DO AMERICANS SHARE MULTIPLE CORE VALUES IN REGARDS TO THE PATRIOT ACT?

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McGregor Conference Center Room B
Moderator: Cherstin Lyon
California State University, San Bernardino
Abstract

In early America, Tocqueville broadly observes four value systems or mores. He finds (1) a new type of authoritarianism which he labels soft despotism that is based on paternalism. There is (2) widespread liberalism as individualistic capitalism coupled with a belief in equal opportunity in the marketplace. He remarks on (3) republicanism as enlightened self-interest and local political participation to advance equality, resources, and efficacy. Finally, he explores (4) how Biblical Thought transcends American politics. In this essay, I explore how the first three “political languages” have developed into research traditions—as a reflection of the political science literature—until the present day. Liberalism has dominated political discourse since the New Deal, and it appears to be without competition (liberal society thesis). I conclude that a multiple traditions perspective ultimately rests on whether or not republicanism is distinct—and a viable alternative—to the liberal tradition stemming from the American culture.

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1.1 Introduction

On a clear Tuesday morning at 8:45 a.m., a Boeing 767 carrying 20,000 gallons of jet fuel smashed near the 80th floor of the North World Trade Center in New York City. Hundreds of people died and many others were trapped amidst fallen debris, rising smoke, and burning flames. Eighteen minutes later, another plane hit the South WTC. A third plane hit the Pentagon, and a fourth plane crashed into a field in Shanksville, Pennsylvania. Over 3,000 people died as a result of the terrorist attacks in America on September 11, 2001 (9/11), (Templeton and Lumley, 2002). This critical event of destruction and terror affected American politics and the American citizenry. In the days following 9/11, the country was panicked.

The terrorist attacks on 9/11 changed the American political landscape because the people required immediate remedy to the threat of terrorism. To provide the public with a greater sense of security, Congress passed the USA PATRIOT Act. Before and after its passage, many elected officials spoke openly about the challenges the Patriot Act sought to overcome, with special attention paid to the trade-offs between security and liberty. Regarding security, Senator Schumer contributed, “When we are facing a war where it is more likely that more civilians will die than military personnel, the homefront

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1 President George W. Bush (continued by Barack Obama) had a different, secret public policy to prevent terrorism using a National Security Agency program called ThinThread. It is a controversial program that is beyond the scope of this dissertation. However, it is important to note that this secret program is thought to be unconstitutional because the authorization, or ability to authorize a secret surveillance system of the entire American population, did not come from Congress (i.e., the Patriot Act). On the other hand, President George W. Bush and Obama have argued that it is the role of the Commander-in-Chief to manage the war on terrorism, and data is needed to search for terrorists in order to prevent terrorism. I believe that the republican element of the American culture may be vitally important to understanding how the American political culture may limit, keep, or expand the President’s war powers ability as the Commander-in-Chief, while this dissertation only searches for an observable republican expression in opposition to the Patriot Act. See The Unites States of Secrets: http://www.pbs.org/wgbh/pages/frontline/government-elections-politics/united-states-of-secrets/how-edward-snowden-leaked-thousands-of-nsa-documents
is a warfront. The old high wall between foreign intelligence and domestic law enforcement has to be modified. The bill does a good job of that.”

Regarding liberty, Senator Russ Feingold voiced the day prior to President Bush signing the bill:

This language creates a very real risk that truly innocent individuals could be deported for innocent associations with humanitarian or political groups that the government later chooses to regard as terrorist organizations. Groups that might fit this definition could include Operation Rescue, Greenpeace, and even the Northern Alliance fighting the Taliban in northern Afghanistan. This provision amounts to "guilt by association," which I believe violates the First Amendment.3

The debate didn’t last long and the Act passed the Senate essentially as an unanimous vote with only one dissent from a vehement supporter of civil liberties, Russ Feingold (D, WI).4 The Republicans in the House were also almost unanimous (211-3) while the Democrats were more divided (145-62).5 Evidently, the Patriot Act was not expected to be a threat to the American electorate because it was passed by such wide margins.

This dissertation seeks to capture the emergence of opposition to the Patriot Act based on core American political values. There is evidence that the American people are not panicked any longer and that they are increasingly concerned about the threat that violations of civil liberties poses as a reflection of their own civil liberties. First, public opinion polling from 2001-2013 shows that Americans dramatically shifted their majority

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4. Feingold suggests that the Patriot Act opens up the possibility for the General Government to enforce authoritarianism to the point of totalitarianism upon special groups in society. Groups without liberal or republican protections should act in order to protect their liberal or republican values.


opinion after 9/11 from “willing to give up some personal freedom in order to reduce the threat of terrorism” to not willing (see Chart 1.1). Given the terrorist attacks on 9/11 and the subsequent jump in the numbers in favor of preventing terrorism, I see May, 2001, as a bell weather for how the American people probably feel about giving up civil liberties to fight terrorism when they do not think acts of terrorism are imminent threats. Before 9/11, a majority of a plurality of Americans were not willing to give up personal freedom to prevent terrorism by a net difference of 7. The terrorist attacks on 9/11 changed everything!

After 9/11, public opinion shot up a 51 net difference in favor of giving up some personal freedom to prevent terrorism (a total of 58 points). For the next five years, public opinion remained positive in the net 30s and 40s before reducing to a net difference of 18 in favor of giving up personal freedom in May, 2006. Indeed, 2006 exhibited a large shift towards civil liberties. By April, 2013, Americans returned to a mindset that is faithful to protecting civil liberties, with a net difference of 2 in favor of retaining personal freedom. The evidence in Chart 1.1 by FoxNews is affirmed in Chart 1.2. by The Washington Post. Public opinion data validated in 2013 the stance that Americans think the government will “go too far in compromising constitutional rights in

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7 According an FBI report, “There is no single definition of terrorism. The FBI defines terrorism as ‘the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives’” (page 3). See: “TERRoRISM in the United States, 1996, Counterterrorism Threat Assessment and Warning Unit, National Security Division” at http://www.fbi.gov/stats-services/publications/terror_96.pdf
**Chart 1.1: Public Opinion Shifts to Civil Liberties in 2013**

**Fox News Poll:**
"Would you be willing to give up some of your personal freedom in order to reduce the threat of terrorism?"

<table>
<thead>
<tr>
<th>Date</th>
<th>Yes</th>
<th>No</th>
<th>Net</th>
</tr>
</thead>
<tbody>
<tr>
<td>April, 2013</td>
<td>43%</td>
<td>45%</td>
<td>-2</td>
</tr>
<tr>
<td>May, 2006</td>
<td>54</td>
<td>36</td>
<td>18</td>
</tr>
<tr>
<td>January, 2006</td>
<td>61</td>
<td>27</td>
<td>34</td>
</tr>
<tr>
<td>July, 2005</td>
<td>64</td>
<td>21</td>
<td>43</td>
</tr>
<tr>
<td>September, 2002</td>
<td>61</td>
<td>24</td>
<td>37</td>
</tr>
<tr>
<td>June, 2002</td>
<td>64</td>
<td>21</td>
<td>43</td>
</tr>
<tr>
<td>October, 2001</td>
<td>71</td>
<td>20</td>
<td>51</td>
</tr>
<tr>
<td>May, 2001</td>
<td>33</td>
<td>40</td>
<td>-7</td>
</tr>
</tbody>
</table>

*Source: Micah Cohen, April 23, 2013, FiveThirtyEight*

*Note: 1996 entry removed from original.*

**Chart 1.2: Public Opinion Protects Civil Liberties in 2013**

**Washington Post Poll:**
Which worries you more: that the government* will not go far enough to investigate terrorism because of concerns about constitutional rights, or that it will go too far in compromising constitutional rights in order to investigate terrorism?

<table>
<thead>
<tr>
<th>Date</th>
<th>Will Not Go Far</th>
<th>Will Go Too Far</th>
<th>Net</th>
</tr>
</thead>
<tbody>
<tr>
<td>April, 2013</td>
<td>41%</td>
<td>48%</td>
<td>-7</td>
</tr>
<tr>
<td>January, 2010</td>
<td>63</td>
<td>27</td>
<td>36</td>
</tr>
<tr>
<td>January, 2006</td>
<td>48</td>
<td>44</td>
<td>4</td>
</tr>
</tbody>
</table>

*The 2010 survey asked about the Obama administration. The 2006 survey asked about the Bush administration.*

*Source: Micah Cohen, April 23, 2013, FiveThirtyEight*
order to investigate terrorism” by a net of 7 (Chart 1.2). This leads me to ask: *Who* opposes the Patriot Act and *why*?

The usual explanation is that partisanship between the Republican and Democratic parties will illuminate political opposition in this era of hyper partisanship during the early 21\(^{st}\) century. The two political parties have moved away from each other over the past decades and middle-ground is increasingly rare because of ongoing debates within each party to shape the platform. Hence, both parties never have a “moderate bill” that each side can agree on today and opposition arises from each party as a consequence. For instance, “Holsti explores the extent to which changes in public opinion reflected the vigorous public relations efforts of the Bush administration to gain support for the war and the partisanship marking debates over policies toward Iraq.” 8

Public opinion and partisanship are explanatory.

Further, extreme partisans may fight with the center of their own party stance on a given issue (e.g., Patriot Act) as a commitment to party values that voters rely on; 9 however, the extreme partisans fighting the Patriot Act do not appear to base their opposition on liberal grounds. It is well known Russ Feingold and Dennis Kucinich, both

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8 Quote from: [https://muse.jhu.edu/books/9780472027828?auth=0](https://muse.jhu.edu/books/9780472027828?auth=0). See: American Public Opinion on the Iraq War by Ole R. Holsti; chapter 2 (Public Opinion on the War in Iraq), and chapter 3. (Partisanship).American Public Opinion on the Iraq War by Ole R. Holsti

Democrats aligned on the far left at times, argued against the Patriot Act.\textsuperscript{10} Similarly, Ron Paul, a Republican who many consider to the far right, also openly expressed opposition to the Patriot Act.\textsuperscript{11} Both partisan sides agreed in their opposition that the main cause for opposition was a violation of civil liberties which is a violation of core American values because violations of civil liberties are indeed a violation of the Constitution. To be sure, the field is looking for a focus on core values and elite rhetoric as potential variables for continued and future study.\textsuperscript{12} This dissertation focuses on core values. I believe that the former opponents of the Patriot Act did so to reestablish and reaffirm \textit{republican} values.

Upon further investigation, partisanship is \textit{not} helpful in explaining opposition to the Patriot Act. Indeed, in recently titled article, “Domestic Surveillance Could Create a Divide in the 2016 Primaries,” we see that the evidence suggests that there is sporadic opposition to the Patriot Act in both political parties. To be sure, “…the House vote was not well described by a traditional left-right political spectrum” (DW-Nominate Spectrum 1.1)\textsuperscript{13} Thus, the left-right liberal spectrum\textsuperscript{14} does \textit{not} account for the sporadic opposition to the Patriot Act as observed (see DW-Nominate Spectrum 1.1).\textsuperscript{15}

\textsuperscript{13} See: Nate Silver (2013).
\textsuperscript{14} For the purposes of this dissertation (and is commonly understood in the field), “liberals” affiliate with the center-left of the liberal spectrum and “conservatives” affiliate with the center-right of the \textit{same} spectrum. Both ideologies support \textit{liberalism} as the premier core value to base political decisions.
\textsuperscript{15} Ibid, from Nate Silver, “However, the House vote was not well described by a traditional left-right political spectrum.”
Perhaps the most intriguing public opinion poll on the Patriot Act suggests this slogan, “Know More: Oppose More!” (Chart 1.3). The data is intuitively clear regarding public opinion on the Patriot Act. A plurality of the majority who are very familiar with the Patriot Act think the Act goes too far, Americans somewhat familiar think the Act is about right, and those not familiar with the Act think that the Act does not go far enough. I suspect that highly informed voters likely place high values on civil liberties, and more importantly, I believe these voters are most likely to value republicanism as a core American and to utilize republican institutions of self-government in order to legitimately oppose the Act on republican grounds. This might help to explain the sporadic opposition in Spectrum 1.1.
The premise of this dissertation is that the Patriot Act attracts different opinions from the same party because representatives share multiple core values, even if they base most political decisions that are grounded in a liberal tradition. This leads me to believe that political culture may help to explain the expressions of opposition to the Patriot Act because culture is reflected through multiple political traditions and, therefore, I may be able to capture opposition to the Patriot Act on republican and authoritarian grounds. Is there evidence to suggest that Americans support civil liberties in a stable form, based on a different wording of Charts 1 and 2?

According to Graph 1.2, there has never been a majority of Americans willing to
allow the government to violate basic civil liberties even in order to fight against terrorism when the question wording is open, “Which comes closer to your view?” The polling data by Gallup from 2002 to 2004 shows that there is a strong strengthening towards civil liberties post 9/11 and then Americans are stable in the upper 60s and low 70s in favor of civil liberties. The data suggests that Americans by and large share the belief that civil liberties must not be violated, which I believe is the *raison d'etre* regarding the pull or fall towards a commitment to civil liberties by 2013 in Charts 1 and 2.  

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As evidence, Darren Davis and Brian Silver (2004, 43) find that “Americans are not ready to concede all of their civil liberties and personal freedoms in order to feel secure from the terrorist threat. While many citizens are willing to trade off civil liberties for greater security, Americans as whole adopt a moderate position. But a sense of threat makes for more reluctant defenders of constitutional rights across the political spectrum and among whites, Latinos, and African Americans.” See: "Civil Liberties vs. Security: Public Opinion in the Context of the Terrorist Attacks on America" by in *American Journal of Political Science*, Vol. 48, No. 1, Pp. 28–46.
No one claims to know which political language is apparently causing a rift in both parties circa 2015 and no one has suggested that it is indeed one political language.\textsuperscript{17} Due to a lack of ideology and partisanship on liberal grounds as the basis for opposition to the Patriot Act as an explanation, I believe core cultural values shape attitudes, and if they do, which values appear to be most influential as expressions of opposition?

I put forth that we can understand the sporadic opposition in Spectrum 1.1 after we observe the political languages of \textit{republicanism}, \textit{liberalism}, and \textit{authoritarianism} as cultural expressions in support of or in opposition to the Patriot Act through a random sample of news on Patriot Act. I suspect that the Patriot Act violated republican core values and that the American people have widely expressed their opposition to the Patriot Act on republican grounds in support of civil liberties. I think it is plausible that republican core values are responsible for the sporadic opposition in the liberal spectrum regarding the Patriot Act.\textsuperscript{18}

In the remainder of this chapter, I will briefly define political languages as elements of the American political culture (Section 1.2) so that it is clear how the political languages are independent of each other as a sociological institutional system


\textsuperscript{18} Nate Silver observed, “Take, for example, the House’s vote in May 2011 to extend certain provisions of the Patriot Act — including the so-called library records provision that the government has used to defend the legality of sweeping searches of telephone and e-mail records. The bill passed with 250 yes votes in the House against 153 no votes, receiving more of its support from Republicans. (In the Senate, the bill passed, 72-23, winning majority support from both parties.)” June 11, 2013 “Domestic Surveillance Could Create a Divide in the 2016 Primaries” Website: http://fivethirtyeight.blogs.nytimes.com/2013/06/11/domestic-surveillance-could-create-a-divide-in-the-2016-primaries/#more-40366
within America’s political culture considering the past few centuries.$^{19}$ Then, I will explain my reasoning for a case study on the Patriot Act in order to sample the American political culture (1.3) because republicanism was politically institutionalized and arguably the most important element of the culture during the Founding (1.4). Section 1.4 on republicanism during the antebellum era is vitally important because it establishes the basis for the type of republicanism I seek to find in the early 21st century based on the original political access systems for the American public and state legislatures to impel self-government—not representative government. Finally, I will conclude with a brief review of the main points and introduce the topic of the literature review.

1.2 Basic Concepts and Terminology for Three Core Political Value Systems

The purpose of this section is to define liberalism, authoritarianism, and republicanism. I define these languages as distinct elements of a *united* American political culture. The definitions below will be reinforced later in this chapter and in the literature review. They will serve as the basis for a model to code American political languages as elements in order to observe the American political culture. I have generated a Key to illuminate how political power and agency operate between the people and the government within each political language that is based on the languages’ core values.

*A Key for Political Languages as Elements of the American Political Culture*

The political languages are distinct because, by definition, each requires the people and the government to play unique roles with one another. Liberalism needs the

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$^{19}$ I do not rely on Greek republicanism or much beyond the Founding of America in order to explain American republicanism, even though insight into Cato and company is often insightful.
people to relate public policy positions through the ballot box and while many voters affiliate with one of the two liberal parties, enough voters are expected to change their minds in the next electoral evaluation to cause the parties to rely on the will of the people. Authoritarianism needs the people to be obedient, and even though the people may think they wield power or work in solidarity for a noble cause, the people operate under top-down hierarchy and lower level people have no power. Republicanism needs the people, local and state governments to pass public policy for the national government to consider and hopefully enact as a reflection of self-government. The power of the people to cause change by participating in politics in order to express their values as new public policy is the basis for a functioning extended Republic.

<table>
<thead>
<tr>
<th>Key: Political Languages as Elements of American Political Culture</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>POLITICAL LANGUAGE</strong></td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Liberalism</td>
</tr>
<tr>
<td><em>Values capitalism on traditional and progressive terms</em></td>
</tr>
<tr>
<td>Authoritarianism</td>
</tr>
<tr>
<td><em>Values paternalism</em></td>
</tr>
<tr>
<td>Republicanism</td>
</tr>
<tr>
<td><em>Values efficacy, a common good, and non-domination</em></td>
</tr>
</tbody>
</table>
Liberalism

In this section, I define core liberal values that generate a stable liberal regime between the government and the people, and I will explain how an ideological split within liberalism in American politics essentially reinforces the liberal tradition as an element of the American political culture to demonstrate how liberalism is a core value that all Americans share.

The American liberal tradition “takes the individual as the basic unit of politics and sees the individual’s development as the central criterion for the success or failure of any political system” (Abbott 2009, 3). All citizens are expected to have an equal opportunity to participate in the marketplace and in the voting booth. As a matter of political culture, for example, Louis Hartz found the New Deal to be a watershed of progressive liberalism because traditional liberalism essentially governed the American liberal tradition until its bankruptcy with the advent of the Great Depression. What made the New Deal a watershed of progressive liberalism was that the American people broadly supported the shift in their liberal culture to favor limited governmental redistribution of resources through the taxation of capital markets for the benefit of the middle class. The New Deal was based on protecting the economic growth and stability of the average American worker and the average American voter could use core liberal values as the basis for her vote decision. In short, Americans hold individualism as a

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21 Bartels (2008) provides an excellent empirical example of the evidence regarding party performance in helping to fortify liberalism in Unequal Democracy.
preference for capitalism which divide along traditional and progressive values as the bases for the vote decision.\textsuperscript{22} However, liberal values do not always explain American politics.\textsuperscript{23} On the other hand, no other political language has been observed in the 21\textsuperscript{st} century as a serious challenge to America’s liberal tradition.

While the differences between the traditional and the progressive liberal are important for determining opposition to public policy, it is not helpful when both parties agree on liberal legislation and then to attempt to explain expressions of opposition based on a liberal reaction because no matter the liberal reaction the result remains an implementation of liberalism. From the liberal spectrum, progressive liberals (i.e., liberals) are left of the median voter and traditional liberals (i.e., conservatives) are to the right of the median voter (Hacker and Pierson, 2011). As liberalism is one element of the culture, I see liberals and conservatives as one variable because both parties fundamentally promote core liberal values.\textsuperscript{24}

Political scientists have gathered copious amounts of research to confirm that both American political parties promote liberalism. From the far left, the progressive liberal element of the American political culture is committed to democratic values, such as the protection for unions to expand. Progressives ultimately rely on the redistribution of

\textsuperscript{22} For example, see Abramowitz, Alan I. 2011. The Disappearing Center: Engaged Citizens, Polarization, and American Democracy. New Haven, Conn.: Yale University Press.


capital that is generated via capitalism as the means for realizing a democratic and just society (e.g., Rawls 1971). However, to the far right of the liberal spectrum, traditional liberals advocate very limited regulation of capitalism by a representative government leaving social answers to the spirit of the entrepreneur (e.g., Nozick 1974). Each relies on capitalism and the electoral decision making by the American voter in national elections as the fundamental signal to transform American politics for the benefit of the voter from the right or the left of the liberal spectrum (e.g., DW-Nominate Spectrum 1.1). In this way, “the Democratic and Republican parties in the United States…are examples of Liberal parties; both practice bourgeois, business-orientated politics typical of European Liberalism…” (Ware, [1996] 2009, 25) with the difference as the conversational starting point on the liberal spectrum. The important point often overlooked is that the two liberal parties generate a stable liberal regime for American politics.

Partisan liberal values work in concert to create a stable liberal regime. A stable liberal democracy will empirically demonstrate (1) the right to vote, (2) the right to be elected, (3) the right of political parties to compete, (4) free and fair elections, (5) freedom of association is omnipresent, (6) freedom of expression is infused into the public (liberal neutrality, or state neutrality on public issues, is supplemented with all the former liberal values), (7) information from all sources are tolerated, and (8) institutions depend on votes.25 There really is little need for a participatory democracy in a functioning liberal democracy (Schumpeter 1947) because the two dominant liberal ideologies will eventually resolve the public policy problems and issues because of the voters through generational changes in the party platforms in, essentially, iterations of

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25 This is from Lijphart (1999) who uses Dahl’s “Polyarchy” (1972), which has long been associated with describing the common habits of liberal democracy.
elections. Liberalism claims to therefore incorporate the people’s will as a system of democracy.

For instance, The Affordable Care Act (i.e., Obamacare) is a modest progressive improvement for all Americans from the previous healthcare law because the new law helped to open up healthcare market exchanges between individuals and the healthcare industry (i.e., fortified capitalism). And even though the federal government did not offer the people a governmental insurance option on the exchange (i.e., public option as a fair competitor in healthcare markets as more extensive progressive liberalism); traditional liberals in the House of Representatives have attempted to repeal Act over 50 times by 2015! This liberal pattern repeats itself as an expression of partisanship within the liberalism tradition and the result is a stabilization of liberalism because no one expects the law to be repealed, and equally important and often overlooked, no one expects The Affordable Care Act to become more progressive anytime soon either. Indeed, three new House Republicans took the time to vote “no” to the repeal of Obamacare because the Republicans were not offering a viable alternative according to liberal values.26 In short, liberals value a complex relationship between representative democracy and capitalism to affect American politics.

Authoritarianism

In this section, I define core authoritarian values that generate a stable authoritarian regime between the government and the people, and I will explain how top-down government with an obedient citizenry establishes authoritarianism as an element

of the American political culture which keeps political power and agency in the hands of elites, or the government, and withheld from the people.

The American authoritarian tradition creates at least two tiers of citizenship and the people in the first tier value paternalism as a mode to distribute authoritarianism to the second tier of people, whom are expected to obey. In America, paternalism has long been observed in the debates on slavery, segregation, and discrimination based on gender, race, ethnicity, religion, and other categories because the former modes of paternalism generated widespread ascriptive hierarchy without equal opportunity or political equity for the people not in a place of authority (Smith 1993). Authoritarian values create exclusion and governmental elites holds all political power and agency.

Most Americans would bristle at the notion that they believe in authoritarianism. However, one might reasonably argue that the overwhelming number of people accept that there are some instances in which it is legitimate to subordinate an individual’s liberties to the government because doing so is in his or her own best interest or even in that of society as a whole. For example, most Americans would probably agree that it is legitimate to institutionalize a suicidal person for his or her own good or to involuntarily impress a person into military service during wartime in order to save the Country from invasion. As an everyday example, New York City's abolition of the Big Gulp was an authoritarian act justified with paternalistic motivations because the government was looking out for the health of the individual. Looking backward in history, the subordination of women and minorities is justified on the grounds that these groups are inferior to the ruling group and paternalism is used to justify the legalized authoritarianism. Indeed, I expect to find authoritarianism in regards to the Patriot Act
because many Americans would agree that the government should institutionalize people involved in plotting real terrorist attacks without any basic civil liberties, like the prisoner’s held in Guantanamo Bay, which constitutes support for authoritarianism values as public policy.

Paternal values can engulf entire communities and have historically been a serious threat to America’s liberal and republican traditions. For instance, Tocqueville (1998) observed so much authoritarianism in American that he postulated that it would be possible for paternalism to expand over time in the American culture so that a soft despotism would suffocate all liberty within the entire American population. The result would be America without freedom; or, an equality of servitude. Americans could lose their freedom to the idea of equality if and when the people rely on the federal government to provide for everyone’s resources, because “in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd” (ibid, 692). American authoritarianism has historically has been on the decline since the Civil War, yet political scientists still find that authoritarianism matters to American politics in the early 21st century.27

Thus, American paternalism is a specific form of authoritarianism, and assumes that there is a vertical hierarchy of agency (ability to do something) and power (strength of agency) whereby power and agency are top-down enterprises extending from a first tier of citizens to a second tier of citizens. The provider controls the providee like a Father who expects obedience from his Children.

27 I explain this in the literature review.
Republicanism

In this section, I will broadly define core republican values that generate a stable republican regime between the government and the people whereas the people retain political power and agency as a result of the people’s observable commitment to republican values in order to shape and frame American politics through the passage of laws to the national government for consideration to support people’s terms, *de jure* and *de facto*. Meaning, the people shape and frame public policy and the people would openly express legal opposition to anti-republican legislation at the national level if and when provoked in an extended Republic.

Republican values are based on a spirit of equality because republicanism’s “emphasis upon equality encouraged ordinary, obscure men to challenge all manifestations of authority and eminence within society” (Shalhope, 2004). In addition to basing governance on *equality* between people as a starting point to individualistically contribute to a “public good” as a shared and common social experience actuated on republican grounds (i.e., *res publica*), republicanism is a bottom-up process whereby the people ultimately hold all political power and agency to legislate public affairs because they are either increasing or defending republican principles, ideas, and actions. When republicanism was the most important element during the antebellum era, for example, the representatives where expected to follow the guidelines set for them by the

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28 These laws could be categorized multiple ways, for instance, as signals (expressions), transactions, or simply as normal public policy in a Republic. Because this dissertation explores culture, I value the data as an *expression*.

29 in The Roots of Democracy, xii.

30 exclusion a result of shared *authoritarianism*. There is not an equal distribution of resources.
people, or state legislatures (see Section 1.4). Republicanism is quite complex because power is distributed to the people and the people return political power to the hands of the General Government.

A Republic is complex because (1) the people need to be active participants in organizing policy issues and making political expressions known via various informal and formal institutions; and (2) the elected representatives need to affirm the republican values of the people in representative government. Thus, republicanism could explain sporadic opposition within the liberal spectrum if representatives feel compelled to adhere to core republican values as a legitimate demonstration of power and agency by the constituents. In this way, republicanism is based on the agency and power of the people, yet an extended Republic ultimately depends on nationally elected representatives whom base a vote decision on republican core values. Without both actions, there is limited to no active republican as a cultural injunction (i.e., interaction) from a commitment of republicanism by the people, which must be reaffirmed by the elected representatives.

In the early 21st century, it may seem odd to some Americans to believe that the people have the ability to powerfully guide American politics through self-government; nonetheless, it is evident that Americans are passing resolutions as ballot initiatives to legalize marijuana and Gay Marriage in States across the country during the early 21st century. The American people are demonstrating self-government based on core republican principles all the time. For instance, Tocqueville predicted that republicanism would win the Civil War or the abolition of slavery without a war in America long before
the advent of the Civil War. Republican values have always been present as an element of the American political culture and each person is assured an equal playing field, even if a ubiquitous Republic is unachievable in the face of exogenous political languages within the American political culture, such as the liberal tradition.

The idea of agency and power vested in the people is summed up as the “Right to Instruct” and this belief is formalized in many state constitutions, the Articles of Confederation, and the Declaration of Independence. In an extended Republic, for example, the people have the ability to pass resolutions of instruction as expressions of political opposition to national legislation. This specific resolution of opposition to national legislation is called an interposition because the legislation is supposed to recognize the Supremacy Clause and then to politically supplant the legislation because the resolution formally denounces the Act on the people’s terms, by the American people, and usually claims that parts of the Bill will not be enforced within the jurisdiction of the signatories. In this way, if the national representative votes against his constituents then he is likely voting himself out of office given the fact that the people actually came together to locally pass a resolution designed to compel the representative to follow the voice of his constituents. From the Founding, for instance, James Madison’s led an interposition effort in the state of Virginia to pass the “Virginia Resolves” as an expression of opposition to the Alien and Sedition Acts and John Adams lost the election.

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31 Chapter 2.
32 Ibid.
33 For instance, see: https://politicalpipeline.wordpress.com/2015/03/09/10-right-to-instruct
of 1800. Essentially, a commitment to republicanism is observed through participation in self-government to defend *The Republic*.34

### 1.3 A Positive Sample of the American Political Culture

What might the Patriot Act reveal about American political culture? According to the introduction, a case study on the Patriot Act applying a content analysis regarding multiple core values might confirm republicanism is an important cultural element regarding the debate on civil liberties to help clarify the common trend in public opinion to adhere to civil liberties as a basis for opposition to the Patriot Act. The people may be practicing republicanism in order to affect American politics. I hope to observe resolutions of instruction as an interposition by creating a multiple traditions model (Chapter 3). I operationalize the political languages as independent variables in order to perform a content analysis on the Patriot Act from News Publications (2001-2013; Lexus Nexus, Chapter 4). I intend to account for republicanism, liberalism, and authoritarianism as a “sample” of the political culture in order to observe whether or not republicanism is a possible explanation for opposition to the Patriot Act (Chapter 5).

34 As a more recent example of republican values, Edward Snowden did a good job in securing the release of the people’s information by providing the people’s documents to reputable journalists to dispense as appropriate because he is whistleblowing on public corruption and political domination by the American government. Prima facie, Edward Snowden sacrificed his identify and career in order to protect *res publica* (i.e., The Republic), probably counting on the American people to protect him from non-republican efforts by the General Government because they he expects the American people to join in his defense of The Republic as an equal participant in American politics. Of course, from an authoritarian point of view, Edward Snowden is a heinous traitor. No one knows liberalism’s stance on Edward Snowden because he broke the law in order to save the Union.
The purpose of the kind of political culture research that I am pursuing is to observe and explain all relevant political language observances given a narrowly defined topic in order to identify the core Americans values expressed regarding the topic (e.g., 9/11 and the Patriot Act). This is important to the field because, as the Introduction observes, some “other” political language does appear to be affecting the decision-making process in the national government regarding the Patriot Act as a result of a belief system rooted in the hearts of most Americans. My theory is that all Americans share multiple core values and that republicanism is beginning to surface as a more dominant element of the American political culture as an expression, which can be understood when considering the amount of republicanism observed as opposition to the Patriot Act. Indubitably, my sample does not represent anything other than a scientific reconceptualization of the observed documentation specific to the Patriot Act.

1.4 Why Should Americans Identify with Republicanism Today?

Americans should identify with republicanism today because the Founders often applied republican values, often quite vehemently and clearly, to explain the process of American governance and political decision-making as a commitment to republican values. I argue in this section that understanding the Federalists’ perspective on the “Right to Instruct” will be instrumental for my delineation of republican core values throughout this dissertation simply because the idea and practice is grounded on the peoples, and not the representatives, decision-making process, procedures, and practice. I focus on James Madison’s viewpoint regarding the Right to Instruct and other Federalists because the Federalists, and their Papers, have been quite influential through the centuries.
as the basis for legal precedent, congressional actions, and presidential commitments. Republicanism is everywhere in America, yet why might republicanism illuminate expressions of opposition to the Patriot Act? James Madison provides the vehement and clear answer: republicanism must proliferate on republican terms in order to triumph over all other observed political languages when considering American governance and politics. Because Americans share multiple core values from location to location, the people and the government must be committed to republican values in order to reduce the power of exogenous political languages in America.35

James Madison, sometimes referred to as the Father of the Constitution, was an important contributor of America’s republican tradition during the Founding. His “intellectual search for a way to preserve republican government and society from its own worst excesses led him to a careful reconsideration of what American society had become by the mid-1780s” (Shalhope 2004, 102; italics mine). Further, of importance for this dissertation, Madison was quite influential in passing the Virginia Resolves in 1799 to oppose the Alien and Sedition Acts of 1798 through self-government. The resolution from the State of Virginia was specifically written and passed as request to modify the Act. The people of Virginia were actively influencing the debate on the Alien and Sedition Acts through self-government in order to prevent the possibility of authoritarianism from taking root in American politics.

Madison’s Virginia Resolves provides a detailed example of how Americans may express opposition to the Patriot Act because, essentially, Madison’s claim is that legitimate republican power stems from the people anyway; therefore, the people may

35 See: Federalist Papers 10 and 51.
pass resolutions to *interpose* national legislation as an act of American politics itself. An extended Republic depends on political participation from the people and the people are literally linked by resolutions to the General Government.\(^{36}\) By offering the national government a resolution at the state level to remedy the people's disapproval of the specific law, the national government is supposed to understand that the resolution is the majority opinion of the voters from the state petitioning change via self-government. In short, people wouldn’t waste their time passing resolutions if they didn’t believe that they would be meaningful, or utilized as way for the people to communicate in an extended Republic. Further, normatively, a resolution against the Patriot Act would provide an opportunity for the Supreme Court to allow a constitutional challenge because the resolution is, technically, based on republicanism, which was the basis for the Constitution. Therefore, if the American people need to restrict encroachments of civil liberties as a response to the Patriot Act, I expect Americans to follow James Madison and create their own version of the Virginia Resolves as an expression of opposition to national legislation based on republican core values.\(^{37}\)

There is a general theory of the right of instruction (ROI). William Maclay of Pennsylvania expressed that ROI is “the Republican doctrine that senators, being servants of the people, were responsible to the will of their states and therefore in voting should follow the instructions of their legislatures the right of instruction…” (Eaton 1952, 304). State legislatures argued that they represented the people and could hence unilaterally *instruct* the national representatives on any given issue in the national government.

\(^{36}\) also: ballot initiatives, referendums, recall, petition, peaceful assembly, call to convention

\(^{37}\) The latter is beyond the scope of this dissertation.
Of particular controversy, James Madison did lead the effort to be sure the new Constitution did \textit{not} include the “Right to Instruct” in the 1st Amendment. A debate in the House took place in August 15, 1789, whereby Tudor Tucker proposed to amend the Constitution to include Instruction. The measure fails 41-10. Shortly thereafter, the Senate did vote on Amendments, and there is a motion to add “to instruct their representatives” after the words “common good” in the 1st Amendment, and this measure fails by a vote of 2 (yeas) to 14 (nays).\(^{38}\) Nevertheless, the idea of \textit{instruction} is prevalent and pervasive in the Colonial Era and constantly comprises the tenor of debates.

To elaborate on James Madison’s theory of republicanism as the people’s right to instruct members of government, I let James Madison’s defense for republicanism speak for itself. First, in the record of debates from the Library of Congress (August 13, 1789), Mr. Gerry makes plain the constitutional concern given the republican nature of the times:

The conventions of the states respectively have agreed, for the people, that the state legislatures shall be authorized to decide upon these amendments in the manner of a convention. If these acts of the state legislatures are not good, because they are not specifically instructed by their constituents, neither were the acts calling the first and subsequent conventions (Elliot’s Debates, 404).\(^{39}\)

After this point of republicanism is made, James Madison shortly thereafter regains control of the tenor of debate regarding resolutions of instruction for the new Constitution (Ibid, 405):

\(^{38}\) Journal, September 3, 1789

Suppose they, the people, instruct a representative by his vote to violate the Constitution; is he at liberty to obey such instructions? Suppose he is instructed to patronize certain measures, and from circumstances known to him, but not to his constituents, he is convinced that they will endanger the public good; is he obliged to sacrifice his own judgment to them? Is he absolutely bound to perform what he is instructed to do?”

It is important to note that Madison is still speaking in republican terms. His concern is that putting instruction in the Constitution would tie up Senate debate and that an instructed Senator would be like a prisoner to the instruction. To Madison, if ROI is in the Constitution, then the new national government would be organized to let factions from the new states use their own political language without the need to generate republicanism because the new national government would be powerless to the power of the people. If the Senators had to follow ROIs constitutionally, the General Government would be fragmented and unruly (Federalist Papers 10) and thus, the national government needed to be an independent source of power so that ambition will be checked by ambition (Federalist Papers 51). Indeed, Madison continues to belabor the point, making his case for and against the Right to Instruct as an amendment to the Constitution:

Suppose he [the instructed representative] refuses; will his vote be the less valid, or the community be disengaged from that obedience which is due, from the laws of the Union? If his vote must inevitably have the same effect, what sort of a right is this, in the Constitution, to instruct a representative who has a right to disregard the order, if he pleases? In this sense, the right does not exist; in the other sense, it does exist, and is provided largely for” (Ibid).

In this way, Madison does suggest that there should be a record of national
representatives dissenting to instructions from the voters or state legislatures to which they are not constitutionally bound, nor expected to ignore (e.g., Senate Journal).

Madison never admonishes the people’s right to instruct their government via republicanism; rather, as I will demonstrate, Madison continually strengthens republican democracy throughout his political career. In fact, all the writers of the Federalist Papers openly supported the people’s right to instruct the General Government as the basis for public policy. As John Jay, a co-writer of the Federalist Papers and future Supreme Court Justice, stated:

> The Senate is to be composed of men appointed by the state legislatures: they will certainly choose those who are most distinguished for their general knowledge. I presume they will also instruct them, that there will be a constant correspondence supported between the senators and the state executives…

40

Further, Alexander Hamilton, leader of the Federalists, did argue during the New York Convention, after the Constitution had received the necessary votes to move forward, “If the general voice of the people be for an increase, it undoubtedly must take place. They have it in their power to instruct their representatives; and the state legislatures, which appoint the senators, may enjoin it also upon them” (June 21, 1788). 41

To be sure, the anti-federalists vehemently promoted the right to instruct as a core value. Together, the evidence suggests that the Right to Instruct as an informal institution did continue in

40 The Debates in the Several State Conventions on the Adoption of the Federal Constitution [Elliot's Debates, Volume 2], p. 283. Link to general information: [http://memory.loc.gov](http://memory.loc.gov)

41 The Debates in the Several State Conventions on the Adoption of the Federal Constitution [Elliot's Debates, Volume 2], pg. 252. See:
American politics throughout the Founding Era because even the Federalists wholly supported instruction as a core value for the republic to advance at the hands of the American people.

I will provide much more evidence of observed resolutions from the antebellum era in the literature review regarding how and why Americans may be expected to express opposition to the Patriot Act based on a commitment to republican values and as a constituent of a Republic. The goal of this section was simply to provide the theoretical basis of republicanism as a core value which shows, according to recorded debates in important venues, that republicanism remained the core value through the advent of the Constitution to guide American politics even though the choice was purposefully made to strike the “Right to Instruct” from the Constitution.

1.5. Summary

A model to capture the American political culture using multiple core values may help to explain opposition to the Patriot Act because partisanship and ideology do not explain opposition to the Act; meaning, liberalism does not explain opposition to the Act. The public opinion data suggests that the Patriot Act is opposed on republican grounds because people committed to republican core values are, with respect to James Madison, always ready to defend res publica.42 If true and the American people are involved in self-government based on republican core values to pass resolutions against opposition to the Patriot Act, then republicanism is a “major” element and salient as an explanation of American politics in the early 21st century because we indeed observe participatory

42 And John Adams will defend anyone accused as a traitor!
democracy as a political force resilient to liberalism in defense of long-established republican norms and institutions.

Liberalism, normatively, will broadly explain how the Patriot Act did securitize the private sector so that the national government will have “appropriate” access to all transactions in the private sector in the pursuit of capturing terrorists and preventing acts of terrorism. I have every reason to believe that my sample of the American culture will change the former normative evaluation into a positive evaluation. Further, if I was to look for authoritarianism and republicanism, many scholars would agree that I will not find anything systematically meaningful as a product of authoritarianism or republicanism because liberalism may accidentally use authoritarianism or usurp a little republicanism, however, the authoritarianism or republicanism will be excreted or incorporated. To date, few scholars would argue that Americans widely practice republican core values as a direct participants in American politics in opposition to specific pieces of national legislation, and that all Americans share republicanism as a core value. Hence, it has been difficult to capture republicanism in a sample of the American culture, but that is exactly what I attempt to substantiate based on observations of the American people committed to republican values through a random sample of world news publications. I only need one sentence on resolutions being passed nationwide to accomplish a successful multiple traditions analysis, given the expectation that most sentences will be a reflection of liberalism.

The Patriot Act should provide me with an opportunity to parse out republican expressions from liberal expressions because the core values generate different
institutional responses; hence, the methods produced by the Patriot Act could have systemically violated core republican values and not core liberal values which should cause Americans to defend republican values in order to alter the status quo assumptions supported by the two liberal parties. That being said, once I have coded over a thousand sentences about the Patriot Act as either republicanism, authoritarianism, liberalism, or null; I will be able to account for how the political languages speak for themselves as elements in an American political culture, which is like contributing one piece of a 5,000 piece puzzle to our empirical understanding of the American political culture.

We can only test republicanism and liberalism together through a multiple traditions analysis, and we can best accomplish that task if the languages are mutually exclusive. Of particular salience, any success my sampling method will have in observing republicanism will not explain the degree by which republicanism matters as a response to liberalism as a whole. Thus, my case study on the Patriot Act should provide a sample of multiple core values and those languages’ overall stance of support for and opposition to the Patriot Act. My hope is that I will be able to definitively state that republicanism does, or does not, matter to the debate surrounding the Patriot Act as a political response to September 11, 2001.

In early America, Tocqueville broadly observes four value systems or mores. He finds (1) a new type of authoritarianism which he labels soft despotism that is based on paternalism. There is (2) widespread liberalism as individualistic capitalism coupled with a belief in equal opportunity in the marketplace. He remarks on (3) republicanism as enlightened self-interest and local political participation to advance equality, resources,
and efficacy. Finally, he explores (4) how Biblical Thought transcends American politics.

In this essay, I explore how the first three “political languages” have developed into research traditions—as a reflection of the political science literature—until the present day. Liberalism has dominated political discourse since the New Deal, and it appears to be without competition (liberal society thesis). I conclude that a multiple traditions perspective ultimately rests on whether or not republicanism is distinct—and a viable alternative—to the liberal tradition stemming from the American culture as a shared value system which allows the American people to influence American politics.

1.6 Initial Dissertation Results

Using SPSS, I tested Variable 1 (sentences on Patriot Act coded by political language) for correlation with Variable 2 (sentences on Patriot Act seek repeal, or not repeal). Table 5.1 from my dissertation shows that only republicanism is important as opposition to the Patriot Act.

<table>
<thead>
<tr>
<th>Political Language Responses</th>
<th>Fate of the Patriot Act</th>
<th>Frequency</th>
<th>Pearson Residual</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Observed</td>
<td>Predicted</td>
<td>Observed</td>
<td>Predicted</td>
</tr>
<tr>
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<td>97.000</td>
<td>.000</td>
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<tr>
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<td>Repeal</td>
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<tr>
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<td>718.000</td>
<td>.000</td>
</tr>
<tr>
<td></td>
<td>Repeal</td>
<td>116</td>
<td>116.000</td>
<td>.000</td>
</tr>
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<td>Republicanism</td>
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<td>.000</td>
</tr>
<tr>
<td></td>
<td>Repeal</td>
<td>69</td>
<td>69.000</td>
<td>.000</td>
</tr>
</tbody>
</table>

The percentages are based on total observed frequencies in each subpopulation.

Republicanism Important as Opposition to Patriot Act!
For the purposes of observing political core values in space and time, I counted all indicators (using Excel) for each article on the Patriot Act. Each “row” is an article that is chronologically ordered (Table 5.3 below), thus, each row represents a moment in time—before the next moment in time. I account for “space” with columns because each column represents a unique “indicator.” To illuminate political space, I leave authoritarianism white, color liberalism green, and I shade republicanism red. The preliminary evidence suggests that most republican contestation in regards to the Patriot Act occurred in 2003.