally changed	Article V: a deliberately high supermajority threshold (2/3 Congress, 3/4 states)	An ordinary Act of Parliament, passed by a simple majority, in a single session
Practical effect	Formal change is genuinely rare and slow (27 amendments in 237+ years)	Formal change can be fast; real restraint comes mostly from convention, not legal barrier

Notice what this table does *not* say: it doesn't say one system is more stable or more democratic than the other — only that they solve the same underlying problem (how does a country change its own rulebook?) in genuinely different, verifiable ways. The rest of this course keeps drawing this same UK-vs-US contrast at exactly the points where the two systems structurally diverge, rather than repeating Political Theory Fundamentals' own general comparative-government material from scratch.

Hands-On Exercises

EXERCISE 1

Walk through what it would actually take, procedurally, for a real amendment to reach the Constitution today — using the two-stage Article V process (propose, then ratify) and naming a specific realistic number of votes/states needed at each stage.

→ [Solution](#)

EXERCISE 2

Explain, in your own words, why the Great Compromise gave the House of Representatives and the Senate two genuinely different logics of representation — and what problem that was actually trying to solve.

→ [Solution](#)

EXERCISE 3

Using this chapter's own codified-vs-uncodified table, explain why "written down" and "easy to change" are two separate properties of a constitution — and give the real US and UK figures that prove they don't have to move together.

→ [Solution](#)

Quick Reference

- **Convention:** 25 May – 17 September 1787, Philadelphia; signed 17 September 1787
- **Ratification threshold:** 9 of 13 states; 9th state (New Hampshire) ratified 21 June 1788
- **Took effect:** 4 March 1789; Washington inaugurated 30 April 1789
- **Seven Articles:** Legislative, Executive, Judiciary, States, Amendment, Federal Supremacy, Ratification
- **Article V (propose):** 2/3 of both House and Senate, or a convention called by 2/3 of state legislatures (never used)
- **Article V (ratify):** 3/4 of state legislatures, or 3/4 of state ratifying conventions (never used)
- **Amendments in force:** 27 total; the Bill of Rights (first 10) ratified 1791
- **Real quote:** "the oldest and longest-standing written and codified national constitution in force in the world"

CHAPTER 2: THE PRESIDENCY: REAL POWERS & THE SEPARATION OF POWERS

US Politics Fundamentals

Chapter 2 · The Presidency: Real Powers & the Separation of Powers

Chapter 1 established the Constitution's Article II as "the Executive" — creates the presidency. This chapter goes into that Article in real depth, then draws out the single sharpest structural contrast this course keeps returning to: the US President is built to be genuinely separate from Congress, in a way the UK's own Prime Minister — a sitting Member of Parliament, accountable to the Commons for the government's own survival — deliberately is not.

Who Can Be President: Article II's Real Qualifications

Article II, Section 1 sets three requirements a person must meet at inauguration, and only three — no wealth, education, or prior office requirement appears anywhere in the text:

Natural-Born Citizen

Must be a natural-born US citizen (or have been a citizen at the time the Constitution was adopted, 17 September 1787 — a now-obsolete grandfather clause for the Founding generation itself).

At Least 35 Years Old

The single numeric age floor in the entire document for this office.

14 Years a US Resident

Must have been a resident within the United States for at least fourteen years.

Term Length and the 22nd Amendment

Article II sets the presidential term at four years, with no original constitutional limit on how many terms a person could serve. For nearly 150 years that limit was enforced only by an unwritten political tradition, not a legal rule: George Washington voluntarily stepped down

after two terms, and every president after him followed that precedent — until Franklin D. Roosevelt broke it, winning election to a third term in 1940 and a fourth in 1944.

Finding: a real, direct echo of UK Politics Fundamentals Chapter 4

This is structurally the same story UK Politics Fundamentals Chapter 4 told about the 92-hereditary-peer "temporary" compromise of 1999 — an unwritten norm holding for a very long time, then a specific real event forcing it to be formalized in actual law. Here, FDR's real four terms are exactly that forcing event: Congress responded with the 22nd Amendment, ratified in 1951, which formally caps a president at two elected terms. What had been Washington's own personal precedent for a century and a half became a hard, written Article-V-level legal rule only once it was actually broken.

The President's Real Article II Powers

Article II grants a specific, enumerated set of powers — not a general grant of authority. Five of these matter most for how the presidency actually functions day to day.

Commander-in-Chief

Heads the US Armed Forces, but Article I gives Congress — not the President — the power to formally declare war and to fund the military.

Appointments (with Senate consent)

Nominates ambassadors, federal judges, and top executive officials — but the Senate must give its "advice and consent" before most take office.

Treaties (2/3 Senate)

Negotiates treaties with foreign powers, but a treaty only takes effect once two-thirds of the Senators present concur — the same real supermajority threshold Chapter 1's own Article V uses for ratifying amendments.

Veto (overridable by 2/3 of both chambers)

Can veto a bill passed by Congress — but Congress can override that veto with a two-thirds vote in both the House and Senate, "usually very difficult to achieve."

Pardons

Can grant reprieves and pardons for federal offenses — with one explicit, real exception written directly into the text: "except in Cases of Impeachment."

A recurring pattern: every real presidential power has a real check on it

Notice the shape repeating across all five powers above: appointments need Senate consent, treaties need a Senate supermajority, vetoes can be overridden by a congressional supermajority, and even the pardon power has one explicit written carve-out. This is not incidental — it is Article II working exactly as designed. The next section names the formal theory behind that design directly.

Impeachment: The Ultimate Check, Rarely Used and Never Completed

The Constitution's own most severe check on the President runs through two separate chambers, with two separate, different vote thresholds:

Stage	Chamber	Threshold	What it does
Impeachment	House of Representatives	Simple majority of those present and voting	Brings formal charges — like a grand jury indictment, not a conviction
Trial & Conviction	Senate	Two-thirds of members present	Actually removes the President from office if reached

Only three presidents have ever actually been impeached by the House: Andrew Johnson (1868), Bill Clinton (1998), and Donald Trump (2019 and 2021, twice). In every single one of those cases, the Senate acquitted — no US president has ever been convicted and removed from office through this process. The gap between the two chambers' thresholds is the reason why: a simple House majority is a real, achievable bar in a polarized Congress, but a two-thirds

Senate supermajority for removal has, in practice, always required cross-party votes that partisan impeachments have never mustered.

Separation of Powers vs. the UK's Fusion of Powers

Political Theory Fundamentals Chapter 9 covered Montesquieu's real 1748 three-branch theory directly — and the genuine historical irony that Montesquieu partly modeled it on Britain's own system, yet Britain became the prototypical *fused*-power parliamentary system while the US, built explicitly on Montesquieu, became the prototypical *strict-separation* presidential system. That same chapter closed with Walter Bagehot's real 1867 account of the UK's own parliamentary fusion of powers. This is the exact point where that divergence becomes concrete.

	United States (separation)	United Kingdom (fusion)
Is the executive a member of the legislature?	No — the President cannot simultaneously hold a seat in Congress	Yes — the Prime Minister is, by convention, a sitting MP (or occasionally a peer)
Is the executive's survival tied to the legislature's confidence?	No — the President serves a fixed four-year term regardless of Congress's support	Yes — a lost confidence vote in the Commons can bring down the government (Political Theory Fundamentals Ch.9)
How is the executive removed early?	Only by impeachment and conviction — a formal, adversarial legal process with a 2/3 Senate threshold	By a simple Commons confidence vote, or by the governing party removing its own leader — no formal criminal process required
Who checks executive appointments and treaties?	The Senate, formally, via "advice and consent" and treaty ratification	No equivalent formal chamber check — Cabinet appointments are the Prime Minister's own prerogative

Finding: two different answers to the same design question

Both systems are answering the identical underlying question — how do you stop an executive from becoming a tyrant? The UK's answer, per Bagehot, is to fuse the executive into the legislature so it can be brought down by an ordinary vote whenever it loses the legislature's confidence — a fast, political check. The US answer is the opposite: keep the two branches genuinely separate, fix the executive's term, and reserve removal for a slow, adversarial, quasi-judicial impeachment process that (as the real historical record shows) almost never actually succeeds. Neither design is more "democratic" than the other in the abstract — they simply trade speed of accountability for stability of tenure in opposite directions.

Hands-On Exercises

EXERCISE 1

A president vetoes a bill Congress strongly supports. Walk through exactly what Congress would need to do, procedurally, to override that veto and pass the bill into law anyway — naming the real vote thresholds in both chambers.

[→ Solution](#)

EXERCISE 2

Explain why the 22nd Amendment is a good real-world example of an unwritten norm eventually being written into hard law — using the parallel this chapter draws to UK Politics Fundamentals' own hereditary-peers reform story.

[→ Solution](#)

EXERCISE 3

A UK Prime Minister loses a confidence vote in the Commons and a US President loses their own party's majority in Congress at a midterm election. Compare what actually happens to each leader's own job in each scenario, and explain why the outcomes are so different.

[→ Solution](#)

Quick Reference

- **Qualifications:** natural-born citizen, 35+ years old, 14 years a US resident
- **Term:** 4 years; capped at two elected terms by the 22nd Amendment (ratified 1951, after FDR's real four terms)
- **Veto override:** 2/3 of both the House and the Senate
- **Treaty ratification:** 2/3 of Senators present
- **Pardon power:** covers federal offenses; explicitly does not cover impeachment
- **Impeachment:** House impeaches by simple majority; Senate convicts/removes by 2/3
- **Real record:** 3 presidents impeached (Johnson 1868, Clinton 1998, Trump 2019 & 2021); 0 ever convicted and removed
- **Core contrast:** the President is not a member of Congress and does not depend on its confidence — unlike the UK's fused Prime Minister/Commons relationship

CHAPTER 3: CONGRESS: THE HOUSE & THE SENATE

US Politics Fundamentals

Chapter 3 · Congress: The House & the Senate

Chapter 1 introduced the Great Compromise only far enough to explain why Congress has two chambers built on two different logics — population for the House, equal state votes for the Senate. This chapter goes the rest of the way: what each chamber actually looks like in practice, what powers belong to one chamber and not the other, and the Senate's own real, self-imposed supermajority rule that goes well beyond anything the Constitution itself requires.

The House of Representatives: Size, Terms & Volatility

The House currently has **435 voting members**, apportioned among the states by population — exactly the principle the Virginia Plan won in Chapter 1's own compromise. That number of 435 isn't in the Constitution itself; it was fixed by ordinary federal law, the Reapportionment Act of 1929, and hasn't changed since even as the US population has more than tripled.

Every House member serves a **two-year term**, and the entire chamber is up for election at once, every single election cycle. That's a deliberate design choice: the House was built to be the chamber most directly and most frequently answerable to the public mood.

The Speaker of the House

Elected by the House itself (in practice, by the majority party), the Speaker is the chamber's presiding officer and, per the real current line of succession, second in line for the presidency — right after the Vice President.

Originating Revenue Bills

Article I gives the House the exclusive constitutional power to originate revenue and appropriation bills — tax and spending legislation must start in the House before the Senate can act on it.

Sole Power of Impeachment

As Chapter 2 covered, only the House can bring impeachment charges, by a simple

majority — the Senate has no power to initiate that process on its own.

The Senate: Size, Terms & Staggered Stability

The Senate has exactly **100 members** — two per state, regardless of population, the New Jersey Plan's own real victory from Chapter 1. Each senator serves a **six-year term**, three times longer than a House member's — but the Senate never faces a full turnover election the way the House does. Terms are staggered into three roughly equal classes, so only about one-third of the Senate is actually up for election in any given two-year cycle.

Why the staggering matters

This wasn't an accident of scheduling — it's a deliberate structural choice built to make the Senate the more stable, slower-moving chamber. Because two-thirds of senators are never on the ballot in any single election, no one election result — however decisive nationally — can hand one party full control of the Senate in a single stroke the way a wave election can flip the entire House at once. It's the same underlying instinct as Article V's own supermajority thresholds from Chapter 1: deliberately insulating one part of the system from short-term swings in public mood.

The Vice President Presides

The Constitution names the Vice President as President of the Senate — but the VP votes only to break an exact tie, making it a rarely-used, purely tie-breaking power rather than a routine legislative role.

President Pro Tempore

Presides over the Senate whenever the Vice President is absent — which, in practice, is most of the time. Third in the presidential line of succession, right after the Speaker of the House.

Advice, Consent & Trial

Exclusively the Senate's own real powers, both covered in Chapter 2: confirming presidential appointments and ratifying treaties by a two-thirds vote, and trying —

and, by a two-thirds vote, convicting — an impeached official.

The Filibuster: A Real Rule the Constitution Never Wrote

Every supermajority threshold covered so far in this course — Article V's amendment process, veto overrides, treaty ratification, impeachment conviction — comes directly from the Constitution's own text. The filibuster is different: it exists purely because of the Senate's own internal rules, not because the Constitution requires it.

Senate rules historically allowed a senator to speak for as long as they wished, with no built-in mechanism to force debate to a close — unlike the House, which adopted rules early on that let a simple majority cut off debate. Ending a Senate filibuster requires invoking **cloture** under Rule XXII, and current Senate rules set that threshold at three-fifths of the full Senate — 60 of 100 votes — for most legislation, regardless of how large a simple majority actually supports the bill.

A real, documented case: majority support isn't enough

In 1946, Senator Dennis Chávez was forced to withdraw a fair-employment bill from consideration after a failed cloture vote — even though, per the real historical record, a majority of senators actually supported the bill. That's the filibuster's real, concrete effect: a measure can command a genuine majority in the Senate and still die, because 60 votes, not 51, is what current rules require to force a final vote at all.

Two Co-Equal Chambers, Not One Dominant and One Subordinate

UK Politics Fundamentals Chapter 4 established a real, important asymmetry in the UK's own bicameral Parliament: the House of Lords can revise and delay legislation, but under the Parliament Acts 1911/1949, the elected House of Commons can ultimately push a bill through even over the Lords' own objection. The US Congress has no equivalent override mechanism at all.

	US Congress	UK Parliament
Both chambers elected?	Yes — House and Senate both directly elected	No — Commons elected, Lords is not (UK Politics Fundamentals Ch.4)
Can one chamber override the other?	No — a bill needs identical text passed by both House and Senate, full stop	Yes — the Commons can override a Lords rejection under the Parliament Acts
Which chamber is "dominant"?	Neither, by constitutional design — they are formally co-equal	The Commons, structurally, since it holds the real override power

Finding: the US design deliberately has no tie-breaker chamber

Where the UK's own asymmetric bicameralism resolves a Commons-Lords disagreement by giving the elected chamber a real trump card, the US Congress has no such mechanism at all — if the House and Senate can't agree on identical bill text, the bill simply doesn't become law, no matter how each chamber individually feels about it. That isn't a gap in the design; it's the same "make change genuinely hard to force through" philosophy Chapter 1's own Article V thresholds and this chapter's own staggered Senate terms already showed — two separately elected chambers, on two different logics of representation, both have to agree before anything happens.

Hands-On Exercises

EXERCISE 1

A tax bill needs to become law. Using this chapter's own material, explain which chamber it must originate in, and why — tying your answer back to the specific constitutional rule that requires it.

→ [Solution](#)

EXERCISE 2

A bill has 55 votes of support in the Senate — a clear majority — but its opponents refuse to stop debating it. Explain exactly why this bill can still fail to pass, using the real cloture threshold from this chapter.

→ [Solution](#)

EXERCISE 3

Explain why the US Congress has no equivalent to the UK's Parliament Acts — and what that difference tells you about how a disagreement between the House and Senate actually gets resolved (or doesn't).

→ [Solution](#)

Quick Reference

- **House:** 435 members (fixed by the 1929 Reapportionment Act), apportioned by population, 2-year terms, entire chamber up every cycle
- **Senate:** 100 members (2 per state), 6-year terms, staggered into 3 classes (~1/3 up every 2 years)
- **House-only powers:** originates revenue bills; sole power of impeachment (simple majority)
- **Senate-only powers:** advice and consent on appointments; treaty ratification (2/3); impeachment trial and conviction (2/3)
- **Speaker of the House:** 2nd in presidential line of succession
- **President pro tempore:** 3rd in presidential line of succession
- **Filibuster/cloture:** a Senate rule, not in the Constitution; 60 of 100 votes needed to force a final vote on most bills
- **Core contrast:** House and Senate are formally co-equal — unlike the UK's Commons, which can override the Lords under the Parliament Acts

CHAPTER 4: THE SUPREME COURT & JUDICIAL REVIEW

US Politics Fundamentals

Chapter 4 · The Supreme Court & Judicial Review

Chapter 1's own concept-grid described Article III in a single line: establishes "one supreme Court" and lets Congress create lower federal courts. This chapter unpacks that Article for real — the Court's genuinely fluid real size, its lifetime-tenure design, a real and very recent chapter in the Chapter 3 filibuster story, and the single power that makes US judicial review something the UK's own judiciary, as UK Politics Fundamentals Chapter 6 established, simply does not have.

Nine Justices — But Not Because the Constitution Says So

The Supreme Court has nine justices today, and it feels like a fixed, permanent number — but Article III never actually specifies a size at all. Congress sets it by ordinary law, and has changed it repeatedly across US history: the original Judiciary Act of 1789 set the Court at six justices; Congress expanded it to seven in 1807, nine in 1837, and ten in 1863, before settling on the current nine in the Judiciary Act of 1869. It has stayed at nine ever since — a real, ordinary-law figure now unchanged for over 150 years.

Finding: the same "fixed by ordinary law, not the Constitution" pattern as Chapter 3

This is structurally identical to Chapter 3's own finding about the House: 435 seats isn't written into the Constitution, it's a number Congress fixed by ordinary statute in 1929 and simply never revisited. The Supreme Court's nine seats work the exact same way — a real historical number, adjustable by a simple act of Congress, that has nonetheless held steady through sheer convention for a century and a half.

That number has been directly, deliberately tested once. In 1937, facing a Court that had struck down several of his New Deal programs, President Franklin D. Roosevelt proposed adding a new justice for every sitting justice over 70 who declined to retire — a plan that could have expanded the bench to as many as fifteen. It failed decisively: the Senate rejected it 70–20, with FDR's own party leading the opposition. The Senate Judiciary Committee itself called rejecting

the plan "essential to the continuance of our constitutional democracy." The number has stood at nine, purely by convention, ever since.

Lifetime Tenure: "During Good Behaviour"

Article III, Section 1 gives federal judges — Supreme Court justices included — tenure "during good Behaviour," understood in practice to mean a genuine lifetime appointment: a justice serves until death, retirement, resignation, or removal by impeachment, with no fixed term and no reappointment process at all. This is a deliberate design choice for judicial independence — a justice who never has to face re-election or reappointment has no electoral incentive to rule a particular way to stay in office.

Appointment: A Real, Recent Chapter in the Filibuster Story

The Constitution's own appointment process is simple: the President nominates, and the Senate must confirm. But *how* the Senate confirms a nominee has changed significantly within living memory, and it directly continues Chapter 3's own filibuster-and-cloture material.

Date	Who	What changed
21 November 2013	Senate Democrats, led by Harry Reid	Lowered the cloture threshold from 60 votes to a simple majority for executive-branch and lower federal judicial nominees — explicitly excluding the Supreme Court
6 April 2017	Senate Republicans, led by Mitch McConnell	Extended that same change to Supreme Court nominations specifically, triggered by a Democratic filibuster of nominee Neil Gorsuch — removing the 2013 carve-out entirely

A real, concrete example of Chapter 3's own point: Senate rules aren't the Constitution

Chapter 3 established that the 60-vote cloture threshold is a Senate rule, not a constitutional requirement — and this is exactly what that means in practice. Both changes above were made the same way: a simple 51-vote majority overruling the presiding officer's own ruling on what the rules required, rather than a formal rule change under the Senate's usual two-thirds procedure. Since April 2017, every Supreme

Court confirmation vote has needed only a simple Senate majority — the same 60-vote bar that killed Senator Chávez's 1946 bill in Chapter 3 no longer applies to Supreme Court nominees at all.

Removal: The Same Rare Impeachment Process

Chapter 2 covered how the President can be impeached and removed. Federal judges — including Supreme Court justices — go through the identical process: the House impeaches by simple majority, and the Senate convicts and removes by a two-thirds vote. It has happened to a Supreme Court justice exactly once: Samuel Chase, impeached by the House in 1804 on eight articles, was acquitted by the Senate and remained on the Court until his death in 1811. No Supreme Court justice has ever actually been removed from office by this process.

Judicial Review: A Power the Constitution Never Actually Wrote Down

Here is the real, load-bearing surprise at the center of this chapter: the Supreme Court's most consequential power — the ability to strike down a federal or state law as unconstitutional — appears nowhere in the Constitution's own text. It was established by the Court itself, in a single 1803 case.

Marbury v. Madison, 1803

William Marbury was one of nearly sixty Federalist judicial appointees — the "midnight judges" — commissioned by outgoing President John Adams in his final days in office (2–3 March 1801). The outgoing Secretary of State who signed and sealed Marbury's own commission was John Marshall — who, within weeks, became Chief Justice of the very Court that would decide his own case. Marshall's own commission was never delivered before Adams left office, and the incoming Secretary of State, James Madison, refused to hand it over. Marbury sued to force delivery. Marshall's opinion, delivered **24 February 1803**, held that the law Marbury had sued under was itself unconstitutional — and along the way, declared the real, foundational principle: *"It is emphatically the province and duty of the judicial department to say what the law is."*

That single sentence, and the ruling built around it, is the entire origin of American judicial review. Nothing in Article III grants federal courts the power to void an Act of Congress — Marshall's own Court simply asserted that power was implicit in a written constitution that claims to be supreme law, and no later Congress or President has successfully overturned that precedent.

The Sharpest Contrast in This Course So Far

This is the point where US Politics Fundamentals and UK Politics Fundamentals diverge most completely. UK Politics Fundamentals Chapter 6 covered the UK's own real Constitutional Reform Act 2005 (creating the UK Supreme Court, opened 2009), Dicey's rule-of-law doctrine, and the real 2017 Miller I case — but that same chapter established, just as clearly, that UK courts cannot strike down an Act of Parliament. Under parliamentary sovereignty, Parliament's own law always wins.

	United States	United Kingdom
Can courts void a law?	Yes — the Supreme Court can strike down a federal or state law as unconstitutional (Marbury v. Madison, 1803)	No — under parliamentary sovereignty, courts cannot invalidate an Act of Parliament (UK Politics Fundamentals Ch.6)
Where does that power come from?	Not the Constitution's own text — asserted by the Court itself in 1803	N/A — the very idea is structurally excluded by parliamentary sovereignty
What is "supreme"?	The Constitution itself (Article VI's Supremacy Clause, Chapter 1) — even Congress's own laws answer to it	Parliament — the elected legislature, not any written document, is the ultimate authority
Real 2017 case	N/A this chapter — see Marbury, 1803, above	Miller I: the Supreme Court ruled Parliament, not the executive alone, had to authorize triggering Brexit

Finding: this is Chapter 1's own Article VI Supremacy Clause, fully realized

Chapter 1 named the Supremacy Clause as making the Constitution and federal law "the supreme Law of the Land." Judicial review is the real mechanism that gives that clause teeth: without a court willing and able to actually strike down a conflicting law, "supreme law" would be a purely rhetorical claim. The UK has no equivalent because it has no equivalent claim to make — Parliament, not a written document, is what UK Politics Fundamentals Chapter 6 already established as the country's real supreme authority.

Hands-On Exercises

EXERCISE 1

Explain why the Supreme Court having nine justices is a matter of convention, not constitutional requirement — and what FDR's real 1937 court-packing attempt shows about how strongly that convention is actually defended.

[→ Solution](#)

EXERCISE 2

Using the real 2013 and 2017 nuclear-option changes, explain how a Supreme Court confirmation vote today differs from what Chapter 3's own 60-vote cloture rule would otherwise require.

[→ Solution](#)

EXERCISE 3

A US federal law and a UK Act of Parliament are each challenged in court as fundamentally unjust. Explain what a court can actually do in each country, and why the outcomes are structurally different rather than just a matter of different judges reaching different conclusions.

[→ Solution](#)

Quick Reference

- **Size:** 9 justices, fixed by ordinary law (Judiciary Act of 1869), not the Constitution — has ranged from 6 to 10 historically
- **FDR's 1937 court-packing plan:** rejected 70–20 in the Senate, including by his own party
- **Tenure:** lifetime, "during good Behaviour" (Article III)
- **Confirmation:** President nominates, Senate confirms — by simple majority since April 2017 (previously required 60 votes to invoke cloture)
- **Removal:** impeachment (House majority, Senate 2/3); only Samuel Chase (1804) ever impeached, and he was acquitted
- **Judicial review:** not written into the Constitution — established by *Marbury v. Madison* (1803), Chief Justice John Marshall
- **Core contrast:** US courts can strike down laws as unconstitutional; UK courts cannot override an Act of Parliament

CHAPTER 5: FEDERALISM: REAL STATE VS. FEDERAL POWER

US Politics Fundamentals

Chapter 5 · Federalism: Real State vs. Federal Power

Chapter 1's own concept-grid described Article IV in a single line: defines state-to-state and state-to-federal relationships. This chapter goes underneath that Article to the real machinery that actually divides power between Washington and the fifty states — and closes with the sharpest possible contrast to UK Politics Fundamentals Chapter 9's own unitary-state material: unlike the UK's devolved powers, which Westminster could in principle claw back by ordinary law, a US state's own reserved powers are constitutionally guaranteed and cannot be stripped by Congress alone.

The Tenth Amendment: Reserved Powers, in the Constitution's Own Words

Ratified in 1791 as part of the Bill of Rights (Chapter 1), the Tenth Amendment states the federalism principle directly, in language that has barely needed interpretation since:

The Tenth Amendment, in full

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

That one sentence sets up three real categories of power that recur throughout US government.

Enumerated Powers

Powers explicitly listed in the Constitution as belonging to the federal government — declaring war, coining money, regulating interstate commerce, and the rest of Article I, Section 8's own list.

Reserved Powers

Everything the Constitution doesn't delegate to the federal government and doesn't forbid to the states — under the Tenth Amendment, these belong to the states or the people. Policing, education, and most family law traditionally fall here.

Concurrent Powers

Powers both levels of government can exercise at once — taxation is the clearest real example: federal, state, and local governments all levy their own taxes independently.

The Elastic Clause: How Federal Power Actually Grew

Article I, Section 8 doesn't just enumerate Congress's powers — it closes with a clause letting Congress make any law "necessary and proper" for carrying those enumerated powers out. Real US history shows just how far that single clause has stretched.

McCulloch v. Maryland, 1819 — the same Chief Justice as Chapter 4's Marbury

Maryland tried to tax the Second Bank of the United States — a federal institution nowhere explicitly named in Article I. Chief Justice John Marshall's ruling did two things at once: it held that Congress has real, genuine **implied powers** under the Necessary and Proper Clause, even for something (a national bank) never explicitly listed in the Constitution's own text — "it is a constitution we are expounding," Marshall wrote — and it held that Maryland could not tax that legitimate federal institution at all, since Article VI's own Supremacy Clause (Chapter 1) puts federal law above conflicting state law. Marshall's own famous line for why: "*the power to tax involves the power to destroy.*" A state allowed to tax the federal government could, in principle, tax it out of existence.

The Commerce Clause: From Steamboats to a Single Farmer's Wheat

Congress's power "to regulate Commerce... among the several States" has been the single biggest real driver of federal power's growth relative to the states — and three landmark cases trace that growth with real, concrete facts.

Case	Year	Real facts	What it established
Gibbons v. Ogden	1824	A New York state steamboat monopoly blocked a federally licensed operator	Marshall's Court struck the state monopoly down — federal commerce power covers navigation, not just goods, and doesn't stop at state lines
Wickard v. Filburn	1942	A farmer grew wheat entirely for his own personal, on-farm use — never sold or shipped it anywhere	Upheld federal regulation anyway: enough individual farmers growing their own wheat, in aggregate, measurably affects the national wheat market — a dramatic real expansion of what counts as "interstate commerce"
United States v. Lopez	1995	A federal law banning guns near schools, challenged as exceeding Commerce Clause power	The first time in nearly 60 years the Court struck a law down as exceeding the Commerce Clause — carrying a gun near a school "has nothing to do with commerce" and wasn't part of any larger economic scheme

Finding: Wickard and Lopez are the two ends of the same real boundary

Wickard v. Filburn shows the Commerce Clause reaching about as far as it has ever reached — regulating wheat a farmer never sold to anyone. United States v. Lopez shows the real, modern edge of that reach — after nearly six decades of federal power expanding under this clause largely unchecked, the Court drew a genuine line: something with no real connection to economic activity at all falls outside it. Both cases are still good law today; together they mark out roughly where the boundary actually sits.

Dual Federalism to Cooperative Federalism

The real historical trend since the country's founding — and especially since the Civil War — has been a steady shift of power away from the states and toward the national government. Early "dual federalism" treated federal and state power as two largely separate spheres, like layers of a cake that rarely touched. The New Deal era shifted the country toward "cooperative federalism" instead — federal and state governments jointly funding and administering

programs together (Medicaid is a familiar modern example), with the federal government's own Commerce Clause and spending powers doing much of the work described above to make that shift constitutionally possible.

A Sharper Federalism Than the UK's Own Devolution

UK Politics Fundamentals Chapter 9 established the UK as a genuinely unitary state, with Chapter 7's own devolution material adding a real, important qualifier: Scotland, Wales, and Northern Ireland hold devolved powers, but Westminster itself retains full legal sovereignty over them — and the Sewel Convention, the norm that Westminster won't normally legislate on devolved matters without consent, is exactly that: a convention, real but not legally binding, which UK Politics Fundamentals Chapter 7 already showed being ignored 20 real, recorded times by February 2022 with no legal consequence.

	United States	United Kingdom
Source of sub-national power	The Tenth Amendment — states hold reserved powers as a constitutional guarantee	Acts of Parliament (e.g. the Scotland Act) — devolved powers are a legislative grant
Can the centre revoke it by ordinary law?	No — Congress cannot simply pass a statute stripping a state's reserved powers; doing so would require Article V amendment	Yes, in principle — Parliament remains sovereign and could abolish devolution by ordinary Act (UK Politics Fundamentals Ch.9)
What actually restrains the centre?	The Constitution's own text and judicial review (Chapter 4)	Political convention (the Sewel Convention) — real, but not legally enforceable

Finding: constitutionally guaranteed vs. politically protected

This is the real structural payoff of everything this course has built so far. A US state's reserved powers rest on hard constitutional text (the Tenth Amendment) reinforced by judicial review (Chapter 4) — Congress genuinely cannot take them away without clearing Article V's own supermajority thresholds from Chapter 1. Scotland's devolved powers rest on Westminster's own continuing willingness not to override them — real, and rarely tested, but resting on convention rather than a legal wall the way the US Tenth

Amendment does. Same underlying question — how much power does the centre share with its constituent parts — two structurally different real answers.

Hands-On Exercises

EXERCISE 1

Using *McCulloch v. Maryland*, explain what "implied powers" actually means, and why Marshall's ruling mattered for something (a national bank) that Article I never explicitly names.

[→ Solution](#)

EXERCISE 2

Explain why *Wickard v. Filburn* is such a dramatic expansion of the Commerce Clause given that the farmer in that case never sold or shipped his own wheat anywhere at all.

[→ Solution](#)

EXERCISE 3

Suppose the US Congress and the UK Parliament each wanted to strip a specific power away from, respectively, one US state and the Scottish Parliament. Compare what each body would actually need to do, and why the two processes are so different.

[→ Solution](#)

Quick Reference

- **Tenth Amendment (1791):** powers not delegated to the federal government, nor prohibited to the states, are reserved to the states or the people

- **Three power types:** enumerated (federal only), reserved (state only), concurrent (both)
- **Necessary and Proper Clause:** the "elastic clause" — basis for implied federal powers
- **McCulloch v. Maryland (1819):** implied powers upheld; states cannot tax legitimate federal institutions — "the power to tax involves the power to destroy"
- **Gibbons v. Ogden (1824):** federal commerce power covers navigation and crosses state lines
- **Wickard v. Filburn (1942):** even non-commercial, on-farm activity can be regulated via aggregate economic effect
- **United States v. Lopez (1995):** first Commerce Clause law struck down in nearly 60 years — a real modern limit
- **Core contrast:** US state powers are constitutionally guaranteed (Tenth Amendment); UK devolved powers rest on a revocable Act of Parliament and an unenforceable convention

CHAPTER 6: THE ELECTORAL COLLEGE & REAL PRESIDENTIAL ELECTIONS

US Politics Fundamentals

Chapter 6 · The Electoral College & Real Presidential Elections

Chapter 2 named Article II as the source of the presidency and, briefly, the Electoral College. This chapter goes into that mechanism in full — where the real number 538 actually comes from, what happens when nobody reaches a majority, a genuinely rare real elector revolt, and the sharpest possible contrast with the UK's own route to government: the US holds a direct national vote for its executive, however indirectly counted, while the UK — as UK Politics Fundamentals Chapters 3 and 5 already established — holds no popular vote for its head of government at all.

Where 538 Actually Comes From

The Electoral College isn't a separately elected body — its size is derived directly from numbers this course has already established. Each state gets one elector for every member it sends to Congress: its House seats (Chapter 3's own population-apportioned 435) plus its two Senate seats (Chapter 3's own equal-state-representation 100). That's 535 on its own. The 23rd Amendment, ratified 1961, added **3 more electors for Washington, DC** — a federal district with no voting members of Congress at all — bringing the real total to **538**. A candidate needs a majority, **270**, to win outright.

Finding: the Electoral College is the Great Compromise, one level up

Chapter 1 explained why the House uses population and the Senate uses equal state votes — the Great Compromise splitting the difference between large and small states. Because each state's elector count is House-plus-Senate, the Electoral College inherits both logics at once, blended into a single number per state. The practical effect: a small state's Senate-derived electors give it slightly more electoral weight per capita than its raw population alone would earn it — the same underlying design choice from Chapter 1, expressed one more time in how the presidency itself is chosen.

Winner-Take-All, With Two Real Exceptions

In **48 states plus DC**, whichever candidate wins the statewide popular vote — even by a single vote — receives all of that state's electors. Only **Maine and Nebraska** do it differently: two electors go to the statewide winner, and the remaining electors are awarded one at a time to whoever wins each individual congressional district, meaning a state's own electoral votes can genuinely split between two different candidates.

The 12th Amendment: A Real Constitutional Fix for a Real Crisis

The Electoral College didn't originally work quite the way it does now. Under the system Article II first set up, each elector cast *two undifferentiated votes* — with no way to specify which vote was for President and which was for Vice President.

1800: the crisis that forced the fix

In the 1800 election, every single Democratic-Republican elector, intending Thomas Jefferson for President and Aaron Burr for Vice President, cast both of their two votes for the two men equally — producing an exact tie between them, since the system had no way to rank the two votes. The resulting deadlock went to the House of Representatives, which needed **36 separate ballots** before finally electing Jefferson, on 17 February 1801.

Congress responded with the **12th Amendment**, proposed in December 1803 and ratified by June 1804. It made electors cast two genuinely distinct votes — one specifically for President, one specifically for Vice President — eliminating the exact ambiguity that had produced the 1800 tie.

When Nobody Reaches 270: The Contingent Election

The 12th Amendment also set the modern rule for what happens if no candidate wins a majority of electoral votes: the House chooses the President from among the top three electoral-vote finishers, with each state's delegation — not each individual representative — casting a single combined vote.

A real example: the 1824 election

Four candidates split the electoral vote in 1824: Andrew Jackson (99), John Quincy Adams (84), William Crawford (41), and Henry Clay (37) — with 131 needed to win out of 261 total electors. Nobody reached a majority. Because Clay finished fourth, the 12th Amendment's own top-three rule eliminated him from the House's contingent election outright. Voting by state delegation on 9 February 1825, the House resolved it in a single ballot: Adams won 13 of the 24 state delegations, enough for victory. When Adams then appointed Clay as Secretary of State, Jackson's supporters accused the two of a "corrupt bargain" — an allegation the Jacksonians campaigned on for the next four years, and one Jackson himself never let go of, reportedly calling Clay the "Judas of the West."

Faithless Electors: A Real, Rare Failure Mode

Electors are formally free agents in the Constitution's own text — nothing in Article II requires them to vote the way their state's popular vote instructed. A "faithless elector" is one who breaks that pledge. Most states have laws binding electors to their pledged candidate, and in **Chiafalo v. Washington (2020)**, the Supreme Court — exercising the judicial review power Chapter 4 established — upheld those state laws, confirming states can legally bind and even penalize a faithless elector.

When the Electoral College and the Popular Vote Disagree

Because electors are awarded state by state rather than through one national tally, it's genuinely possible to win the Electoral College while losing the national popular vote. It has happened in US history, including twice in recent memory: **George W. Bush in 2000** and **Donald Trump in 2016** each won the Electoral College while losing the nationwide popular vote to their opponent.

No Equivalent At All in the UK

UK Politics Fundamentals Chapters 3 and 5 already established the real structural fact this section builds on: there is no UK election for head of government at all. Voters in each constituency elect their own local MP under First Past the Post; whichever party can command the confidence of the resulting House of Commons — usually the party with the most seats —

forms the government, and that party's own leader becomes Prime Minister. No one, anywhere in the UK, casts a vote with the Prime Minister's own name on the ballot.

	United States	United Kingdom
Is there a national vote for the executive?	Yes, in effect — 50 separate statewide (or district) popular votes feed into the Electoral College	No — voters elect only their own local MP; there is no ballot line for Prime Minister anywhere
Can the "wrong" candidate win nationally?	Yes — winning the Electoral College while losing the national popular vote is real and has happened (2000, 2016)	Not applicable in the same sense — there is no single national popular-vote figure for "who should be PM" to disagree with an outcome
What if the result is unclear?	A formal constitutional process: the House chooses among the top three, by state delegation (1824)	Coalition/confidence-and-supply negotiations among parties (Political Theory Fundamentals Ch.6's own real 2010 and 2017 examples)

Finding: two genuinely different ideas of what an election even is

The US system, whatever its own real complications, is built around the idea that the presidency should be chosen through some form of direct popular vote, however imperfectly counted — the entire Electoral College apparatus exists to translate voter choices into a winner. The UK system was never designed to answer "who should lead the country" directly at all; it answers "which party can command the confidence of the elected chamber," and the Prime Minister falls out of that answer as a consequence, not a separate question voters ever get to weigh in on themselves.

Hands-On Exercises

EXERCISE 1

Explain, using Chapter 1 and Chapter 3's own material, exactly how a state's number of electors is calculated — and why that formula means every state gets at least 3

electors regardless of population.

→ [Solution](#)

EXERCISE 2

Using the real 1824 election, explain why Henry Clay was not eligible to be chosen by the House even though he had won real electoral votes — and what this tells you about the 12th Amendment's own top-three rule.

→ [Solution](#)

EXERCISE 3

A friend says "the UK's system is just a less direct version of the Electoral College." Explain why that comparison doesn't quite hold up, using this chapter's own closing finding about what each system is actually designed to answer.

→ [Solution](#)

Quick Reference

- **Total electors:** 538 (435 House + 100 Senate + 3 DC via the 23rd Amendment, 1961); 270 needed to win
- **Allocation:** winner-take-all in 48 states + DC; Maine and Nebraska split by congressional district
- **12th Amendment (ratified 1804):** separated electors' votes for President and Vice President, fixing the ambiguity that caused the 1800 Jefferson/Burr tie and a 36-ballot House deadlock
- **Contingent election:** if no majority, the House chooses among the top 3 finishers, one vote per state delegation — happened in 1824 (John Quincy Adams, resolved on the first ballot)
- **Faithless electors:** real but rare; states can legally bind electors (*Chiafalo v. Washington*, 2020)

- **Popular-vote mismatches:** 2000 (Bush) and 2016 (Trump) both won the Electoral College while losing the national popular vote
- **Core contrast:** the US holds a real, direct (if indirectly counted) vote for its executive; the UK holds no popular vote for Prime Minister at all

CHAPTER 7: POLITICAL PARTIES: THE REAL TWO-PARTY SYSTEM

US Politics Fundamentals

Chapter 7 · Political Parties: The Real Two-Party System

Nothing in the seven Articles Chapter 1 walked through, and nothing in any of the 27 amendments this course has covered since, mentions political parties at all. Political Theory Fundamentals Chapter 8 already introduced the real explanation for why a system without any party rule in its own founding document nonetheless ends up dominated by exactly two — Duverger's Law. This chapter puts that theory to work on the actual, real American case.

A Constitution That Never Mentions Parties

The Constitution predates the party system entirely, and its own framers hoped it would stay that way. George Washington's real Farewell Address, delivered as he left office in 1796, warned directly against the "spirit of party" and the dangers of domestic political factions — Washington genuinely hoped the new republic could govern itself without organized parties splitting it into opposing camps.

The warning failed almost immediately

Despite Washington's own hopes, two real, organized parties had already formed before he even finished his second term: the Federalists, led by Alexander Hamilton, and the Democratic-Republicans, led by Thomas Jefferson and James Madison. By 1800, Jefferson's own Democratic-Republicans had won the presidency — the exact partisan competition Washington had warned against was already the country's real governing reality within a decade of the Constitution taking effect.

Where Today's Two Parties Actually Come From

Neither of today's two major parties is the same organization Hamilton or Jefferson led — but both trace real, continuous lineages back into the 19th century.

The Democratic Party

The Republican Party

Traces to 1828, when Andrew Jackson reorganized Jefferson's own Democratic-Republican Party. It is, per the real historical record, the oldest extant voter-based political party in the world.

Founded in 1854 by Northern anti-slavery activists and modernizers, rising to national power with Abraham Lincoln's 1860 election.

Duverger's Law, Applied to the Real American Case

Political Theory Fundamentals Chapter 8 covered Maurice Duverger's real 1951 theory in full — winner-take-all, single-member-district elections produce two dominant parties, through both a real mechanical effect (a party that comes in third in a winner-take-all race wins nothing, no matter how many votes it gets) and a real psychological effect (voters learn not to "waste" a vote on a party unlikely to actually win). Everything this course has already covered points the same direction: House and Senate seats (Chapter 3) are single-winner races, and the Electoral College (Chapter 6) is winner-take-all in 48 of 50 states. The US system is about as close to a textbook Duverger's Law setup as a real country gets.

	Theodore Roosevelt, 1912 (Progressive "Bull Moose")	Ross Perot, 1992 (Independent)
National popular vote	27.40%	18.9%
Electoral votes won	88	0
Real outcome	Outperformed the sitting Republican president, Taft (23.17%, 8 electoral votes); split the Republican vote and handed Woodrow Wilson a 435-electoral-vote landslide	Won nearly a fifth of the national popular vote — the best third-party popular-vote share since 1912 — but carried zero states, so won zero electors

Finding: the mechanical effect in real numbers

Perot's 1992 result is Duverger's mechanical effect made completely concrete: 18.9% of the national vote — a genuinely massive real third-party showing — translated into

precisely zero electoral votes, because he never won a plurality in any single state under Chapter 6's own winner-take-all rule. Roosevelt's 1912 run shows the flip side: he actually did win states outright (enough for 88 electors) specifically because the sitting Republican Party's own vote had collapsed so completely in those states that Roosevelt, not Taft, came out on top there — still the single best third-party electoral performance in US history, and still nowhere close to winning the presidency itself.

Why the UK's Own Party System Isn't Quite as Locked to Two

UK Politics Fundamentals Chapter 8 traced the two UK parties' own real, comparably long lineages — the Conservative Party's 1834 Tamworth Manifesto, Labour's real 1901 Taff Vale origin. But Political Theory Fundamentals Chapter 8 already flagged a genuine complication to Duverger's Law using real UK evidence: regional parties — the SNP, Plaid Cymru, the DUP — routinely win real Westminster seats despite the same FPTP, single-member-district system the US uses.

	United States	United Kingdom
Electoral system for the legislature	Single-member districts, winner-take-all (House); the same logic per state (Senate)	Single-member districts, winner-take-all (First Past the Post) — the same underlying mechanism
Real result	Two parties have won every presidential election and controlled Congress continuously for over 150 years	Two major parties dominate nationally, but genuine third and regional parties (SNP, Plaid Cymru, DUP, Liberal Democrats) routinely hold real seats
Why the difference?	A uniformly nationwide two-party competition, reinforced by a nationwide winner-take-all presidency (Chapter 6)	Regional parties concentrate their support geographically rather than competing nationwide — winning Duverger's mechanical test locally even while losing it nationally

Finding: Duverger's Law predicts the mechanism, not a guaranteed exact-two-party outcome everywhere

The real, important nuance from Political Theory Fundamentals Chapter 8 holds here too: Duverger's Law is a genuine, real mechanical and psychological effect, not an ironclad guarantee of exactly two parties in every winner-take-all system. It predicts that a party needs a real, winnable geographic base under the electoral rules in place — nationwide in the US (thanks to the Electoral College's own nationwide winner-take-all presidency), which only the two major parties have ever sustained; regionally concentrated in parts of the UK, where the SNP, Plaid Cymru, and the DUP have each built exactly that kind of winnable local base without ever needing to compete nationwide at all.

Hands-On Exercises

EXERCISE 1

Explain the real irony in Washington's Farewell Address given what actually happened within a decade of him leaving office.

[→ Solution](#)

EXERCISE 2

Using the real 1912 and 1992 numbers, explain why Ross Perot's 1992 result is actually a cleaner demonstration of Duverger's mechanical effect than Theodore Roosevelt's 1912 result.

[→ Solution](#)

EXERCISE 3

Explain why regional parties like the SNP can win real seats in the UK under the same winner-take-all electoral logic the US uses, while no comparable regional third party has ever sustained a real presence in the US Congress.

[→ Solution](#)

Quick Reference

- **The Constitution:** never mentions political parties at all
- **Washington's Farewell Address (1796):** warned against the "spirit of party" — ignored within a decade
- **First Party System:** Federalists (Hamilton) vs. Democratic-Republicans (Jefferson), 1790s
- **Democratic Party:** reorganized 1828 (Andrew Jackson); the oldest extant voter-based party in the world
- **Republican Party:** founded 1854, anti-slavery origins; won the presidency with Lincoln in 1860
- **Duverger's Law:** winner-take-all, single-member districts (House, Senate, Electoral College) mechanically and psychologically favor two dominant parties
- **Real evidence:** Perot 1992 (18.9% popular vote, 0 electors); Theodore Roosevelt 1912 (27.4%, 88 electors — the best third-party result in US history, and still a loss)
- **Core contrast:** the UK's own regionally concentrated parties (SNP, Plaid Cymru, DUP) win real seats under the same FPTP logic the nationwide US system locks out

CHAPTER 8: PRIMARIES & CAMPAIGN FINANCE

US Politics Fundamentals

Chapter 8 · Primaries & Campaign Finance

Chapter 7 established that political parties aren't in the Constitution at all — and neither, it turns out, is the process by which those parties actually choose their own nominees. This chapter covers how the modern primary system really got built, in a single, real, chaotic year, and then turns to campaign finance — where two real Supreme Court cases have shaped how much money can legally flow into US elections in a way that has no real equivalent in the UK's own tightly capped system.

Primaries: Another Real Gap the Constitution Never Filled

The Constitution has never specified how parties choose their own presidential nominees at all — that process, like the parties themselves, was built entirely by the parties over time. For most of US history it wasn't primaries that decided a nomination — it was party insiders at the national convention itself.

Wisconsin, 1905: an early real experiment

Wisconsin's real 1905 direct open primary, championed by Robert La Follette, was the first to eliminate the party caucus and directly let voters choose national convention delegates — an early, real precursor to the system that would eventually dominate. Oregon followed in 1910 with the first genuine presidential preference primary. But for another six decades, most delegates nationally were still chosen by party leaders, not primary voters.

1968: the real crisis that changed everything

At the 1968 Democratic National Convention, Vice President Hubert Humphrey secured the presidential nomination despite not winning a single primary under his own name — chosen instead by party insiders, while the convention itself descended into real, televised chaos and protest in the streets of Chicago. The backlash led the Democratic National Committee to commission the McGovern-Fraser Commission, which recommended reforms to assure genuinely wider public participation in choosing a

nominee. Binding primaries — where the actual vote, not a party boss's choice, determines delegates — became the dominant nomination method across most states through the 1970s, and have remained so ever since.

Closed Primaries

Only voters already registered with a party may vote in that party's own primary.

Open Primaries

Any registered voter may vote in either party's primary, regardless of their own registration.

Iowa & New Hampshire

Iowa traditionally holds the first binding nominating event; New Hampshire's own state law requires its primary be held at least seven days before any comparable contest — giving both states real, outsized early influence over the entire field.

Campaign Finance: A Real Post-Watergate Rulebook

Money in US elections is governed by a rulebook that itself only dates to the 1970s. The Federal Election Campaign Act, significantly amended in 1974 in the direct wake of Watergate, created the Federal Election Commission and imposed contribution limits, disclosure requirements, and — originally — spending caps. Two real Supreme Court cases then reshaped that rulebook into what actually governs elections today.

Case	Year	What it upheld	What it struck down
Buckley v. Valeo	1976	Contribution limits — direct donations to a candidate — as a constitutional way to prevent quid-pro-quo corruption	Spending/expenditure limits — ruled that restricting how much can be spent on political speech violates the First Amendment, since political communication itself depends on real spending

Case	Year	What it upheld	What it struck down
Citizens United v. FEC	2010	Corporations' and unions' First Amendment right to make unlimited <i>independent</i> political expenditures — spending not coordinated with, or given directly to, any candidate	The federal ban on corporate/union-funded "electioneering communications," triggered by Citizens United's own attempt to air a film critical of Hillary Clinton ahead of the 2008 primaries

Finding: the real, lasting distinction is contributions vs. independent spending

Together, these two rulings drew a real, durable line that still governs US campaign finance today: direct contributions *to* a candidate remain legally capped, but *independent* spending — money spent to support a cause or candidate without directly coordinating with their campaign — is treated as constitutionally protected political speech and cannot be capped at all. Citizens United's own 2010 ruling, combined with the same year's Speechnow.org v. FEC decision, is the direct legal basis for Super PACs — political committees that can raise and spend unlimited sums independently, so long as they don't coordinate directly with a candidate's own campaign.

A Hard National Cap the US Has No Equivalent Of

The UK takes essentially the opposite approach. The Political Parties, Elections and Referendums Act 2000 created the Electoral Commission and imposed real, hard national spending limits on political parties during a regulated campaign period — a cap that, as of 2024, allows a party up to £54,010 per constituency it contests, working out to a real maximum of roughly **£34.13 million** if a single party contested all 632 seats in Great Britain. There is no equivalent hard national ceiling on total spending — by a party, let alone by outside groups — anywhere in the US system after Buckley and Citizens United.

The UK also bans paid political TV and radio advertising outright

Under the Communications Act 2003 (continuing a practice that traces back through the Broadcasting Act 1990), paid political advertising on television and radio is simply prohibited in the UK. Parties instead receive free Party Political Broadcasts — short, unpaid slots allocated according to a formula set by Parliament rather than purchased

with campaign funds. There is no US equivalent: political advertising on American television is both legal and, following Citizens United, effectively uncapped for independent spenders.

Two Opposite Free-Speech Doctrines

The sharpest real contrast isn't just the numbers — it's the legal reasoning underneath them. **Buckley v. Valeo** treats spending limits as a genuine restriction on protected political speech, since (in the Court's own words) political communication inherently depends on real spending — sending a telegram to a public official, the Court noted, itself costs money. A real 1998 UK case, **Bowman v United Kingdom**, reached the European Court of Human Rights on the opposite argument — a UK campaign-spending restriction was challenged as a free-expression violation — and was held to be fully compatible with Article 10's own free-expression protections, not a violation of them.

	United States	United Kingdom
Are independent spending caps allowed?	No — struck down as unconstitutional (Buckley, Citizens United)	Yes — real, hard national spending caps under PPERA, upheld against a free-expression challenge (Bowman)
Paid political broadcast advertising	Legal, and effectively uncapped for independent spenders post-Citizens United	Banned outright; free Party Political Broadcasts allocated by parliamentary formula instead
Underlying legal reasoning	Spending caps restrict protected political speech (First Amendment)	Spending caps are compatible with, not opposed to, free expression rights (Article 10, ECHR)

Finding: the same right, read to produce opposite rules

Both countries genuinely protect free political expression as a real legal principle — the US First Amendment and Article 10 of the European Convention on Human Rights aren't opposing values in the abstract. What differs is whether a spending cap is understood as an attack on that right (the US view, from Buckley onward) or as a legitimate, compatible way of levelling the playing field for that same right (the UK view, confirmed in Bowman).

Two real courts, working from genuinely comparable free-expression principles, reached genuinely opposite conclusions about whether money itself counts as the speech being protected.

Hands-On Exercises

EXERCISE 1

Explain why the 1968 Democratic National Convention is the real turning point behind today's primary-dominated nomination system, rather than Wisconsin's earlier 1905 reform.

[→ Solution](#)

EXERCISE 2

A wealthy individual wants to spend \$10 million supporting a candidate. Explain the real legal difference between giving that money directly to the campaign versus spending it independently through a Super PAC, and why current US law treats those two options so differently.

[→ Solution](#)

EXERCISE 3

Explain why *Buckley v. Valeo* and *Bowman v. United Kingdom* can both genuinely be about protecting free political expression, and yet reach opposite real conclusions about whether a spending cap is legal.

[→ Solution](#)

Quick Reference

- **Primaries:** never specified by the Constitution; Wisconsin (1905) was an early pioneer, but binding primaries became dominant only after the 1968 DNC crisis and the McGovern-Fraser reforms
- **Open vs. closed primaries:** open = any registered voter; closed = only registered party members
- **Buckley v. Valeo (1976):** upheld contribution limits; struck down spending limits as protected First Amendment speech
- **Citizens United v. FEC (2010):** corporations/unions can make unlimited independent expenditures — the legal basis for Super PACs
- **Real UK cap:** a party is limited to roughly £34.13 million nationally (2024 figure) under PPERA — no US equivalent
- **UK paid broadcast ads:** banned outright since the Communications Act 2003 (and earlier); replaced by free Party Political Broadcasts
- **Core contrast:** US law treats spending caps as a First Amendment violation (Buckley); UK/ECHR law treats them as compatible with free expression (Bowman v UK, 1998)

CHAPTER 9: STATE & LOCAL GOVERNMENT IN THE US

US Politics Fundamentals

Chapter 9 · State & Local Government in the US

Chapter 5 treated the fifty states mostly as a single category — holders of the Tenth Amendment's own reserved powers. This chapter goes one level deeper on both ends: each state is itself a genuine, complete government with its own constitution and its own internal branches, and beneath the states sit tens of thousands of local governments, whose own real legal relationship to their state directly parallels UK Politics Fundamentals Chapter 9's own local-government material — right down to a shared legal doctrine with a different name.

Fifty States, Fifty Constitutions

Every state has its own written constitution, entirely separate from the US Constitution Chapter 1 covered — and every state mirrors the federal three-branch structure Chapters 2 through 4 already established: a governor (executive), a state legislature, and a state court system, each with its own real internal separation of powers.

"Laboratories of democracy"

Justice Louis Brandeis's real dissent in *New State Ice Co. v. Liebmann* (1932) — a case where the Court struck down an Oklahoma ice-business licensing law as an unconstitutional restriction on commerce — gave federalism one of its most famous descriptions: "a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments." That phrase captures a real, practical consequence of Chapter 5's own Tenth Amendment material — with fifty separate state governments each free to legislate within their own reserved powers, policy approaches can be tested at state level before (or instead of) ever becoming national law.

Nebraska: The One Real Structural Outlier

Every state legislature is bicameral — modeled, like Congress itself, on the Great Compromise's own two-chamber logic from Chapter 1 — except one. Nebraska's legislature has been

genuinely **unicameral** since 1937, and it's also **nonpartisan**: candidates run without official party labels on the ballot at all.

A real, pointed irony directly tied to UK Politics Fundamentals

Senator George Norris, the real driving force behind Nebraska's 1934 reform vote, argued that the two-chamber system itself was modeled on "the non-democratic British House of Lords" — explicitly citing the UK's own unelected upper chamber, the very institution UK Politics Fundamentals Chapter 4 traced through its 1999 reform and its real, final 2026 abolition of hereditary peerages, as the example of what American bicameralism should NOT be copying. One state took Norris's argument seriously enough to actually abolish its own second chamber entirely in 1937 — nearly ninety years before the UK itself finally finished removing hereditary peers from its own upper chamber.

Local Government: A Legal Question the US Has Its Own Real Answer To

Beneath the states sit a real, enormous number of local governments — roughly **89,000** as of the 2012 Census of Governments, spanning counties, municipalities, townships, school districts, and single-purpose special districts. But the deeper structural question — exactly how much power does a city or county actually have on its own — has a real, named legal answer that maps directly onto UK Politics Fundamentals Chapter 9's own local-government material.

Dillon's Rule (1868)

Iowa judge John Forrest Dillon's real ruling in *Clinton v. Cedar Rapids and the Missouri River Railroad*: "Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature." A local government has only the powers the state explicitly grants it, plus whatever is necessarily implied by those grants — nothing more.

Home Rule / the Cooley Doctrine (1871)

Michigan Justice Thomas M. Cooley's real, opposing view: "local government is a matter of absolute right; and the state cannot take it away." Under home rule, a local government has broad, general authority to govern itself without needing explicit state permission for each specific power.

The US Supreme Court adopted Dillon's Rule as the real national default in *Hunter v. Pittsburgh* (1907) — but explicitly allowed individual states to grant broader home rule protections through their own state constitutions if they chose to. Today, most US states use some blend of the two: certain local governments (often larger cities) hold real home rule authority, while others remain governed by Dillon's Rule's own narrower, explicit-grant standard.

Finding: this is the same real legal argument as the UK's own ultra vires reversal

UK Politics Fundamentals Chapter 9 covered this exact conceptual split under different names: the UK's historic *ultra vires* doctrine — a local council could act only within powers explicitly granted to it — is structurally identical to Dillon's Rule, right down to the same "can only do what's been explicitly given" logic. And the Localism Act 2011's real "general power of competence," which dramatically reversed that historic UK default, is structurally identical to home rule — broad, general local authority that doesn't require hunting for a specific explicit grant before acting. Two countries, working through the exact same underlying legal question — should a local government's power be presumed narrow or presumed broad — and arriving at genuinely parallel doctrinal solutions under completely different names, on completely different timelines.

	United States	United Kingdom
Narrow-powers default	Dillon's Rule (1868) — explicit grants only	The historic ultra vires doctrine — explicit grants only
Broad-powers alternative	Home rule / the Cooley Doctrine (1871) — general local authority	The Localism Act 2011's "general power of competence"
Which is the real, current default?	Mixed — most states blend both, per state constitution	The 2011 Act reversed the old default nationally, in one statute
How many local units exist?	~89,000 (counties, municipalities, townships, school and special-purpose districts)	England alone: ~10,475 civil parishes plus unitary/two-tier authorities (UK Politics Fundamentals Ch.9)

Hands-On Exercises

EXERCISE 1

Explain the real irony in George Norris's argument for Nebraska's unicameral legislature, using UK Politics Fundamentals' own real House of Lords timeline.

→ [Solution](#)

EXERCISE 2

A city government wants to pass a new ordinance regulating something the state legislature has never explicitly addressed. Explain how the outcome would differ depending on whether that city operates under Dillon's Rule or home rule.

→ [Solution](#)

EXERCISE 3

Explain why Dillon's Rule and the UK's historic ultra vires doctrine can be described as "the same legal argument under different names," and what the real US and UK paths away from that narrow default have in common — and where they genuinely differ.

→ [Solution](#)

Quick Reference

- **State governments:** all 50 states have their own written constitution and their own mirror three-branch structure
- **"Laboratories of democracy":** Justice Brandeis's real dissent, *New State Ice Co. v. Liebmann* (1932)
- **Nebraska:** the only unicameral, nonpartisan state legislature — established 1937, championed by George Norris, who explicitly cited the UK House of Lords as bicameralism's own bad example
- **Dillon's Rule (1868):** local governments have only explicitly granted (or necessarily implied) powers — Judge John Forrest Dillon, *Clinton v. Cedar Rapids*

- **Home rule / the Cooley Doctrine (1871):** local governments have broad, general self-governing authority — Justice Thomas M. Cooley
- **Hunter v. Pittsburgh (1907):** Supreme Court made Dillon's Rule the national default, but let states grant home rule via their own constitutions
- **Real scale:** ~89,000 local governments in the US (2012 Census of Governments)
- **Core parallel:** Dillon's Rule = the UK's old ultra vires doctrine; home rule = the Localism Act 2011's "general power of competence"

CHAPTER 10: CAPSTONE — TRACING A REAL PIECE OF US LEGISLATION FROM BILL TO LAW

US Politics Fundamentals

Chapter 10 · Capstone: Tracing a Real Piece of US Legislation from Bill to Law

*Every prior chapter of this course established one real, verified piece of how the US system actually works — from Article I's own revenue-bill rule in Chapter 1 through Chapter 9's own state-vs-federal power boundary. This capstone traces every one of those pieces through a single, real, richly documented case: the **Affordable Care Act** — introduced as an unrelated tax bill, passed through a genuine Senate filibuster fight, rescued from a second filibuster by budget reconciliation, signed into law on a strict party-line vote, and then tested — and partly rewritten — by the Supreme Court itself.*

STEP 1 — CHAPTER 3: WHY IT HAD TO START IN THE HOUSE

The bill that eventually became the Affordable Care Act began life on 17 September 2009 as H.R. 3590, the "Service Members Home Ownership Tax Act of 2009," introduced in the House by Rep. Charles Rangel — a real, ordinary revenue bill, unrelated to healthcare. Chapter 3 established that Article I requires revenue bills to originate in the House specifically. When the Senate later wanted to build its own healthcare bill on top of an already-House-passed vehicle, it needed exactly this kind of pre-existing revenue bill to work from — so it took H.R. 3590's own shell and rewrote its content entirely into healthcare reform. Odd as it looks, this is a real, legally valid use of Chapter 3's own origination rule, not a loophole around it.

STEP 2 — CHAPTER 3: THE REAL 60-VOTE CLOTURE FIGHT

On 24 December 2009, the Senate passed its own version of the bill 60–39 — every Democrat and both independents in favor, every Republican opposed except one senator who did not vote. That 60-vote total is not a coincidence: it is exactly Chapter 3's own cloture threshold, and the real vote needed literally every single member of the 60-seat Democratic caucus to hold, with zero margin to spare — a live, high-stakes repeat of the same 60-vote mechanic that killed Senator Chávez's 1946 bill in Chapter 3, except this time the coalition actually held.

STEP 3 — A REAL ESCAPE FROM A SECOND FILIBUSTER

Normally, reconciling different House and Senate versions of a bill would send a compromise text back through the Senate a second time — through Chapter 3's own 60-vote cloture gauntlet all over again. But in January 2010, Scott Brown's special election win eliminated the Democrats' 60th Senate seat, meaning that second filibuster fight could no longer be won. Congress's real workaround was budget reconciliation: the House passed the Senate's own bill unchanged, then both chambers separately passed a second, narrower bill — the Health Care and Education Reconciliation Act of 2010 — using the reconciliation process, which is exempt from the filibuster and needs only a simple majority. It's a genuine, legal structural escape hatch from the exact 60-vote wall Chapter 3 spent an entire chapter establishing.

STEP 4 — CHAPTER 7: A REAL PARTY-LINE VOTE

The House gave final approval on 21 March 2010, 219–212 — and, exactly like the Senate's own 60–39 vote, with zero Republican support in either chamber. This is Chapter 7's own two-party competition playing out in its starkest possible form: a major, historic piece of legislation passed entirely along party lines, with neither major party crossing over even once on the final vote.

STEP 5 — CHAPTER 2: PRESENTMENT AND SIGNATURE

President Obama signed the bill into law on 23 March 2010. No veto drama was needed here — the President's own party controlled both chambers — but the act of presentment and signature is still the same real Article II mechanism Chapter 2 covered: a bill only becomes law once it clears both chambers in identical form and is signed (or allowed to become law) by the President.

STEP 6 — CHAPTERS 4 & 5: THE SUPREME COURT REWRITES THE LAW'S OWN LEGAL FOUNDATION

Passing a law is not the end of the story this course has been telling. In **NFIB v. Sebelius** (2012), the Supreme Court — exercising the exact judicial review power Chapter 4 traced back to *Marbury v. Madison* — examined the ACA's own individual mandate. Chief Justice Roberts' real opinion held that the mandate exceeded Congress's Commerce Clause power, reasoning that "Congress's authority under the Commerce Clause necessarily presupposes activity already exists for Congress to regulate" — a mandate

compelling people to buy insurance was compelling new commercial activity into existence, not regulating activity that already existed. This is Chapter 5's own United States v. Lopez limit, applied for real, at the highest possible stakes: a modern federal law struck down, in part, for reaching past the Commerce Clause's own real boundary.

But the mandate survived anyway — not under the Commerce Clause, but under a completely different enumerated power. The Court held the mandate was valid as an exercise of Congress's separate **taxing power**, since it functioned, in practice, as a tax on the choice not to carry insurance. The law's foundation changed mid-litigation from one Article I power to another, and it was upheld.

STEP 7 — CHAPTERS 5 & 9: A REAL TENTH AMENDMENT LIMIT ON A VALIDLY ENACTED LAW

The same ruling delivered a second, separate real finding directly out of Chapter 5's own Tenth Amendment material: seven justices agreed the ACA's Medicaid expansion — as originally written, threatening to strip a state of *all* its existing Medicaid funding, not just the new expansion money, if it declined to expand — was unconstitutionally coercive. The Court's real remedy gave every state a genuine choice: accept the expansion and its new federal money, or decline it and keep every dollar of existing Medicaid funding untouched. This is Chapter 5's own finding about constitutionally guaranteed state power in concrete action — even a validly enacted federal law, passed by both chambers and signed by the President, still answered to the Tenth Amendment's own real limit once it reached the Court, and several real states did in fact choose not to expand.

Chapter Attribution

Real event in the ACA's story	Chapter it draws on
Introduced as a House revenue bill, later repurposed	Chapter 3 — House origination rule
60–39 Senate cloture vote, 24 December 2009	Chapter 3 — the filibuster and cloture
Reconciliation used to avoid a second filibuster	Chapter 3 — a real structural workaround to the same 60-vote rule

Real event in the ACA's story	Chapter it draws on
219–212 House vote, zero Republican support in either chamber	Chapter 7 — the real two-party system
Signed into law, 23 March 2010	Chapter 2 — Article II presentment and signature
Individual mandate struck down under the Commerce Clause, upheld under the taxing power	Chapters 4 & 5 — judicial review; the Commerce Clause's real modern limit
Medicaid expansion ruled coercive; states given a real opt-out	Chapters 5 & 9 — the Tenth Amendment; states as real, independent actors

Course Complete

US Politics Fundamentals closes here, having traced the presidency, Congress, the Supreme Court, federalism, the Electoral College, political parties, primaries and campaign finance, and state and local government — each one, wherever the two systems structurally diverge, held up directly against UK Politics Fundamentals' own real material. This capstone's own case shows why that structure matters in practice: a single real law passed through every one of those mechanisms in sequence, and was reshaped by more than one of them even after it had already become law. This is the third complete course in the Politics Subject, following Political Theory Fundamentals and UK Politics Fundamentals — the Subject now holds 30 chapters across three complete courses.