

BAKER CHARTERS SCHOOL



HONORS GOVERNMENT

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## **Baker Web Academy School Notes**

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## Contents

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|  |                                   |                 |
|--|-----------------------------------|-----------------|
| <b>1</b>                                     | <b>Citizenship</b>                | <b>Page: 1</b>  |
| Unit 1                                       |                                   | Page: 1         |
| Lesson 1: Natural Rights                     |                                   | Page: 1         |
| Lesson 2: What is Citizenship                |                                   | Page: 4         |
| Lesson 3: Citizens in Action                 |                                   | Page: 6         |
| <b>2</b>                                     | <b>Foundations</b>                | <b>Page: 8</b>  |
| Unit 2                                       |                                   | Page: 8         |
| Lesson 1: Revolutionary Ideas                |                                   | Page: 8         |
| Lesson 2: The Constitution                   |                                   | Page: 9         |
| Lesson 3: The US Constitution and Your State |                                   | Page: 15        |
| Lesson 4: The Anti-Federalists               |                                   | Page: 19        |
| Lesson 5: Federalism                         |                                   | Page: 23        |
| Lesson 6: The Bill of Rights                 |                                   | Page: 25        |
| <b>3</b>                                     | <b>Policy and Elections</b>       | <b>Page: 32</b> |
| Unit 3                                       |                                   | Page: 32        |
| Lesson 1: The Legislative Branch             |                                   | Page: 32        |
| Lesson 2: Public Policy                      |                                   | Page: 39        |
| Lesson 3: The Executive Branch               |                                   | Page: 42        |
| Lesson 4: Influences Public Policy           |                                   | Page: 50        |
| Lesson 5: Media and Politics                 |                                   | Page: 57        |
| Lesson 6: Elections and Voting               |                                   | Page: 63        |
| <b>4</b>                                     | <b>Courts and Civil Liberties</b> | <b>Page: 64</b> |
| Unit 4                                       |                                   | Page: 64        |
| Lesson 1: The Judicial Branch                |                                   | Page: 64        |
| Lesson 2: Judicial Review                    |                                   | Page: 65        |
| Lesson 3: The Decision                       |                                   | Page: 68        |
| Lesson 4: Civil Rights                       |                                   | Page: 70        |
| Lesson 5: Comparing Governments              |                                   | Page: 72        |
| Lesson 6: Foreign Policy                     |                                   | Page: 78        |

## CHAPTER ONE

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### Citizenship

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## Unit 1

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### Lesson 1: Natural Rights

### Unit 1

#### The Purpose of the Government

The **Government** exists to provide order and safety to its citizens. Without the **Government** and **Law**, chaos and anarchy would reign.

The purposes of our **Government** is to keep the peace within its territory, protect its citizens, provide important services, and maintain public institution. The Government was created because collective action, or groups of people working together, can accomplish these purposes where individuals cannot. Laws and public policy help direct where and how to build structures like airports. Things like speed limits, jail time, and other policies are there to help protect the society. Institutions like schools and hospitals help increase people's quality of life and improve society overall. Government provides order to the creation and maintenance of institutions, public policy, and infrastructure so that people can exercise their rights and explore opportunities.

#### How does the Government Carry out its Purpose

Governments pass laws about public policy to carry out their purposes in specific situations. Laws are rules established by government or other sources of authority to regulate people's conduct or activities. In the United States, the U.S. Constitution is the basis for creating the following laws and policy. This document outlines the structure and functions of the U.S. Government. Americans follow the laws and policies within three levels of government:

- Local
- State
- Federal

The Constitution guides us through the correct processes in the creation and implementation of a law. Laws place limitations on citizen behavior. However, most citizens agree with them because the law benefits the common good and protects their most basic rights.

A citizen's duty is to abide by the laws. This helps protect order and the rights of everyone. No one, not even the president, is above following the law. Yet people do not always agree that a law is fair or appropriate. United States citizens can challenge the laws through courts. Citizen consent to laws, and upholding the rule of law affirms the legitimacy of the government.

### **What are Natural Rights**

The United States Constitution protects the natural rights of human beings. The principle of natural rights has origins in ancient civilizations and religious teachings, but the modern concept of it traces to the relatively recent Enlightenment. John Locke described these rights as those of "**Life, Liberty, and Estate**". He used estate, or property, to explain that people have the right to make their own living, to provide for their own needs. When the Declaration of Independence was written, this last right was broadened to "pursuit of happiness", as owning property was not guaranteed or always necessary to provide for oneself.

Locke, and then the founders of the United States, believed God granted each person these natural rights as individuals. Other philosophers agreed with the idea of natural rights but said human beings had them because of their ability to reason and act as rational beings. Either way, the idea of individual or natural rights is a vital principle of the United States Government today.

The idea of individual, natural rights heavily influenced the founders of the United States. It led them to include a list of specific protections for rights, the **Bill of Rights**, as an addition section of the Constitution. We can trace all of these rights to the ideas of "**Life, Liberty, and Estate**".

### **What is Consent of the Governed**

A government is legitimate only if the people agree with its existence. Early Americans declared their independence because they no longer consented to British rule, as they felt the monarch did not respect or protect their rights or their concerns. They believed that the only just government is one where the people themselves, as free and equal citizens, determine what powers and functions the government would have.

The related principle of social contract takes this a step further to say that this consent places government under an obligation to fulfill its purpose by protecting the people and their rights. If it does not, the people could withdraw their consent, abolish the government, and form a new one. This quote from the Declaration of Independence emphasizes this principle of citizen consent and the social contract:

*That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles.*

Figure 1.1: Declaration of Independence

### What is Representative Government

Democracy means "**Rules of the People**". In history, two basic forms of democracy existed – direct and representative.

**Definition 1.** (Direct Democracy) In Direct Democracy, every citizen would vote or consent to every decision. This is impractical in most societies.

**Definition 2.** (Representative Democracy) In Direct Representative, the people consent through their votes to give certain people the power to make decisions on their behalf. Majority rule determines decisions, the law, or policy supported by the majority of people through their representatives. We also use the term "**Republic**" to describe a representative government. In the United States, most official positions carry a term of office where people have opportunity to choose someone else to represent them.

### What is Limited Government

The founders of the United States wanted to prevent a government growing too large, where it would become unrestrained and infringe on people's rights. They believed it should be as small as possible and its powers limited to certain functions, any protection, or service that affected the nation as a whole.

They clearly outlined the structure, functions, and powers of the United States through the Constitution. While the government has expanded or contracted its powers over time, the people and representatives have had a voice in most changes, ensuring that the government continues to only use powers which the people consent are necessary.

### What is Rule of Law

This fundamental principle means that no one is above or below the law. That means that if a law is broken, no matter by whom, certain procedures will be followed. Even the president and other federal officials must abide by the laws. They pay taxes and obey speed limits like everyone else. Laws exist to protect safety and order, and all citizens must obey them. It's their duty.

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**Lesson 2: What is Citizenship****Unit 1****Who is a Citizen**

The first part of the 14th Amendment to the United States Constitution defines Citizens as people either "**born or naturalized in the United States**". It then describes that Citizens are due certain protections and privileges under the law that no state government may take away.

A person can be a United States Citizen at the time of birth in two main ways. The Latin Term **Jus Soli** means "**Law of the Soil**". People born in the United States or United States territories are citizens because they were born on United States Soil. An exception to the **Jus Soli** rule would be the child of a foreign diplomat as they are not considered subject to the United States jurisdiction, a requirement of **Jus Soli**.

The Latin Term **Jus Sanguinis** means "**law of the blood**".

People born to at least one parent who is a United States Citizen and has lived in the United States are citizens through their blood relationship to this parent. United States Military and diplomatic sites in foreign countries are not considered United States soil, contrary to what many believe. The **Jus Sanguinis** rule covers children born to United States Citizens living abroad, such as military families. Most United States Citizen births, but not all, meet both the **Jus Soli Sanguinis** rules. The United States has laws to define special situations.

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

**Figure 1.2:** 14th Amendment

**How Does the Government Categorize Non-Citizens**

People living legally in the United States who are not United States Citizens could have a visa or permanent resident status. They must carry proof of their status at all times. A United States National is a person under the legal protection of the United States but without citizenship. This applies to those born United States territories like American Samoa and Swains Island. United States Nationals can live and work in the United States but, at present, may not vote in state or federal elections. They still have to go through full naturalization process if they wish to become United States Citizens. However, federal laws now grant full citizenship to people born in the territories of Puerto Rico, the United States Virgin Island, and Guam.

A visa gives a person permission to travel to a country and request entry by

the country's officials. United States visas come in two basic types:

- Non-immigrant visas
- Immigrant visas

People that wish to visit, go to school, or work temporarily in the United States would apply for non-immigrant visa. This type of visa has a time limit. Immigrant visas are for those who wish to live permanently in the United States with no time limit. A person could apply for the immigrant visa and permanent resident status at the same time.

Permanent resident status, formerly called resident alien, could take months or years to obtain. This status gives the holder permission to live and work in the United States. The United States permanent residency card is the official document proving this permission. People often call it a "**green card**" because of the green ink used in the card's design. A permanent resident must always carry the green card and pay income taxes to the United States government. The United States still classifies permanent residents as resident aliens. They do not have the full benefits of citizenship. However, this status is an important prerequisite to applying for naturalization. A person can apply for naturalization after being a permanent resident for a certain length of time, usually five years.

### **What Are the Requirements of Naturalization**

You must do 4 things:

- Application
- Fingerprints
- Interview
- Oath of Loyalty

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**Lesson 3: Citizens in Action****Unit 1****What Are the Responsibilities of Citizenship**

Some of the responsibilities of citizens are required in law. We refer to these as **civic duties**. One civic duty is to obey laws. Everyone living in the United States must abide by the laws, whether they are legal citizens or not. However, citizens can legally act to change laws they feel are unjust. For example, they could petition the government for a change in the law, contacting their representatives and other citizens for support.

Responsibilities differ from duties because they are voluntary. The law does not require citizens to complete these responsibilities, but people do have certain expectations within their communities. Good citizens choose to meet their community's expectations. Americans across the country have specific ideas about what good citizenship means and what the expectations are. Influencing government, such as contacting leaders or holding office, is one of these expectations. People who are not legal U.S. citizens can also show good citizenship by meeting many of these responsibilities and expectations. However, remember that some of the responsibilities and duties, such as serving on a jury and voting, are reserved only for legal citizens.

**Why is Participation Important in the American Political System**

In American politics, is responsible for upholding our system of laws. Also, justice is dependent on both the government and the people. The government:

- Creates
- Enforces
- Settles

disputes over laws. It is up to the citizens to choose people carefully to fulfill those roles in government, support the system of laws through obeying them, and challenge unfair laws through legal means. Without this two-way support of the system, representative democracy could dissolve into a system that is not representative of the people, is abusive of the people, or becomes an anarchy.

Tools such as:

- EMail
- Blogs
- Podcasts

help connect people with the same goals and ideas across wide geographic areas. People coordinate activities such as protests and demonstrations using these tools.



Americans who are complacent to simply follow laws and pay taxes without exercising responsible citizenship run the risk of allowing government to take more of that responsibility for itself. People need to hold government accountable for its actions in order to protect their interests in the laws. While people have other responsibilities and most cannot devote all their time to civic life, it is an essential responsibility for all citizens. Many Americans develop new ideas for public policy, serve as watchdogs over government, and inspire other citizens to meet their responsibilities.

A great challenge is that most citizens only focus on one or two issues, only about half vote, and very few are active in political parties or interest groups. Yet these latter groups raise millions of dollars to influence voters and elected officials. The fewer people involved in directing that influence, the less that government will represent the wishes of the general population. To protect our representative democracy, more citizens need to speak up through contacting officials, voting, and other forms of political participation.

### **How Have Models of Effective Citizenship Achieved Change?**

Citizenship is a lifelong responsibility to the common good of your political community and the world. The common good depends on people taking action. Many people in American history have acted on the responsibilities of citizenship to achieve change. Individual action can inspire whole groups of people to get involved, and people working together is a more powerful and effective way to create change.

Some would say the most active citizens are those who devote their lives to the military or to political office. Examples of great American presidents, other elected officials, and military personnel abound in history. This timeline will focus on a few citizens outside those areas. Each of these people was a leader and part of a larger movement. They cannot claim sole credit for the effects of their actions, but their responsible citizenship inspired many others and helped create change.

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## CHAPTER TWO

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### Foundations

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### Unit 2

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#### Lesson 1: Revolutionary Ideas

Unit 2

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Lesson 2: The Constitution

## Unit 2

**What Was the Articles of Confederation?**

When the colonies declared their independence from Britain, they no longer had a government. They had to create a new one to organize the nation and fight the Revolutionary War for independence. In 1777, The Articles of Confederation was written and became the first plan for governing the United States.

To prevent tyranny from rising over them, early American leaders made a weak government by restricting or limiting the powers of the new government. This first government was a **confederation**, or group of loosely allied states. The states agreed to form a partnership that was called a "**firm league of friendship**" under the **Articles of Confederation**. The lack of a strong centralized government meant that each state had the final authority over its own area.

During the time the Articles of Confederation were in force, Americans won the Revolutionary War and signed a peace treaty in 1783. The Articles of Confederation were in place for about 10 years. Though it was a brief government, its leaders achieved some important goals.

**Why Did the Articles of Confederation Fail?**

The content within the document placed a high value on federalism, which upheld the supremacy of state governments and equality between the states. The Articles of Confederation created a limited national government without separate branches, as its role was to be small overall. State legislatures chose delegates to send to Congress.

Though it saw Americans through the fight for independence and reflected many of the ideals and principles they valued, the Articles of Confederation did not last. The problems of supplying troops sufficiently for national defense and internal rebellion after the war revealed the need for a stronger central government.

Here are some of the reasons weaknesses in the Article of Confederation:

| Weakness   | Why It Caused a Problem   |
|--|---|
| Each state had one vote in the legislative branch.                     | This gave each state equal power in the central government. However, states with larger populations, like Virginia, did not think it was fair to have the same amount of power as a state with fewer people.  |
| The government did not have an executive branch.                       | When Congress passed a law, the state governments were supposed to enforce it. Congress had no power to make sure each state enforced the law. Congress could not force a state to send a criminal to another state to face charges. The Articles of Confederation expected each state government to use its own executive power in good faith for the good of all states.  |
| The government did not have a separate judicial branch.                | If a law's meaning was in question, there was no one who could fairly settle the issue and make sure all states followed the ruling. In addition, while people could move freely between states, no court existed to settle disputes between states or people in different states. The Articles of Confederation did create a process by which Congress could raise a temporary court, but it was a long and inefficient process. |
| Congress could not create taxes.                                       | Taxes pay for a government's functions. Congress could only request money from the state legislatures. If the states did not send any, Congress was powerless as it had no executive branch to enforce payment.   |
| Congress could not raise a national military separate from the states. | During the Revolutionary War, General George Washington requested money for supplies. Congress could not force the states to pay. The troops often went without, starving at times. States were expected to train and equip their own militias and send troops when Congress requested, yet there was no one to coordinate or enforce this requirement.   |

**Table 2.1:** Why the Article of Confederation was weak

### Why Did the United States Need a New Constitution?

Representatives from most of the 13 states met in May 1787 to fix the Articles of Confederation. The meeting was called the **Constitutional Convention**, or the **Philadelphia Convention** for the city where it took place. Most representatives agreed that a stronger central government was necessary. James Madison proposed his idea for a new constitution to replace the Articles of Confederation, which became the basis for the convention discussion and debate.

By this time, the Articles' weaknesses were common topics of conversation among state leaders. Yet not everyone agreed they should be replaced rather than simply revised. Shays' Rebellion, which ended only a few months earlier, likely influenced some of the delegates. Daniel Shays and several thousand other citizens in Massachusetts protested against state tax policies. Some protests turned violent, but the federal government couldn't fund an army to restore order. It took an army funded by private citizens to end the rebellion.

The need to strengthen the national government was clear, but the delegates spent four days debating whether to revise the Articles of Confederation or start over. They ultimately chose to create a new constitution.

### What Are the Parts of the Constitution?

The Constitution begins with the Preamble, or introduction of purpose, and then outlines government structure and function in seven main articles. You can remember the main sections of the Constitution by using the acronym **LEJ RASR**.

The document reflects many important political principles. In the Preamble, the beginning phrase "**We the People**" establishes popular sovereignty as a basic essential principle in U.S. government. The Constitution reflects separation of powers by distributing power among three branches of government, outlined in the first three articles. The fourth article talks about the reserved powers of the states, reflecting federalism. Examine the main idea and quotes from each section of the Constitution.

| Description  | Quote   |
|--|---|
| <b>(L-Legislative Branch)</b><br>The legislative branch makes the laws. The Constitution names the national legislature “Congress” and separates it into two houses, the House of Representatives and the Senate.        | Article. I. Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.   |
| <b>(E-Executive Branch)</b> The executive branch executes or enforces the laws. The Constitution states a president will be the head of the executive branch.  | Article. II. Section. 1.–The executive Power shall be vested in a President of the United States of America.  |
| <b>(J-Judicial Branch)</b> The judicial branch interprets laws and settles disputes. The Constitution names the highest court in the nation the “Supreme Court” and gives Congress power to create lower federal courts. | Article III. Section. 1.–The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.  |
| <b>(R-Reserved Powers of the States)</b> Powers that are not expressly given to the federal government are reserved to the states.   | Article. IV. Section. 1.–Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.   |
| <b>(A-Amendment Process)</b> The amendment process requires support from state legislatures, as well as the federal government, to make a change to the Constitution.  | Article. V.–The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof. |
| <b>(S-Supremacy Clause)</b> The supremacy clause states that the Constitution and federal laws are the highest laws in the nation.   | Article. VI.–This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.  |
| <b>(R-Ratification)</b> Ratification of the Constitution requires approval from nine of the 13 state legislatures.   | Article. VII.–The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.  |

Table 2.2: Articles and Descriptions

## How Does the Constitution Reflect Valued Principles and Create a Stronger Government?

Many of the same principles that led the colonists to declare independence framed how they thought government should work. However, they did not all agree on how to best express each ideal they valued in the powers of government.

For example, they agreed that the people should be the ultimate source of political power, meaning they believed in democracy and popular sovereignty. However, a nation so large had to have some system of representation. It needed a form of indirect democracy based on republicanism, the idea that the people will elect officials to make decisions for them. How to set up that representation was a point of debate for the framers.

## How Do Checks and Balances Limit Government?

Most of the framers of the Constitution believed they had created a government limited to the powers described in the document, but they knew it left room for expansion. For example, the **"elastic"** or **"necessary and proper"** clause in Article I allows Congress to make other laws considered necessary for the welfare of the nation. This broad statement has allowed actions not directly named in the Constitution, such as creating an air force branch of the military. In addition, while **"rule by the people"** is a valued principle, it would be possible for a majority of voters to pass laws that deny rights to those who do not agree with them.

To add an amendment to the Constitution, the idea must go through a formal two-step process of proposal and ratification. It involves both the states and the federal government, reflecting the principle of federalism. Elected representatives in the state and federal legislatures propose and ratify amendments. The amendment process has two main steps:

- **Proposal**—the amendment idea is officially presented for debate by a two-thirds vote of Congress, or a national convention called by two-thirds of the state legislatures
- **Ratification**—the amendment idea is passed and becomes part of the Constitution by a three-fourths vote of the state legislatures or special state conventions

The Bill of Rights is the name for the first 10 amendments to the Constitution. It is not part of the original document. The states ratified these amendments within a few years after the ratification of the Constitution. The 10th Amendment itself reflects federalism because it protects powers of the states not expressly given to the federal government. For example, since the Constitution does not mention public education, the state governments have the right to create and maintain public schools.

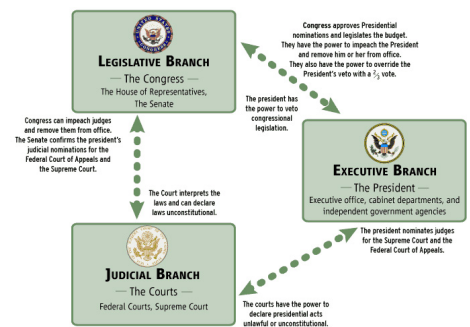


Figure 2.1: The three branches of government

| Amendment             | Description  |
|-----------------------|--|
| The First Amendment   | The First Amendment guarantees freedom of speech, freedom of religion, and freedom of the press. The press includes newspapers, television and web-based communication such as blogs and websites.   |
| The Second Amendment  | The Second Amendment protects the right of the people to " <b>keep and bear arms</b> ". In this case, arms means weapons, or " <b>firearms</b> ".  |
| The Third Amendment   | Third Amendment says that the government cannot force people to keep soldiers in their homes. It was written because people remembered what it was like when the British used to force colonists to house British soldiers.  |
| The Fourth Amendment  | The Fourth Amendment says that people's homes are private. Government officials cannot enter them without a search warrant.  |
| The Fifth Amendment   | The Fifth Amendment contains important rights of a person accused of a crime. These guarantees were added to the Constitution because dishonest governments in the past had accused people falsely so they could put them in jail.   |
| The Sixth Amendment   | The most important part of this amendment is its promise of a jury trial. A jury is a group of ordinary citizens who decide together whether a person accused of a crime is guilty or not guilty.  |
| The Seventh Amendment | The Seventh Amendment applies the right to a jury trial to civil cases. Civil cases do not deal with crimes. They are disagreements between individuals. If a case involves more than 20, the parties have a right to a jury trial.  |
| The Eighth Amendment  | Bail is money that the court requires before a person accused of a crime can be released from jail. The Eighth Amendment states that the amount of bail can't be too high. It also says that punishment for crime cannot be " <b>cruel</b> " or " <b>unusual</b> ".                              |
| The Ninth Amendment   | Some men in Congress worried about including a list of rights in the Constitution. Could the government later use this list to say that people had only those rights listed? To solve this problem, James Madison wrote the Ninth Amendment.   |
| The Tenth Amendment   | The Tenth Amendment says that the federal government can only use those powers given to it in the Constitution. All other powers belong to the states. This amendment satisfied the Anti-Federalists, who thought the federal government could get so powerful that it would destroy the states. |



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**Lesson 3: The US Constitution and Your State****Unit 2****Road Trip Stop One- The U.S. Constitution**

Let's look at the basics of the Constitution.

**Who** Delegates from 12 of the 13 colonies met in Philadelphia. Only **Rhode Island** did not send a delegation. Many delegates were lawyers. **James Madison** ultimately proposed that the convention's goal should be to form a new government. The delegates debated how to form the best centralized government without restricting the rights of the states or individuals. The convention ultimately came down to compromises. Some famous members of the **Constitutional Convention** are:

- George Washington
- Benjamin Franklin
- George Mason
- Roger Sherman
- Edmond Randolph
- James Madison
- Alexander Hamilton

Only 39 of the 55 delegates signed the U.S. Constitution.

**What** The U.S. Constitution is the founding document of our government. The Constitution is a "**living document**" that provides the structure of our democracy. Our Constitution can be broken down into three major parts:

- The Preamble
- The Articles
- The Amendments

We get the three branches of government from the Constitution. **The Preamble** is the introduction to the Constitution that outlines the goals of the Constitution. The preamble is a 52 word sentence that sets forth the goals of the U.S. government.

**When** In the summer of 1787, The members of the **Constitutional Convention** took 100 days to frame our new government. The delegates debated and compromised on how our new government should function. One of the major debates centered on power. The power of the central government vs. the power of states' government.

**Where** The delegates convened in **Philadelphia, Pennsylvania** at **Independence Hall**. This meeting of delegates is called the **Constitutional Convention** or **Philadelphia Convention**. This is also where the **Declaration of Independence** was signed.

**Why** Their purpose was to establish a legal system of government that corrected the weakness of the **Articles of Confederation** and create a new centralized government. This was our second attempt to create our government.

### Road Trip Stop Two – State Governments

Now, let's dig a little bit deeper into the state and the local government. **Article IV** of the Constitution could also be called the "**States Article**". The 10th amendment to the Constitution defines the powers of the states.

The 13 original colonies maintained sovereignty by operating a self-government. However, during the time of the revolution, the independent states needed to work together to form a union, which would eventually create the **United States**. After the founding fathers saw the **Articles of Confederation** fail miserably, they needed to create a centralized government but still maintain the rights of each state.

**Definition 3.** (Federalism) Federalism is the division of power between the **Federal** and **State** governments. The Constitution outlines the powers and limits of the **National Government**, solidifies the relationship between the levels of government and ensures that the people get their rights.

### Delegated to the National Government

- Organize and control trade between states and with other nations
- Coin and print money
- Make agreements with foreign nations
- Establish post offices and interstate highways
- Raise and support military forces
- Declare war and make peace
- Govern U.S. territories and admit new states and create rules and laws for people who wish to move into the nation and how they may become citizens

### Concurrent or Shared Powers

- Raise and collect taxes
- Borrow money
- Establish courts
- Grant permissions to start banks

- Enforce laws and punish lawbreakers
- Provide health care services and other assistance to the people

### **Reserved to the State Governments**

- Create local government
- Set up businesses
- Build and support public schools
- Organize and control trade within the state
- Conduct elections
- Determine rules for voting such as living in the district where the person votes
- Make marriage laws
- Determine the requirements for professional workers, like doctors and teachers

**State Governments** are also governed by the Constitution. In general, the **State Constitutions** are much longer than the U.S. Constitution. Each state:

- Creates
- Amend
- Fund laws

However, the U.S. Constitution is the "**Supreme Law of the Land**".

1. State governments receive federal funds for some services like transportation (driver's license), infrastructure (roads, bridges), and health care.
2. State governments have three branches like the federal government (separation of power).
3. The governor of the state is the head of the executive branch. The governor can veto state laws and is in charge of many departments (Executive Branch).
4. Most states have a bicameral legislature (only Nebraska has a one house). State legislators write and pass laws for the citizens. The term limits and requirements vary by state (Legislative Branch).
5. Citizens in a geographic region elect state legislators.
6. Many state governments allow direct democracy, or citizens to directly add initiative to the ballot. Direct democracy also includes recall election and referendum.
7. The judicial branch can vary by state. For example, the levels or courts or how judges get on the bench (elected or appointed).

8. State governments deal with issues of public policy that impact citizens. They include education, death penalty, welfare, marriage laws, and voting standards.

### **Road Trip Stop Three – Local Governments**

1. Local governments get their power from the state government and are in place to carry out state initiatives.
2. Local governments provide many services to its citizens such as police, fire departments, schools, parks, and supervision of elections.
3. Local governments can be formed in cities, counties, or towns, etc.
4. Local governments employ a lot of citizens, and are also voted into office by the citizens.
5. Local governments usually have a council, a mayor/chairperson, and community representatives that focus on the local community and the issues they face.
6. Local elections are held by postal elections. What is your 9–digit zip code?

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**Lesson 4: The Anti-Federalists****Unit 2****The Constitution—To Ratify or Not to Ratify?**

When the **Constitution** was sent to the state legislatures for ratification, not everyone was eager to approve it. At least nine of the thirteen states had to ratify for it to take effect. While the convention drafting the document was still in session, delegates began to separate into two groups. They were:

- **Federalists**

People who supported the Constitution as it was and argued for immediate ratification became known as "federal men" or Federalists. James Madison from Virginia was a Federalist who eventually served as president. Alexander Hamilton from New York also favored the Constitution and went on to be the first U.S. Secretary of the Treasury, writing economic policies for George Washington's administration.

- **Anti-Federalists**

Those who did not wish to ratify were called "**anti-federals**", though the name does not mean that they were against federalism. In fact, the Anti-Federalists' name is ironic because they were against a strong central government. They favored a federal system where the states were supreme, similar to the Articles of Confederation. Most of them agreed, however, that a somewhat stronger central government was necessary. Not all Anti-Federalists were the same. Some wanted very little deviation from the Articles of Confederation and were staunchly against the new Constitution. Others were more moderate and willing to compromise, while some focused only on adding the Bill of Rights. Most of those unwilling to compromise, like Richard Henry Lee and Patrick Henry, did not attend the Philadelphia Convention, but had a strong voice when the time came for states to vote on ratification. Lee, from Virginia, was "president of Congress" for a year under the Articles of Confederation. He went on to serve as a senator to Congress from his state. Henry twice served as governor of Virginia and refused an invitation to the convention, saying he "smelt a rat in Philadelphia, tending toward the monarchy." He served in the Virginia legislature during the ratification debates and for several years more.

Delegates met and debated in secret at the Philadelphia Convention. Pens were busy once the document went to the states, with prominent leaders around the country writing for or against its ratification. The lack of a unified Anti-Federalist voice in Anti-Federalist articles is probably one reason why the Federalists and the Federalist Papers they created are remembered more today. However, as you will see, compromises between the Federalists and Anti-Federalists had a significant impact on the Constitution then and now.

**What Was the Great Compromise?**

Both Federalist and Anti-Federalist delegates at the Philadelphia Convention agreed that a stronger central government was necessary than what the

Articles of Confederation provided. They also agreed that neither a pure democracy nor an aristocracy were desirable or sustainable for the new nation. A system of representation for each state was necessary. The greatest issue to divide delegates at the constitutional convention was the strength of the central government and the relative power between states with varying populations.

- **Conflicting Plans**

**Virginia Plan** Under James Madison's "Virginia Plan," the nation would have a powerful central government and a bicameral legislature whose members would choose the president and federal judges. Federalists from states with large populations favored this plan. However, delegates from smaller states such as New Jersey, whether Federalist or Anti-federalist, feared that both houses of the legislature would depend on population in the new plan, giving greater power to larger states.

**New Jersey Plan** New Jersey delegates then proposed an alternate plan where the states retained the "one state, one vote" system. Anti-federalists were more likely to support this plan, since it would also have left the national government largely dependent on the states as it was before. Delegates from larger states did not think it fair for the states to have equal representation in Congress because some states had significantly greater numbers of people to serve. Delegates from smaller states preferred equal representation so their state would have as strong a voice in national matters as the larger states.

- **Great Compromise**

In what we now call the Great Compromise, the delegates agreed that the Constitution should create a bicameral legislature. Congress would have two houses—the Senate and the House of Representatives. Each state would have two senators chosen by the state legislatures, as preferred by delegates from smaller states. The House of Representatives would be composed of a number of representatives based on population and elected directly by the people in each state, as preferred by delegates from larger states. The Senate and the House of Representatives, though they do have some distinctions in duties, must work together to achieve their main job of approving legislation before it becomes law.

### **How Else Does the Constitution Reflect Compromise?**

Small states and large states each achieved some of what they wanted in the Great Compromise. It was only one compromise of many at the convention.

The delegates also debated how to address slavery in the Constitution, though it never directly names it. Southern states, with large numbers of enslaved people, wanted to count slaves into their population for determining representation to Congress but not for taxation purposes. Northern states wanted the opposite. Greater representation would give a larger state more power in

passing federal laws but also greater taxes. Delegates from northern states argued that counting slaves would not be fair for representation because slaves were not citizens with voting and other rights. Yet all states counted women and children, whose rights were limited at best, into population. Like the Great Compromise, the delegates to the convention were divided here more along state loyalty lines rather than as Federalist against Anti-Federalist.

Some delegates hoped that slavery would end gradually and did not want to give any protection or incentive for the practice to continue in the Constitution. They wanted to end the slave trade so no new people from overseas would be enslaved in the states. Yet all knew that without a compromise on this issue, Southern States would not ratify the Constitution. They agreed to the Three-Fifths Compromise. Each state would be able to count three-fifths of its total enslaved people as part of the state population for representation purposes. Delegates also wrote into the Constitution that Congress could not pass any laws outlawing the slave trade until 1808. Of course, both of these agreements became obsolete once slavery ended.

### **What Happened When the Constitution Went to the States?**

On September 17, 1787, the compromises were complete, and a majority of delegates approved and signed the Constitution. Yet, nine state legislatures had to ratify it before the new government could begin. Each state began its own chain of discussion and debate over the document. People who had attended the convention, as well as those who did not, wrote arguments for and against the Constitution's ratification that reached a public audience through newspapers.

### **How Did a Bill of Rights Help Ratification?**

Many Anti-Federalists would never have approved the Constitution without the promise of a bill of rights. Federalists like James Madison argued that the existing language in the Constitution was enough to protect individual rights, especially considering the state constitutions with their own lists of protected rights.

Anti-Federalists argued that if some rights were worthy of protection within the document, then all rights should have the same level of written protection.

It was not that Federalists were against protecting individual rights. Rather, some worried that listing them could backfire. They argued that the government might use the document as justification to restrict a right because it does not appear in print. Some Anti-Federalists saw it as a simple way to solidify limitations on the power of the national government. Out of the over 200 suggestions for amendments, or changes, to the Constitution to address the issue, James Madison wrote 12. The states ratified 10 of the amendments, which were then named the Bill of Rights.

### **When Did the States Ratify?**

While some say the Anti-Federalists "lost" the debate, without them the Constitution would not be the same. They pushed the delegates at the constitutional

convention to clarify the proper role of government at each level. They secured the promise of a Bill of Rights to increase protection for individual rights under the new government. In fact, some historians believe that without a guarantee of amendments to come, the Constitution may never have been ratified.

Achievements of the Anti-Federalists:

- Amending the Constitution with a Bill of Rights
- Stronger protection for states' rights

Achievements of the Federalists:

- Ratification of the Constitution
- Strong central government with separation of powers

State ratification was not immediate. Each state government had its own schedule for debating and voting on the Constitution. The process took longer in some states than others. Note, too, that just because a state ratified does not mean everyone agreed with the Constitution. Examine this map to see the dates of ratification for each state and the regional majorities of the Federalists and Anti-Federalists.



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**Lesson 5: Federalism****Unit 2****The types of Power in the Constitution**

The **U.S. Constitution** lists the delegated powers. They are the powers that are assigned to the **National Government**. They are also known as the *Expressed Powers* because they are directly named in the Constitution. The Constitution and Amendments also include some of the reserved powers. They are not given to the National Government. They are used by the State's Government. The National and State Government share powers called the **Concurrent Powers**.

The **Constitution** also has implied powers. American leaders like Thomas Jefferson argued that the "**Elastic Clause**" in the Constitution gave too much power to Congress by giving the ability to make all of the laws. They feared that the clause implied Congress had powers beyond those directly named.

The issue of using Implied Powers was argued during the Supreme Court case of **McCulloch v. Maryland**. The U.S. Government established a national bank in **Maryland**. Then, the state passed legislation imposing taxes on the bank. Then, the cashier of the Baltimore Branch of the bank, *James W. McCulloch* refused to pay the taxes.

This brought up questions for the government:

**Question 1.** Does the Constitution allow the national government to run a bank?

**Answer 1.** Yes. It doesn't say so directly in the Constitution. But, still, the court ruled it an implied power. Congress had hoped that they could set up a single currency and a national bank to help resolve some interstate commerce challenges. Even though Congress never set up its own business corporation before, they deemed it "**Necessary and Proper**" to be carrying out the duties of regulating interstate commerce. Today, the national government runs several corporations, such as AMTRAK, the passenger railroad system.

**Question 2.** Does the Constitution allow state governments to tax a national bank operating within its borders?

**Answer 2.** No. *Justice Marshall* was very clear that this could undermine every aspect of the national government. If a state could tax the national bank, then that could be a precedent for it to tax the mail service. They could probably even tax it so much that there would be no funds so the mail can operate.

Let's quickly go over the powers again:

**Definition 4.** (Delegated to the National Government) The power to:

1. Organize and control trade between states and with other nations
2. Coin and print money
3. Make agreements with foreign nations
4. Establish post offices and interstate highways
5. Raise and support military forces
6. Declare war and make peace
7. Govern U.S. territories and admit new states, and create rules and laws for people who wish to move into the nation and about how they may become citizens

**Definition 5.** (Concurrent or Shared Powers) The power to:

1. Raise and collect taxes
2. Borrow money
3. Establish courts
4. Grant permissions to start banks
5. Enforce laws and punish lawbreakers
6. Provide health care services and other assistance to the people

**Definition 6.** (Reserved to the State Governments) The power to:

1. Create local government
2. Set up businesses
3. Build and support public schools
4. Organize and control trade within the state
5. Conduct elections
6. Determine rules for voting, such as living in the district where the person votes
7. Make marriage laws
8. Determine the requirements for professional workers, like doctors and teachers

### Constitution Addressing Federalism

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**Lesson 6: The Bill of Rights****Unit 2**

The Bill of Rights is the name given to the first 10 amendments to the Constitution. It contains a list of individual rights that Americans have that the government must respect. Early leaders of the U.S. wanted to limit government so that the rights found in the **Bill of Rights** could not be taken away. The preamble to the **Bill of Rights** explains its purpose:

*"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution."*

**Figure 2.2:** Preamble to the Bill of Rights

The **First Amendment** is probably the most famous. This amendment protects a person's rights to:

- Free speech
- Press
- Assembly
- Petition
- Religious expression

Yet these terms can be difficult to define and apply to specific situations. Federal courts, including the U.S. Supreme Court, have interpreted the meaning of the amendments and the Constitution, carefully explaining how their judgments apply to the case. The justices base their rulings on one or more of these amendments, other laws, and precedent cases.

**Absolute Individual Rights**

The broad language of the **Constitution** and the **Bill of Rights** could lead judges to interpret almost any action as protected. If a group of teens message each other about plans for a violent attack on another teen, should authorities ignore the messages because the teens have the right to "*Free Speech*"? You would not want such social network messages ignored, especially if you were the target of the plans.

Individual rights are not absolute. If everyone could do what they wanted, the rights of others would be violated and ultimately lead to chaos. Government must balance individual rights with the public good or general welfare of the people. While the language of the **Constitution** and amendments protect individual rights, it also gives government the power to pass laws to restrict behavior, as stated in the **Constitution's Preamble**, to "*establish Justice, insure domestic tranquility, provide for the common defense, (and) promote the general welfare*" of the country.

Legislation, the **Bill of Rights**, court decisions, and the amendment process work together to both safeguard individual rights and limit them as deemed appropriate to protect the rights to safety and security for all. When people bring a case to the courts, judges can decide whether or not the Constitution allows a law that restricts the rights of individuals.

**Amendment I** The **First Amendment** protects different aspects of “*Free Expression*”. People may share opinions, meet in groups, and publish their ideas in newspapers and on the Internet. They have the right to choose what religion to abide or to choose not to follow one. Americans do not have to worry about arrest for speaking about their beliefs. Yet they do often disagree on what constitutes “*Free Speech*”. A common debate centers on television violence and obscenity. Should the government censor programming that some Americans believe amoral but others consider to have artistic merit?

Laws and the courts have limited speech that threatens public safety or someone else’s rights. For example, imagine someone yells “Shark!” as a practical joke at a crowded beach. In the rush to leave the beach, some people are hurt. Another example is if one teen spreads false stories about another on the Internet. Slander means lies spoken about a person that harms their reputation, and libel is the printed version of the same. These people can get in trouble with the law, although it is difficult to prove intentional slander or libel in court. An example related to assembly is that cities can require permits to have a festival in the park in order to plan extra police monitoring to ensure safety. In general, laws aimed at protecting public safety and preventing harassment limit the right to free speech.

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*

Figure 2.3: Amendment I

**Amendment II** The **Second Amendment** safeguards the people’s right to “*Bear Arms*”, meaning to own and carry weapons. Americans disagree about whether owning guns causes an increase or decrease in crime, as well as whether this amendment applies only to those who are members of the organized armed forces or National Guard. The **District of Columbia v. Heller** case ruled that it protects individuals not connected to a state militia, at least for those residing in the nation’s capital.

U.S. law limits the **Second Amendment**. It prohibits certain people from owning guns, like those found guilty of serious crimes. The **Supreme Court** has said that it is acceptable for the federal government to make this law, but that it is up to the state governments to enforce it. Therefore, many states require background checks of people who wish to purchase guns to ensure they have not had this right taken away for a crime or other reason.

**Amendment III** The **Third Amendment** is a reaction to events that followed the **French and Indian War** that ended in 1763. British soldiers remained in

*"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."*

Figure 2.4: Amendment II

certain parts of the colonies after war's end presumably to keep the peace. Some colonists had to provide for the troops' basic needs, including letting them stay in their homes. They found this threatening and a violation of their rights. Therefore, when the framers wrote the Constitution, they wanted to make sure the new government could not do the same. However, this amendment does not prevent state or federal governments from using soldiers to restore order or assist civilians during an emergency.

*"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."*

Figure 2.5: Amendment III

**Amendment IV** The **Fourth Amendment** safeguards people from unwarranted:

- Search
- Seizure

This means that people are protected from government officials searching their property and seizing, or taking, their property without a warrant. Police should not search a home or take anything from it without a judge's permission.

One example of a limit to this right is when a person is a suspect in a crime. A judge may give permission for officers to look for and take evidence when the owner is suspected of a crime. Another limit on this right would occur when officers see a crime in progress. They do not have to wait for a warrant to act in this situation. The officers that witness the crime have probable cause to act.

The **Constitution** does not say directly that Americans have a right to privacy. However, the **Supreme Court** has ruled that Americans generally have this right, supported by the Fourth Amendment.

What if police conduct a search without a warrant or probable cause and happen to find evidence of a crime, such as the sale of illegal drugs? The exclusionary rule states that evidence seized illegally cannot be used in a trial, though the courts have supported the good faith exception when the search error is minor. An example could be that police did have a warrant, but the judge wrote the wrong date on it.

**Amendment V** The **Fifth Amendment** protects several rights for those accused of crimes. It protects people from being tried for a crime without a grand jury's review that there is sufficient evidence to suspect the person's guilt. One exception here is a crime where the person was on active duty in

*“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

Figure 2.6: Amendment IV

the military at the time of the alleged offense. A person cannot go on trial for the same crime twice, referred to here as **Double Jeopardy**. If authorities suspect the person of a similar crime later, they can go on trial again. Nor does a suspect have to testify if they do not wish, in order to protect themselves from the potential for self-incrimination. If a suspect goes to trial, it is up to the accusers to prove the person's guilt. The suspect does not have to say anything (“pleading the Fifth”) as court procedure assumes innocence until proven otherwise. However, if a suspect does choose to speak, waving Fifth Amendment rights, the courts can use that speech as evidence.

No punishment of a person or taking of property can happen without the person having due process of law, meaning all the established laws related to investigating and judging the alleged crime have been followed. Should the government be able to take property away or jail someone while the investigation is ongoing? The answer has depended on the situation. Should the government be able to take property for a public reason, such as the need to build a highway? The amendment's final line protects people from the government taking their property for the common good without paying them for it. Like the First Amendment, many controversies have arisen from this amendment.

*“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”*

Figure 2.7: Amendment V

**Amendment VI** The **Sixth Amendment** protects an accused person's right to a jury trial that is “*Speedy and Public*” and in a court near the alleged crime. The purpose is to judge the person as fairly as possible with the fewest expenses and least time lost. Making a jury trial open to public view helps protect the rule of law, as due process is most likely to be followed when there is an audience. The jury should be “*Impartial*”, meaning jury members are not biased for or against the suspect. A suspect has the right to know details of the accusation and the evidence gathered, as well as to face the accusers in court. Suspects also have the right to have a lawyer represent them and present their own evidence and witnesses.

The “Public” part of this amendment has led to conflicts with the **First Amendment** and privacy. Should news stations be able to broadcast evidence against the suspect before the court has selected all jury members? Should courts allow reporters in the courtroom when the victim of a crime is testifying? If jury selection goes on for months without producing enough unbiased members, should the trial move to another court? Judges have made decisions on related issues like these on a case-by-case basis.

*“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”*

Figure 2.8: Amendment VI

**Amendment VII** The **Seventh Amendment** relates to civil court cases. A civil suit is a dispute between private citizens or groups of citizens, such as one person suing another for damaged property. The amendment gives people who seek settlement of the dispute through the courts the right to have a jury decide the case if they choose. It also prevents the courts from trying the same case again, like the protection for crime suspects in the Fifth Amendment. You may have seen cases like these on reality shows decided by a judge. The citizens on the show have waived their Seventh Amendment right to a jury trial in the case.

*“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”*

Figure 2.9: Amendment VII

**Amendment VIII** The **Eighth Amendment** protects people from “Cruel or Unusual Punishment”. Its purpose is to protect people from excessive punishment and bail requirements. Bail is the amount of money required to allow a suspect to be released from jail while awaiting trial. To guarantee that the suspect will show up in court, they can then have the funds returned. Yet who decides what is excessive? Is it cruel to sentence a child to prison who commits a serious crime? Can a judge set bail at one million dollars for a person convicted of writing a bad check?

The **Eighth Amendment** is another source of intense debate among Americans. Judges make decisions and attempt to balance individual rights with the public good. For example, most people would agree that a person accused of murder should not have a right to bail at all, for fear the suspect may harm others while out of custody. People also disagree whether capital punishment, or the death penalty, is acceptable punishment for certain crimes. In general,

Americans view that the more serious the crime, the higher expected bail and potential punishment.

*“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”*

**Figure 2.10:** Amendment VIII

**Amendment IX** The **Ninth Amendment** protects people from government laws that would unfairly restrict rights not named by the **Bill of Rights**. Many of the Constitution’s framers worried that listing individual rights implied that people did not have any other rights. Therefore, as it stands by this amendment, if there is no law against a certain behavior, Americans can assume they have the right to it. The Constitution itself prevents ex post facto laws, so if a behavior is outlawed by the government after it was determined to be harmful to society, it cannot arrest people for actions occurring before the law passed.

The courts have often studied the amendment to judge cases that relate to an assumed right to privacy in lifestyle choices. The Constitution does not state directly that the people have a right to privacy. However, interpretations of the Fourth and Ninth Amendments have set precedent for this right where it does not conflict with the public good.

*“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”*

**Figure 2.11:** Amendment IX

**Amendment X** The **Tenth Amendment** protects the powers of the state governments, or “*States’ rights*”. It prevents the federal government from taking over responsibilities reserved to the states because the first three articles of the Constitution do not delegate them to the national government. The amendment helps preserve the limited central government the framers intended.

The federal government has expanded significantly since the writing of the Constitution. Americans debate today whether many of its programs and departments are reasonable due to the “*General Welfare*” and “*Necessary and Proper*” statements of the main **Constitution**, or if the states have the right to challenge certain policies and programs under the **Tenth Amendment**. For example, does a state have a right to refuse compliance with a national health care program, traditionally an area covered by state governments? The supremacy clause states that federal laws are supreme, but states have challenged federal programs they disagreed with through the courts.

*“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.”*

**Figure 2.12:** Amendment X



## Perspectives on Balancing Liberty and Order

Americans generally accept limitations to rights that are common sense for public safety. A school is an example of a place where laws may restrict individual rights to protect the common good. For example, students have the right to assemble under the **First Amendment**. However, school officials may set rules around when, why, and how assemblies may occur. Restrictions help protect safety for everyone at the school. The **Supreme Court** has ruled on various laws affecting rights not only in schools, but also in other public areas as well, like courthouses, parks, and roads.

**Causes** Certain situations often lead people to support greater restrictions on individual rights on a temporary basis. Wars, natural disasters, and other emergency threats are the most common reasons for greater limits. For example, if soldiers are sent to war in another nation, the government may limit press coverage of their activities to protect them from enemy ambush. A bomb threat at a courthouse may lead officials to stop people from entering, exiting, or moving about the building until the threat is over. What happens when there is no clear end to a threat, such as a war that continues for years? A modern example is the efforts of the United States to prevent terrorism.

The **USA PATRIOT Act** was legislation that expanded the powers of the federal government to prevent terrorist attacks from within, as well as outside, the country. *President Bush* signed it into law and launched a "*War on Terror*" in 2001. Congress changed many parts of the act after its initial passage. In 2011, *President Obama* signed an extension of certain parts of the **USA PATRIOT Act** that affect civil liberties, including roving wiretaps. The **USA PATRIOT Act** expired in 2015. The **USA FREEDOM Act** was similar legislation passed to replace it. In 2020, Congress passed a reauthorization of the **USA FREEDOM Act** which changed and extended some surveillance privileges.

**USA PATRIOT Act Debate** Debate over the **USA PATRIOT Act** has been steady since its passage. Questions of where the act stands on the goal of balancing liberty and security have ranged from the general—such as "*Does it violate civil liberties?*"—to the specific—such as "*Do roving wiretaps violate the Fourth Amendment?*"

## Emergencies Justifying Restriction on Civil Liberties

Americans often settle issues related to civil liberties in courtrooms, with lawyers and judges debating the intent of laws, the **Constitution**, and the **Bill of Rights**. People who take a legal statement at face value prefer a "*Strict*" interpretation of the law. Those who see legal statements as flexible in application agree with a "*Loose*" interpretation of the laws. No one is entirely "*Strict*" or "*Loose*" in all interpretations, however. Even **Supreme Court** justices have shifted from one view to the other on similar situations because of different circumstances or laws involved.

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CHAPTER THREE

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Policy and Elections

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**Unit 3**

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**Lesson 1: The Legislative Branch****Unit 3****Bicameral Legislature**

**Definition 7.** (Bicameral) Congress is **Bicameral**. That means that it has two Houses. They are:

- The **House of Representatives**
- The **Senate**

For a bill to pass, it must pass the majority of both of the Houses of Congress to become a law. The **House** gives more representation to states with larger populations. In contrast, state representation is equal in the **Senate**, so smaller states have greater relative power there.

As the nation grew, the number of **House** members grew steadily until 1911. That's when Congress set a fixed number of 435 representatives. The **U.S. Census Bureau** conducts an official count of a population carried out at a specific time every 10 years. That's for the main purpose of apportionment. Each state must also have a representative.

The **House** members are more expected than **Senators** to be extra sensitive to the *State* and *Local* issues. The **House** members are more dependent on support from constituents since they are *"Closer to the people"*. Each representative speaks for about 700,000 people. But, senators reflect stability through their longer terms.

**House**

- At least one representative per state, based on population.
- Each member of the **House** represents over a half-million people.
- 435 members total.

- Two-year terms.

### Senate

- Two senators per state, equal representation for states.
- 100 members total.
- Six-year terms, one-third of the **Senate** is up for re-election every two years.

### Qualifications For Congress

The **House** and **Senate** both have an age, citizenship, and residency requirements. Members of both the **House** and **Senate** must be residents of the state people elect them to represent. While the Constitution does not require the **House** members to live in the specific district they represent, they usually do so by tradition.

Notice that the **Senate** qualifications are higher for age and years of citizenship. The framers of the Constitution intended the **Senate** to be the more stable **House** of Congress with members likely to have greater political experience.

### House

*"No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen."*

Figure 3.1: From Article I, Section 2

These are the qualifications:

- At least 25 years old
- A U.S. citizen for at least seven years
- Resident of the state chosen to represent

### Senate

*"No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen."*

Figure 3.2: From Article I, Section 3

These are the qualifications:

- At least 30 years old
- A U.S. citizen for at least nine years
- Resident of the state chosen to represent

### Powers of Congress

The Constitution specifies the areas where Congress may pass legislation in **Article I, Section 8**. Some of these topics include collecting taxes and establishing the process for naturalization. Congress allocates funds collected to support specific programs and establishes agencies and rules to administer them.

The final statement in **Article I, Section 8** is not a specific power. It states that:

*"Congress has the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."*

**Figure 3.3:** From Article I, Section 8

We call this line the *"Elastic Clause"* because it **"Stretches"** the powers of Congress to cover areas the framers of the Constitution could not have anticipated.

Interpreting the phrase *"Necessary and Proper"* has been controversial over the course of U.S. history. But, people debate what is *"Necessary and Proper"*. They also debate on what authority is implied by the powers listed in the Constitution. For example, since Congress has the power *"to raise and support an Army and Navy"*, officials decided the power implied the ability to create an air force. The framers could not have anticipated the invention of airplanes, but Congress assumed that the power to maintain a military force would certainly include the use of new technology and needs.

### House

- All bills that will create revenue, meaning raise money through taxes, must originate in the **House**.
- Only the **House** can impeach high officials, like the president or a Supreme Court justice.

### Senate

- The Senate must approve all foreign treaties made by the president.
- Only the Senate can conduct trials for and convict impeached federal officials.
- The Senate must confirm important appointments made by the president.

### House VS Senate

The structure of the **House** and **Senate** are different. The Constitution grants many specific powers which are shared between both of the houses, while it may just reserve some other powers for either of the houses.

The leadership in each house differs as well. The **Speaker of the House** is the presiding officer of the **House of Representatives**. Members of the political

party holding a majority of the **House** seats choose who will serve as the **Speaker**. The **Speaker** sets the agenda for the **House**, determines who should serve on what committees, and what committees will study introduced bills. The **Speaker** is second in the line of presidential succession. That means the Speaker would become acting president should the president and vice president become unable to perform their official duties.

The **Senate's** presiding officer is technically the **Vice President** according to the Constitution. However, this role has very little power, since the **Vice President** can only vote on bills in the case of a tie in the **Senate**. The **President Pro Tempore**

However, this role has very little power. The reason is because the **Vice President** can only vote on bills in the case of a tie in the **Senate**. The **President Pro Tempore** is the highest-ranking member of the **Senate**. That happens only when the **Vice President** is absent. And that happens a lot. Usually, the **President Pro Tempore** is the member of the majority political party who has served in the **Senate** the longest. The role of the **President Pro Tempore** is similar to the **Speaker of the House**. The **President Pro Tempore** is third in the line of succession after the Speaker of the House. Both the **Senate** and the **House** give a leadership position to a member of the political party in the minority as well.

### Congress Making Laws

*"Each House may determine the Rules of its Proceedings... (and) shall keep a Journal of its Proceedings, and from time to time publish the same."*

Figure 3.4: From Article I, Section 5

Each house keeps a record of its actions and debates. You can access current and historical actions of Congress on the Internet.

Congress determines many specifics of the lawmaking process for itself. But, it takes guidance from the Constitution. It can determine when to hold a vote on a bill and when to send it to another group of Congress members for further study and edits. A majority of both the **House** and **Senate** must pass new legislation and send it to the **President** for approval to become a law.

The **House** conducts its business more quickly than the **Senate** and has limits on length of debate for a bill. The **Senate** has no limit on debate. And even sometimes, a senator will intentionally delay voting on a bill by talking as long as possible or reading a long piece of text. This is called a **Filibuster**. A vote of cloture can end a **Filibuster** and force a vote, with at least 60 senators in agreement.

### Law Making Process

**Bill Introduction House:** A bill is introduced in the **House**. It's given a number and referred to a committee. **Senate:** A bill is introduced in the **Senate**. It's given a number and referred to a committee.

All of the bills start as an idea. Bills may begin in either the **House of Representatives** or the **Senate**. The representative or senator introduces his or her bill. The idea is read, given a number, and referred to a committee or subcommittee. The "**H**", "**S**" in front of a bill number tells you whether it began in the **House** or the **Senate**. About 9,000 bills are introduced each year in Congress, but only about 10% become laws.

**Subcommittee Review** **House:** A **House** subcommittee often first considers the bill. It votes on advancing the bill to the full committee. **Senate:** A **Senate** subcommittee often first considers the bill. It votes on advancing the bill to the full committee.

Most of the work on bills happens in committees. The legislators might edit the language, make additions, or take things out. Together, the **House** and **Senate** have 40 committees and 160 subcommittees. Representatives and senators will serve on committees or subcommittees that match their background or areas of interest.

**Committee Review** **House:** A full committee in the **House** considers and may change the bill. Then it will vote on advancing the bill. **Senate:** A full committee in the **Senate** considers and may change the bill. Then it votes on advancing the bill.

Work in the full committee is the hardest step for a bill to pass. Only 1 in 6 bills will pass this step. The full committee may make more edits to the bill's language before taking a vote. If the bill does pass, it will go to the whole **House** or **Senate** for debate. For the **House**, first they setup rules about the debate in the **House Rules Committee**.

**House Rules Committee** **House:** The **House Rules Committee** may make special rules for debating and changing the bill. The **House** votes on the rules.

The **House Rules Committee** will set rules for debate on the bill. Examples of these rules can include the time allowed for debate. It might limit the number of changes that can be made to the bill. The **Senate** has fewer rules and unlimited time for debate.

**Floor Action** **House:** The **House** debates and may change the bill. Members vote on its passage. **Senate:** The **Senate** debates and may change the bill. Members vote on its passage.

Debate of the whole **House** or **Senate** is called the "*Floor Action*". This step is challenging because representatives and senators come from different parts of the nation. Each member has different interests and concerns. The bill needs approval from a majority of people in both chambers to advance.

**House-Senate Compromise** **House:** **House** and **Senate** compromise on differences between each version of the bill. **Senate:** **House** and **Senate** compromise on differences between each version of the bill.

A conference committee with members from both the **House** and **Senate** meet. They discuss differences between each chamber's version of the bill. They will compromise on the differences to create a single bill. A compromise happens when both sides give up some things they originally wanted.

**Final House, Senate Vote** **House:** The **House** debates the compromise bill and votes on it. **Senate:** The **Senate** debates the compromise bill and votes on it.

The compromise bill is sent back to both the **House** and the **Senate**. Members in each debate the compromise version of the bill. They vote on whether to approve it. Approval from both the **House** and the **Senate** is required on the same exact version of the bill for it to continue.

### **Committees Organization**

Committees do most of the work of lawmaking and have great power in determining whether a bill continues or dies. In fact, most bills originate from the work of committees. Members of committees research issues and potential solutions, debate ideas, and discuss the interests of different groups of people affected by the issues and bills.

Usually people who have seniority in Congress serve on the major committees. Generally, members of a committee have a background or special interest in the topic focus of the committee.

Standing–Bills are usually referred to a standing committee. They are permanent and have a specific area of responsibility.

**Ad hoc–An ad hoc** committee is temporary for the purpose of creating or enforcing mandates for a specific reason. Congress disbands an ad hoc committee when the need is fulfilled.

**Joint–A joint** committee consisting of members from both the **House** and the **Senate** forms to address important issues needing special attention from both. **Joint committees** make unified recommendations to the whole Congress.

**Conference–A conference** committee has members from both houses and forms to settle differences between similar bills passed separately in the House and Senate.

**House Rules Committee–This committee**, specific to the **House**, sets rules of debate for particular bills.

**The Joint Economic Committee (JEC)** studies and makes recommendations to the whole Congress regarding national economic conditions. A committee hearing is not a criminal or civil trial proceeding like in the judiciary system. Instead, congressional hearings are public meetings intended to gather information to inform decision on policy and law.

### **Influences on Congress Member's Vote**

When a member of Congress takes office, they pledge to represent the interests of the people from their district or state. However, even within a small district,

ideas and concerns can be very diverse. Remember, each House member represents over a half-million people! So how do they decide how to vote on bills?

Many factors influence the decisions made by members of Congress. Lawmakers study and consider their constituents' desires concerning proposed legislation. If polls and communications indicate that a majority of constituents want a bill to pass, lawmakers may be more likely to vote in favor of it. Lawmakers' own values and beliefs also influence how they vote on bills. Often they must depend on their own opinions, especially when their constituents are deeply divided on an issue. Interest groups and political parties also seek to sway members of Congress to vote for or against particular bills. Ultimately, the individuals who represent us in Congress have the difficult job of considering all the information and opinions available and making the best decision for their constituents. The amount of influence constituents, personal opinions, or organizations like interest groups and political parties have on a lawmaker's vote varies by issue and differs for each member of Congress.

**Republican Senator Susan Collins** from Maine was interviewed by reporters before an initial vote on a new economic investment bill. The bill met resistance, as is typical in congressional negotiations. However, a committee made up of both Democrats and Republicans, including Collins, put together a bill that passed in the Senate. The House presented its own stipulations for the bill, which is also normal in policy making. The multiple steps and delays in considering new bills helps make sure the process and final bill is thorough. Representatives must serve their constituents and consider the long-term impact of their decisions. Though sometimes the public thinks Congress moves too slowly, debate, compromise, and time are essential ingredients in creating new laws.



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**Lesson 2: Public Policy****Unit 3****Types of Policies**

There are two major types of **Public Policy**:

- Foreign
- Domestic

**Foreign Policy** applies to relations with other countries. **Domestic Policies** apply within the country. **Domestic Policy** and **Foreign Policy** decisions can have an affect on each other.

**Public Policies** can impact:

- Local
- State
- National Operations

They depend on the legislative abilities and limitations described by the U.S. Constitution and state constitutions. Beyond the descriptions of who is affected by policies, we can also categorize them by what area of life they address.

A policy may not fit neatly into one of these categories, however. For example, a federal immigration policy may require the states to enact their own policies to enforce it, including creating economic policies to provide funding for additional law enforcement and investigators.

**Social Welfare Policy** Social welfare policies address the well-being of citizens and include programs like education and health insurance. The goal of these policies is to "*Promote the General Welfare*" as described in the Preamble to the Constitution, meaning to improve citizens' quality of life. Those who benefit from social welfare programs often must meet certain age, income, or other requirements.

**Economic Policy** Economic policies include the government's budget, which includes government taxing and spending rules. Economic policy also establishes rules for businesses. The goal of economic policy is to grow the productive capacity of the economy, while keeping unemployment and inflation low. Inflation is the general rise of prices over time. People disagree whether it is better for the economy and people when government makes rules for it.

**Environmental Policy** Environmental policies address concerns related to the impact of human activity on Earth. The goal, of course, is to minimize the negative effects on **air, water, wildlife, and land** that result from our activities, such as clearing land for farms and driving gas-burning vehicles. Environmental policies are often controversial because they can be very expensive for American businesses.

**Defense Policy** Defense policies include laws and programs related to maintaining the armed forces. The goal of defense policy is to protect the safety and security of the country and its citizens. Defense policy often intersects with foreign policy. Like other types of policy, it can be very controversial as people disagree on what role the United States should take in world affairs as a measure to protect its own peace and security.

### Monitor Issues and Elected Officials

Citizens in the United States have the right and responsibility to be informed about government policies that affect them. The **First Amendment** protects the right of the media to report on the work of elected officials. Congress has to keep and publish a journal of its daily proceedings for public view, as do many state governments. Legislators at all levels depend on citizen input to help determine new policies or changes to public policy.

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

**Figure 3.5:** From the First Amendment

### Policies Shaped

Policies arise out of the lawmaking process at the:

- Local
- State
- Federal

levels of government. Yet there has to be a reason for suggesting a new policy or change to an existing policy in the first place. Legislators receive *ideas* and *complaints* about all kinds of issues from:

- Individuals
- Businesses
- Other Groups

They talk to other lawmakers to place the issue on the legislative agenda. Most of the states have a similar lawmaking process to the federal government, with bills starting in committees and eventually going up for vote by both halves of the legislature.

Many states grant their citizens the power of initiative or referendum, or both, which are methods through which citizens can place a policy idea on the legislative agenda. Initiative is a process that would lead to a new state policy and referendum is a process that would lead to a change or deletion of a state policy. At the local level, lawmaking varies depending on the structure of the local government according to its state constitution, yet is still dependent on people who want a solution to a particular problem.

However, legislators do not just write a bill or ordinance after talking to citizens and then have the whole lawmaking body vote on it right away. A great deal of time and analysis goes into studying an issue and shaping a policy to address it before it is ready to be enacted into law.

### **Costs and Benefits of Public Policy**

Every public policy has costs and benefits. The costs of a policy include:

- Money
- Time
- Other Resources that go into implementing and maintaining a policy

Someone has to bear the costs, like taxpayers for example. Companies may have to hire additional workers to meet a policy requirement, which is a cost to them. The benefits are the intended effects of a policy, such as safer food or more students passing college entrance exams. Benefits could include direct payments to people, such as tuition assistance.

Public policies differ in how costs and benefits are distributed among people in a society. For example, the students in a public education program are a relatively small group of beneficiaries compared to the large group of people who help pay for the education through taxes. Some policies have distribution that is equal while others could place the cost burden on a smaller group of people. The distribution of costs and benefits can affect how citizens and elected officials feel about a policy.

Policies can also have externalities, which are unintended consequences of a decision. Externalities can be positive or negative and are called "*Third Party Costs*" or "*Third Party Benefits*". An example of a negative externality is pollution caused by a policy encouraging new factories to operate and create jobs for a certain area.

In 1955, after about two generations of common vehicle use, Illinois was the first state to enact a seat belt policy. Today, many states have mandatory seat belt laws.

### **Analyzing a Public Policy**

Changes in culture and technology happen very quickly, and it can be many years before people recognize the consequences of those changes. Public policy is the government's response to an issue or problem brought to their attention. Whether as a citizen, part of an interest group, or a legislator, people analyze public policy by learning as much as they can about the problem, considering potential solutions, and analyzing the costs and benefits of any potential solution before making a policy decision.

A problem in the United States is drivers using electronic devices, mostly cell phones, while operating a vehicle. Almost all states have banned text messaging while driving. About half have banned all cell phone use while driving. Try this activity to analyze a potential policy that would address this issue.

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Lesson 3: The Executive Branch

## Unit 3

**The Role of the President and Vice President**

**President** The main function of the **Executive Branch** is to carry out and enforce the laws. The **President** is the focus of the **Executive Branch** in the **Constitution**. *Article II* describes the qualifications and duties of the **President**. Here are the rules to be **President**:

- At least 35 years old
- A U.S. Citizen
- A Resident of the **United States** for at least 14 years.

Of course, these are the bare requirements set by the **Constitution**. To win enough votes in the **Electoral College** to become **President**, a candidate must convince voters they are prepared for the difficult duties of the nation's highest office.

**Vice President** The **vice President** must meet the same requirements, as the main role of this official is to take over if the **President** is unable to serve. The **vice President** and other **White House staff members** are part of the **Executive Office** of the **President**, or EOP.

Officials in the EOP report directly to the **President** and can serve as advisors on public policy.

**The Cabinet**

The **Constitution** gives **Congress** the power to create **Executive Departments** and grants the **President** power to appoint officials to lead these departments with approval of the **Senate**. The head of the **Executive Departments** are part of the **President's Cabinet**. They and their staffs manage the daily affairs of policies within their area, such as foreign policy.

By tradition, and not the **Constitution**, the department heads serve as **Advisers** to the **President**. **Cabinet Members** usually have the term *Secretary* in their title. Though each member has experience in their field, the **President** has no obligation to follow their guidance. The **President** may choose to allow other officials, such as those within the EOP, to have "*Cabinet Status*" meaning they can attend **Cabinet Meetings**, as well as provide counsel to the **President**. Some cabinet members attend meetings of certain EOP offices, as well. The **President's** style of leadership largely determines the relative power of officials in the executive branch. The **President** can remove officials from cabinet leadership positions as desired. **Congress** can create, reorganize, or disband cabinet departments through its policy making process.

## The Structure of the Executive Branch

The **Executive Branch** contains many parts. The **President**, **Vice President**, and **Staff in the Executive Office of the President** make up the main part of the **Executive Branch**. Under this main part is the **Cabinet**. The **Cabinet** is a group of leaders of 15 **Executive Departments** that advise the **President**. Under each **Executive Department** are various **Agencies** with staff that carry out the daily work of enforcing policy.

**Bureaucracy** refers to the:

- Officials
- Staff
- Policies
- Regulations
- Actions of the Executive Departments and Agencies

People differ in how they use the term **Bureaucracy**. Some may use it to refer to all staff working under the **President**, including **Cabinet Members**. Others reserve the term for staff in lower agencies whose jobs mainly are to complete paperwork. In addition, definitions of positions in the **Executive Branch** can be blurry as duties often overlap and depend on how the **President** wishes to organize the work of carrying out policy. About 2,000,000 people work directly in the **Federal Bureaucracy**. Many more work for it indirectly through partnered independent or state and local agencies and businesses.

Here's the structure of the **Executive Branch**:

**Definition 8.** (President/VP/Executive Office of the President) The president heads the executive branch. The EOP includes the vice president and staff in offices such as the OMB (Office of Management and Budget). This office helps the president develop the yearly budget to present to Congress. It oversees executive spending and evaluates the effectiveness of various agencies and programs. Another important part of the EOP is the NSC (National Security Council). Officials with expertise in foreign policy and intelligence gathering, including some cabinet members, meet as part of the NSC. They advise the president on matters of national security and defense.

**Definition 9.** (Department of Agriculture) The Department of Agriculture oversees farming activities. It regulates soil conservation efforts and the quality of the food supply. The department publishes nutrition guidance. It also manages programs that assist families such as the school lunch program.

**Definition 10.** (Department of Commerce) The Department of Commerce regulates trade, business, and industry. Its mission is to "help make American businesses more innovative at home and more competitive abroad."

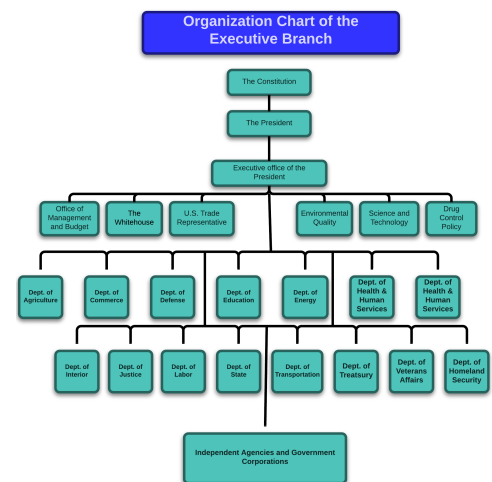


Figure 3.6: Executive Branch Structure

**Definition 11.** (Department of Defense) The Department of Defense manages all branches of the U.S. military, including the Coast Guard. It contains three million civilian and military employees. The secretary of defense advises the president on weapons systems and troop strength.

**Definition 12.** (Department of Education) The Department of Education manages federal financial aid programs. It also collects and distributes research on the nation's education programs. The department enforces equal access to public education.

**Definition 13.** (Department of Energy) The Department of Energy regulates the nation's sources of energy, advising the president on many related scientific issues such as developing clean energy. It addresses fuel needs such as oil and nuclear energy.

**Definition 14.** (Department of Health and Human Services) The Department of Health and Human Services administers many services Americans use each day. It helps provide for health and other essential needs, especially for those least able to provide for themselves. One in four Americans benefits from Medicare or Medicaid programs. These are health insurance programs provided in close collaboration with state and local governments. The department helps provide important information to Americans on various topics such as diseases and safety. Help for children with disabilities and people suffering from substance abuse are examples of its initiatives. The Food and Drug Administration, or FDA, is an important agency under this department. The FDA regulates food and medicine products, including prescription drugs, vaccines, medical devices, and cosmetics.

**Definition 15.** (Department of Housing and Urban Development) The Department Of Housing and Urban Development promotes access to affordable housing for all Americans. Its programs include government mortgages for home ownership, grants to businesses that build and develop communities, enforcement of anti-discrimination laws in housing, and assistance for those facing the loss of their homes.

**Definition 16.** (Department of Homeland Security) The Department of Homeland Security regulates immigration policies and efforts to prevent terrorism. It also manages emergency response systems related to natural disaster. This is the youngest of the cabinet departments, created after the events of September 11, 2001. It absorbed the activities of 22 smaller agencies. The Department of Homeland Security is part of the cooperative U.S. Intelligence Community, a group of 16 separate federal agencies responsible for intelligence monitoring, gathering, and reporting to the president and cabinet.

**Definition 17.** (Department of Interior) The mission of the Department of Interior is to protect the nation's natural resources and cultural heritage. It regulates the creation and maintenance of federal parks, landmarks, and other federal lands. The department also partners with and provides services to the approximately 595 federally recognized Native American tribes.

**Definition 18.** (Department of Justice) The Department of Justice is responsible for prosecuting offenders of federal laws. The head of this department is the Attorney General, who advises the president on preventing crime, punishment for crimes, and ensuring a fair system of justice for all Americans. The Federal Bureau of Investigation, or FBI, is part of the Department of Justice and is responsible for investigating federal crimes and crimes involving more than one state.

**Definition 19.** (Department of Labor) The Department of Labor promotes the interests of working Americans, such as the availability of jobs, fair wages, and health and safety while on the job. It also helps people unable to find work and enforces federal laws related to working minors, known as child labor laws, and retirement benefits.

**Definition 20.** (Department of State) The Department of State deals with foreign affairs. The Secretary of State is the chief advisor to the president about issues going on in other countries. Diplomacy, the active management of communications with leaders around the world, is considered essential to promoting the interests of Americans, including human rights, security, and prosperity. The U.S. ambassador to the United Nations is part of the Department of State.

**Definition 21.** (Department of Transportation) The Department of Transportation (DOT) regulates the safety of, access to, and efficiency of transportation systems such as interstate highways and airplane travel. It monitors and enforces federal laws relating to topics such as the manufacture of vehicles and licensing requirements of operators working for interstate trucking companies.

**Definition 22.** (Department of Treasury) The Department of Treasury manages federal finances, including collecting taxes and managing the public debt. It oversees the creation of currency and coins, supervises banking activities, and investigates suspects of tax evasion or counterfeit, which is creating illegal currency.

**Definition 23.** (Department of Veterans Affairs) The Department of Veterans Affairs provides many benefits and opportunities to the veterans of the nation's armed forces. Examples include healthcare, education, and home ownership.

**Definition 24.** (Independent Agencies and Government Corporations) Congress has also created several dozen independent regulatory agencies and government corporations. These groups exist because they have duties that are beyond the scope of normal policymaking. They are independent in the sense that the president does not have the power to remove its officials at his or her will. Examples include the Federal Reserve, Central Intelligence Agency, and the Federal Communications Commission.

### Independent Regulatory Agencies

**Independent Regulatory Agencies** are offices that serve a specific enforcement function. They operate with much less of the **President's** direction than **Executive Departments**. Like the **Cabinet**, **Congress** creates them and determines through law the powers of the agency. The **President** appoints their **Chief Leaders** with approval from the **Senate**, but usually does not have the power to remove officials without cause.

Reasons for their relative independence include efficiency and democracy. If the functions of these offices depended on legislation or a president's order, their work could be subject to frequent interruption. This could disrupt and undermine time-sensitive services. Another concern is that increasing regulations requires more offices and staff in the executive branch, potentially giving the branch too much power. You may already be familiar with many of these agencies.

**Definition 25.** (Federal Communications Commission) The Federal Communications Commission regulates communications by television, radio, cable, wire, and satellite.

**Definition 26.** (US Postal Service) The US Postal Service regulates and carries out the delivery of the people's mail. It is one of the few agencies mentioned directly in the Constitution.

**Definition 27.** (The Federal Reserve) The Federal Reserve is the central bank of the United States. It operates as a partner with the U.S. Treasury to supervise banking services and influence the nation's economy.

**Definition 28.** (The Central Intelligence Agency) The Central Intelligence Agency, though it reports to the Director of the U.S. Intelligence community, is more independent than the other agencies that are part of that cooperative. Its main duty is to gather information on foreign governments, businesses, and people. CIA information helps guide the president and Cabinet members on matters of national security.

**Definition 29.** (The Consumer Product Safety Commission) The Consumer Product Safety Commission inspects the products we buy for potential safety hazards. When you hear of a recall on a toy, vehi-



cle, or other object, this is usually the work of the CPSC, which has investigated complaints and found the item to be a safety risk.

**Definition 30.** (The Federal Trade Commission) The Federal Trade Commission regulates fair business practices. Its goal is to maintain choice for consumers and prevent deception. Individuals can report complaints about businesses to the FTC, such as misleading advertising. The FTC will investigate the complaints and enforce federal law regarding business operations.

**Definition 31.** (The Social Security Administration) The Social Security Administration regulates the distribution of social security benefits. Americans who have a disability or are retired as well as family members of a deceased wage earner are eligible for the program. Working Americans pay into the SSA through income taxes.

### People Complaining About Big Government

The executive branch was originally quite small. It has expanded significantly, especially during the Civil War and Great Depression. Congress and the president have increased the size of executive departments and staff to meet expanding needs of the country. The increases in policy mean increases in the need for regulation and enforcement. For all Americans this means more rules to follow in different areas of life, such as owning one's own business, filing income taxes, and receiving assistance after losing a job.

Regulations often mean forms to complete and other documentation to maintain. Many Americans refer to these policies as "red tape" or "jumping through hoops." For many people, the federal bureaucracy has a negative connotation because of the extensive rules to follow as well as its sheer size. Many federal agencies have overlapping areas of supervision, leading to more criticism of government waste and excessive executive power.

However, it is precisely through Americans' demands for services and government accountability that the bureaucracy exists and changes in size. Congress creates legislation to meet the needs and wants of the people. For example, during the Great Depression about one-third of Americans were out of work. They demanded government action to boost the economy and prevent such widespread financial devastation in the future. One of the responses from the federal government was to create the unemployment insurance program. Staff increased in several related federal agencies to administer the program in collaboration with state governments.

### Congressional Oversight

**Congress** supervises and can check the **Executive Branch**, including the **Bureaucracy**, in several ways. **Congress** has to approve the existence of **Federal Agencies** through law. The **Executive Branch** cannot spend money on:

1. Staffing

## 2. Programs

## 3. Enforcement

without approval from **Congress** through an **Authorization Bill**, giving permission to start or continue the activities of an agency and setting a maximum amount of money for it. Usually, the actual spending of the money also requires an **Appropriation**, which is permission to spend a specific amount of money for a specific purpose. In most cases, the appropriation is less than the amount authorized. Some programs, such as **Social Security** benefits, operate under a trust fund that is outside the normal federal budget.

The **Legislative Branch** interacts with the **President** and **Federal Agencies** in other ways as well. The **Vice President** is the **President** of the **Senate** when in attendance there. The **President** works with **Congress** to set the policy agenda and try to enact his or her policy goals. Success in achieving executive-designed policy often depends on whether **Congress** is dominated by members of the **President's Political Party**.

**Investigating the President** **Congress** also has the power of investigation over the **Executive Branch**. It is not in the **Constitution** but is considered an **Implied Power**. It might investigate whether complaints that a certain agency's regulations are too costly and ineffective to have merit. **Congress** determines the powers of **Federal Agencies**. It can force **Federal Officials** to appear in court and provide evidence related to activities of different agencies. **Congress** has the power to impeach **Federal Officials**, as well.

Whether **Congress** can force the **President** to submit to a subpoena was the main question under the **Supreme Court** case *U.S. v. Nixon*. *President Richard Nixon* maintained that the **President's** power of **Executive Privilege** allowed him to keep executive records private. His loss in this case caused a release of evidence that led **Congress** to debate whether to impeach him. According to *Article II* in the **Constitution**, **Congress** may impeach the **President** for "treason, bribery, or other high crimes or misdemeanors". **President Nixon** resigned his position to prevent an impeachment trial, which would have taken a great deal of attention away from important national issues.

*"I have never been a quitter. To leave office before my term is completed is abhorrent to every instinct in my body. But as president, I must pull the interests of America first. America needs a full time president and a full time congress, particularly at this time with problems we face at home and abroad. To continue to fight through the months ahead for me personal vindication would almost totally absorb the time and attention of both the president and the congress in a period when our entire focus should be on the great issues of peace abroad and prosperity without inflation at home. Therefore, I shall resign the presidency effective at noon tomorrow. Vice President Ford will be sworn in as president at that hour in this office."*

**Figure 3.7:** President Richard Nixon, Resignation Speech, 1974

### Succession Affecting the Executive Branch

When a **President's** term of office is up, power must be transferred. The 22nd Amendment limits the president to two terms of office. This prevents any one person from holding the position indefinitely and increasing its powers. **Presidential** elections happen in November and the swearing in of a new **President** happens in January. The time between is referred to as a "*Lame Duck*" period, if the current **President** will be leaving the office. A "*Lame Duck President*" may be leaving due to term limits or because he is choosing not to run for reelection or due to losing an election. "*Lame Duck Presidents*" often have had limited success in setting policy during those periods.

The transition between two **Presidents** also can lead to a large turnover of staff in the **Executive Branch**. Remember, the **President** has the power to appoint heads of many **Federal Agencies**. The **President** will often reward members of his or her political party for helping the campaign or having exceptional talent in their field. Changes in the administration can lead to great changes in policy and regulation, especially when the new **President** is in a different political party.

First in line for presidential succession is the is the **Vice President**. If the **Vice President** were unable to fulfill the duties of the **President**, next in line is the the **Speaker of the House**. If the **Speaker of the House** is not able to fulfill the duties of **President**, next in line is the the **President Pro Tempore of the Senate**. Next in line are the the **Members of the Cabinet**. The order of succession begins with the **Secretary of State** and moves through all the **Heads of the Executive Departments**.

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Lesson 4: Influences Public Policy

## Unit 3

**Influencing Public Policy**

Every person and organization in the **United States** has the power to influence what public policies the government enacts and enforces. **Representatives** at the:

- Local
- State
- National Levels

seek to represent the wishes of as many of their constituents as possible, while taking care not to restrict the rights of those with less popular views. Therefore, it is true that there is strength in numbers in a **Representative Democracy**.

People tend to seek out others who have had similar experiences or have similar views about the world. They tend to share a common purpose, and that purpose could be a change in the laws. Groups that tend to have a strong influence on government in the **United States** include:

- Political Parties
- Special Interest Groups
- Media

**One Individual Having Power**

Americans have power as individuals in many different ways. Voting in elections is probably the most obvious method. People can choose to run for **Elected Office** themselves, or they can service staff members and government offices responsible for communicating with the public or drafting new public policies. Individuals can share their opinions through the media or contacting public officials. They can speak at meetings of lawmaking bodies or participate in surveys that help representatives learn about constituent needs. History has shown that one person's experience can have a profound effect on public policy.

An example is the **AMBER alert system**, a nationwide voluntary program where law enforcement agencies at all levels of government work together to locate a missing child as quickly as possible. **Congress** initiated the program as a legacy to nine-year-old **Amber Hagerman**, a Texas girl who, in 1996, was kidnapped while riding her bike and murdered. Stories like **Amber's** can have a strong emotional impact, persuading lawmakers to make new policies and programs in the hope that they can prevent similar tragedies in the future.

The individual power of one person can change over time. For example, **State Legislatures** originally chose the individuals who would serve as senators in the **U.S. Congress**. The *Seventeenth Amendment* was added to the **Constitution** in 1913, changing the election procedure to allow American voters to

choose their senators by direct election. The individual voting power of the average American was increased through this amendment.

### **Ideology Affecting Political Parties**

Individuals also choose to influence government by joining their voices with like-minded people. For example, a person may join a political party that shares his or her beliefs about the purpose of government and how it should function. This set of beliefs is referred to as a political ideology. Political parties share a common political ideology and have great influence on who is elected to political office and the policies that lawmakers create. Major parties have chapters that coordinate their efforts at the local and state, as well as national, levels.

The United States has two major political parties—the Democratic Party and the Republican Party. Each party has a platform that describes its beliefs, values, and ideas. Members of a political party usually agree with the party platform, though they might have a different view on certain issues.

Americans are most familiar with the two main parties and usually identify themselves as a Democrat or Republican. However, there are other political parties. We refer to them as third parties. Third parties often form because a group of people believe that the main parties fail to address or deal with a certain issue. That issue or problem becomes the focus of the third party, leading to the related term "single issue" parties for that reason. An example is the Green Party of the United States whose focus is protecting and preserving the natural environment. Its members believe that the way big businesses grow and operate is harming Earth and U.S. society in the long term. Some people, of any ideology, register to vote or run for political office as an independent. That means they did not register as a member of a political party.

### **Political Spectrum**

- "To the left," "Center," "To the Right"

**Ideology is very complex. Dividing into the labels of liberal, moderate, and conservative are helpful to describe political ideology, though sometimes it can be misleading because there is much room for variation. For example, two people might be "conservative," but one could be a bit more conservative than the other. Have you ever heard a person's views described as "to the left" or "right of center"? "To the left" refers to liberal views, while "to the right" refers to conservative views. We sometimes describe moderates as "in the center" or "on the fence" because they could lean in either direction. You can also label political parties by their beliefs.**

- Liberal

**Liberals generally believe that it is the government's responsibility to ensure the people's well-being. They tend to increase government programs and taxes to pay for them. For example, increasing funding for environment programs or assistance for families in poverty tend to be liberal ideas. In the United States, voters who would describe themselves as liberal tend to vote for candidates that are members of the**

### Democratic Party.

- Moderate  
**Moderates tend to be liberal on some issues and conservative on others. Most U.S. voters are moderate, or they are mostly moderate but might tend to lean to one side more often. Candidates for political office compete hardest for moderate votes. Candidates for office need to capture the votes of as many moderate people as possible. Because most people are moderate, a political party platform will stay away from extreme views if they want to increase their support. Whom a moderate will vote for depends on the specific issues in that election and the candidates' plans to address those issues.**
- Conservative  
**Conservatives generally believe that it is the people's own responsibility to ensure their well-being. They tend to limit government spending on programs and raising taxes. For example, prioritizing government funds on national security and the military tend to be conservative ideas. In the United States, voters who would describe themselves as conservatives tend to vote for candidates that are members of the Republican Party.**
- Democratic Party  
**The Democratic Party is described as "liberal," but in reality members are typically somewhere between liberal and moderate on this spectrum. The major political parties avoid extreme views in ideology so they can capture as much support as possible from voters.**
- Republican Party  
**The Republican Party is described as "conservative," but in reality, members are typically somewhere between conservative and moderate on this spectrum. The major political parties avoid extreme views in ideology so they can capture as much support as possible from voters.**

### Political Parties Developing in the United States

The name of a political party is just that—a name. To understand the party you have to focus on its platform, which can change over time. The **Constitution** does not mention political parties, but they developed out of competing interests during the **Founding Era**. Political parties have existed ever since, transitioning in response to new challenges and the emergence of powerful leaders.

Even the earliest political parties in the **United States** took positions on a wide variety of issues. Their broad focus and avoidance of extremism left little room for any third party to come along and distinguish itself. The principle of majority rule in American elections lends itself to the two-party political system that developed. You can either support a policy or issue, or choose not to support it.

Political historians generally agree on five major party systems in American history, meaning that each new system reveals shifts in the platform and

ideology of each party and their bases of voter support. The name they gave to each shift is "realignment."

**George Washington Era and Rise of the First Party System** When George Washington was **President**, Thomas Jefferson and Alexander Hamilton were members of his cabinet and often at odds with one another. Jefferson was an Anti-Federalist and Hamilton a Federalist, from each of the two groups that arose during the Constitution's ratification process. Jefferson, frustrated that Washington generally took Alex Hamilton's side, resigned his position. Concerned about their feuding and the example it could set for the future of American politics, Washington warned the nation against the creation of "factions" in his farewell address. He thought that political parties could undermine the purpose of the Republic he helped create—to represent the will of all people, not just those with certain views.

**1796 John Adams** Many important national leaders agreed with Jefferson's views, however, so he was not out of the public spotlight for long. The year 1796 included the first Presidential election, with a clear distinction of candidates and their followers. Jefferson supporters, many who had been Anti-Federalists, now called themselves Democratic-Republicans. Federalists, retaining their ratification-era name, supported John Adams. Adams won the election and Jefferson became the vice **President**, because the original Electoral College system gave the position to the candidate with the second-most votes. Federalist votes for a second candidate were scattered among several people, leaving Jefferson with the next highest number of electoral votes.

**1800 Thomas Jefferson** Determined to prevent a "divided government" in the Election of 1800, Jefferson and Adams chose "running mates," encouraging their followers to vote for a specific person who would become vice **President** from the same party. Jefferson's following had grown and he defeated the incumbent Adams in 1800. This election marks the first time in American history that the presidency transferred from one political ideology to another.

**1824 Andrew Jackson and Rise of the Second Party System** The Democratic-Republicans continue to dominate the presidency until 1824, when they split into two separate parties. Political participation by the public had grown exponentially, fueled by the change in many states to allow voters to select who would run as candidate for **President**. Before, the state legislatures chose the candidate. Several major candidates ran in this election, including the war hero Andrew Jackson. He won the popular vote largely based on gathering support from people in the South and West who wanted to expand the country's territory and remove Native Americans. The economy and expansion were major issues of the time. However, Jackson lost in the Electoral College. His followers were called the Jacksonian-Democrats, later simply Democrats, who did vote him into the presidency in 1828. The party that emerged as Jackson's opposition was the Whig Party, whose members wanted to encourage economic growth through national policies that Jackson considered unconstitutional.

**1860 Abraham Lincoln and Rise of the Third Party System** By the mid-1800s, the dominant issue in American politics was slavery. A third party emerged that was against slavery, called the Republican Party. Support for this party was concentrated in states that had abolished slavery, especially in the North. The original Jacksonian-Democrats had split into separate parties since the issues that had once unified them were now obsolete or minor in comparison to the current politics. Abraham Lincoln won the Electoral College in 1860 as the Republican candidate. No Southern states gave electoral votes to Lincoln, but their Democratic votes were split among several candidates. The Republican Party of Lincoln is the root of the modern Republican Party, and they supported many of the economic policies the Whigs had once encouraged, such as railroad building and high tariffs, which are taxes on goods imported from other countries—liberal policies. However, their power in making policy was tempered by the fact that there were still many conservative Democrats in Congress. Note that the ideology of the Republicans at that time was quite different from modern Republicans.

**1896 William Jennings Bryan and Rise of the Fourth Party System** The Democratic candidate in 1896, William Jennings Bryan, alienated Northern Democrats by supporting policies that would mostly benefit the interests of rural farmers concentrated in the South and West. Instead of slavery dividing the major parties, now the big issue was economic policies like currency and tariffs. Many Northern Democrats shifted their votes to Republican candidate William McKinley, who pushed for policies that would benefit cities and industry. The party names remained the same, but their membership and leadership shifted along with ideology and platform.

**1932 Franklin D. Roosevelt and Rise of the Fifth Party System** In 1932, the United States was dealing with the Great Depression, a severe downturn in the economy. Once again, the economy would cause a shift in the parties. Franklin D. Roosevelt, as the Democratic candidate, promised Americans a "New Deal" that would bring relief to struggling Americans from many different backgrounds, from cities and farms alike. He won the election and, as **President**, instituted many federal programs that would provide assistance and put people to work. The costs were high, however, and those who thought new deal policies gave the federal government too much power rallied behind the Republican Party, adopting views that are more conservative.

**2008 Barack Obama and ... What?** In the second half of the 20th century, a major change to note is that the South tended to vote more Republican than other regions of the nation. Other than that, analysts describe a period of decay for the political party. More voters than ever are registering as independents rather than as members of a major party. The two major parties sometimes have views that seem indistinguishable from one another in an attempt to capture the moderate voter. Third parties have had notable impact in several state and federal elections. Several Presidents have faced congresses dominated by the opposite party. In 2008, Democrat Barack Obama won the presidency, carrying many states that traditionally voted Republican. Analysts debate whether this indicates a new party realignment or simply further decay.



It's too early to tell.

### Political Parties Affecting Public Policy

The main goal of a political party is to run campaigns to get its candidates elected so they can affect public policy. The political party with the majority of seats in **Congress** has greater control over the direction of public policy that passes into law. The majority leaders in both the **House** and the **Senate** have some power over what bill ideas go to the committees for consideration. Lawmaking happens through majority votes of the legislators, so policies favored by the majority party are more likely to survive the process.

If the majority party is the same as the **President's** party, the **President** will have an easier time persuading **Congress** to follow their policy agenda. **Presidents** are considered the leader of the political party to which they belong. Presidents who have served during the time when the opposite party held the majority in Congress have found it more difficult to gather the support they needed. During such a time, it is more common for a **President** to use the veto power.

**State Governments** show similar trends between governors and state legislatures. State-level policies can provide a strong argument for or against a particular federal policy idea, depending on whether the program or law is successful in that state and which party supported it.

### Special Interest Groups

Like political parties, people form special interest groups because they share a common idea or experience and want to influence public policy. However, interest groups focus on a smaller range of issues, which usually relate to one another, and try to persuade those in office to enact policies that favor their position on those issues. Typically, a person will join a special interest group because they feel very passionate about the issue or issues addressed by the group.

One example of a special interest group is a labor union, which focuses on the concerns of workers, often in a particular field such as education. A prominent environmental interest group is the Sierra Club, which takes positions on many important national issues related to resource conservation and climate. A business corporation or an institution, such as a police department or school district, can even operate as a special interest group when a legislative body is considering a policy that would affect it.

Interest groups seek to inform the American public, as well as persuade lawmakers and other officials. The more support an interest group has, the more likely it will be able to convince lawmakers to pass or not pass a particular policy idea. Interest groups can form, dissolve, and change their policy focus depending on what issues are at the center of attention at any point in time.

Interest groups might hire lobbyists to meet with lawmakers. Many Americans think of lobbying as a negative term. They feel that special interests have too much influence over lawmakers and do not represent the majority of the public. To address these concerns, today's lobbyists must follow strict ethics

rules. Examples include several rules on when giving a gift to a government official is acceptable.

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**Lesson 5: Media and Politics****Unit 3****Media**

This refers to all the vehicles or methods through which a wide audience receives **Messages** and **Information**. It includes print media such as:

- Newspapers
- Magazines
- Books

A wide range of electronic media has emerged including:

- Digital music
- Music and Movies
- Smart Phones
- DVDs and CDs
- Digital Photographs
- Video Games

Electronic media that is used to transmit information to the public, like:

- Television
- Radio

is also known as **Broadcast Media**. Certainly various other visual arts can send a message to people, such as:

- Paintings
- Roadway Billboards
- Bumper Stickers

The internet may deserve a media category all of its own, since it combines so many different types of media. Any reputable news organization or media outlet would certainly have a presence on the World Wide Web today.

The term "*Mass Media*" usually refers to the news organizations and agencies that control images and audio delivered publicly through the various technologies. Newspaper offices, TV stations, and e-book publishers are just a few of these businesses. Media could seek to reach a local, regional, national, or international audience. It can focus on a particular type of message, such as political campaigns, or address a wide range of interests and topics. In the United States, the media have a key role in the relationship between the people and their government.

### Role of the Media in Politics

In a **Representative Democracy**, the media have an important role in helping **Elected Officials** and **Constituents** communicate with each other. **Candidates** running for office explain their platform and debate policy with other candidates through the media. A heavy cost of campaigning is the purchase of media time or space for candidates to relay their message to voters. They use multiple broadcast and print organizations to reach as wide a voting audience as possible.

The work of **Congress** and **State Legislatures** is available on television, in print records, and on Internet websites. Voters have the ability to review the work of their elected officials at any time. They can scrutinize the actions and voting record of a public official before choosing whether to support him or her during their re-election campaign. The public can use the media to send messages to government which relate how they feel about certain policies or about the leaders themselves. Communication from **Constituents** influences a representative's focus while in office.

The media are not just a tool for the public or for **Elected Leaders** to develop a relationship with the other. Those who work in the media have their own opinions and provide commentary on government-related activities and the reactions of the public. Choices made in the content and style of a political message can have a powerful effect on voters and officials alike.

In 2003, top officials in the White House engaged the public in a series of live chats, answering questions about President Bush's administration. Dan Bartlett, White House Director of Communications at the time, participates in one of these chats from his office in the White House. In the years since, presidents have used social media to directly connect with the public.

### The forming of the Media

**Pre-1800** Several important developments related to **Print Media** occurred prior to the founding of the **United States**. In the 1400s, *Johan Gutenberg* developed movable type, making the publishing of large volumes of newspapers and books possible. The first daily newspaper, the advertisement in print, the **Postal Service**, and a written journal geared for a specific audience appeared in the 1600s. *Benjamin Franklin* is a famous American of the 1700s who started the first circulating library and published the first political cartoon. That century also saw the first experiments with wood-based paper and steel point pens to replace feather quills. **Print Media** was the dominant form for political communication in the early **United States**, including transcribed speeches of officials. The *First Amendment* was created in part to protect the rights of free speech and press.

**1800s** The mid-1800s saw an explosion of new American newspapers, magazines, and novels. Print media was still dominant, and newspaper editors and writers used their media to share the words of important leaders and to send political messages of their own on specific topics.

**1890s** Throughout the 1800s, developments such as photographic film and the telegraph paved the way for radio and film in the 1890s. The ability to see realistic images and hear the voices of political leaders would help the public relate to them. Both would grow to become primary media for delivery of general news and information about politics through the early 1900s.

**1930s-1960s** Television was developed in the 1930s and was revealed to an awed world audience at the 1939 World's Fair. TV ownership among Americans would not be common for several more years. Yet soon many realized its potential not only for entertainment and commercial advertising, but also political advertising. As television ownership in the United States rose, so did television's role in politics and elections.

**1980s** In the 1980s, digitized recordings were developed. Compact discs, or CDs, began to replace cassette tapes. Videocassette recorders, or VCRs, made possible a wide exchange of recorded sound and video. Soon the DVD, or digital video disc, would replace the video cassette. Not only could people purchase their favorite movies and music, they could now record broadcasts they otherwise would miss due to work or family obligations. Political communications such as the annual State of the Union address or political debates could now be viewed at one's leisure. Of course, you had to have the required equipment.

**1990s** The internet, developed in the late 1960s, was made available to the public audience in the early 1990s via the internet. These inventions would transform and diversify the nature of political communications in the **United States**. While the internet expanded the increasing use of technology that was already available, the most significant achievement was the development of social networking worldwide. The instant access to information and ideas has led to greater scrutiny of elected officials and public policies. The later years of this decade saw an explosion of cell phone users. Today, most Americans own a smartphone rather than a cell phone. Candidates for office, government agencies, and elected officials continue to explore and leverage new technologies as rapidly as the American public embraces them. Recent presidents have made use of social media to connect directly with the public.

### State of the Union Address

The Constitution states that one of the duties of the president is to deliver an annual message to Congress about the state of the union. In 1801, Thomas Jefferson wrote his message to Congress, starting the tradition of delivering the information in writing. President Calvin Coolidge was the first to have his speech broadcast over radio in 1923. The 1947 address by President Harry S. Truman was the first to be televised. President Clinton's speech was the first broadcasted over the World Wide Web in 1997.

While primarily intended for Congress, it soon became an important medium for a president to explain his policy agenda for the nation in the coming year. The speech gives representatives and senators an idea of the policy changes the president may ask for. It also helps inform the public of these changes,

bringing attention to a wide variety of domestic and foreign policy issues. Now, during, and immediately after the president delivers the speech each year, Americans can access videos and text transcriptions of the speech over the internet.

**Fact Checking the President** Each year the State of the Union Address is scrutinized for "spin." Spin is the phrasing of information and facts in a way that benefits the speaker's interests. Presidents usually announce that the state of the union is "strong." They credit their own efforts for that strength and outline their plans to make it even better. To be fair, the analyses of the president's speech can contain just as much spin themselves, whether from opposing political groups or reputable news media. Below, examine the facts relating to statements of President Obama in his first State of the Union Address.

### **Bias Affecting Political Communication**

The media are, naturally, made up of people who have their own ideas and perspectives about the way politics should work. Those responsible for creating, delivering, or distributing political messages can shape or alter their impact in different ways. Some examples include a campaign ad, televised speech, personal interview, or other various formats. During or after a campaign debate, reporters will discuss on television, radio, and the internet their opinions on what the candidates had to say. The commentary can range from objective analysis to overt bias.

Bias is a preference toward a particular belief or attitude. Often people think of "bias" as a negative thing, especially when in the context of stereotypes of a general group of people. However, people naturally have preferences, and bias can be positive or neutral, instead of negative. For instance, you could have a bias towards a favorite flavor or brand of ice cream. A preference of one brand is not negative but does show a bias for one thing over another. The same is true for biases concerning an individual's political ideas.

Bias in political messages delivered by government or the public through the media can manifest in different ways. It can be obvious. For example, you would expect a Republican senator to support a conservative policy agenda. Yet some messages are much more subtle. You might hear people refer to a particular TV channel as conservative or liberal. People who work for it may not directly say they favor a particular bias or that their bosses want them to favor a particular bias, but we can discover bias by the nature of their various stories and attention to different policies and officials.

**Definition 32.** (Bias) Bias is a preference toward a particular belief or attitude. Political messages, by their very nature, exhibit bias. Whether a speech, advertisement, or other type, a political message is trying to convince people to support a policy idea, group, or candidate for office. A political advertisement, such as an ad promoting a candidate for office, has bias because the maker shows preference toward a particular belief or attitude. Bias may be evident in a political message through its different forms, such as accuracy, omission, and emotional appeal.

**Definition 33.** (Types of Bias–Accuracy) Often, the strongest persuasive arguments use facts and statistics to back up their position. Those that disagree with the position have a harder time arguing against it in the face of research and evidence. However, political messages are sometimes vague about facts or may distort them.

For example, during a debate a candidate may point out that his opponent failed to stop an increase of crime while serving as the local police chief. Perhaps that's not the whole story. The former police chief points out that while the specific number of crimes rose during her tenure, so did the population. She defends his attack by pointing out data that shows the number of crimes per person did in fact decrease. By making a general statement that crime increased under the police chief's watch, the first candidate has distorted the facts in an attempt to sway voters' support away from his opponent.

**Definition 34.** (Types of Bias–Omission) Another type of bias that is similar to accuracy is the strategy of omission. Omission happens when a political statement or advertisement leaves out key information related to the contents of the message.

For example, the opponents of legislators running for re-election often point out when the legislator has voted against a popular policy idea, especially when that vote seems out of line with the legislator's political party or ideology. What the opponent's message may have left out are the reasons why the legislator voted against it. Perhaps there were two similar bills on the issue and the legislator thought the other one would be better. Alternatively, perhaps a small part of the proposed bill was problematic, and the legislator hoped to kill that bill and draft an improved one. Whatever the reasons, purposeful omission of details is used in political media in an attempt to influence voters, and candidates sometimes are forced to explain their omissions in debates or media interviews.

**Definition 35.** (Types of Bias–Emotional) Appeal–Besides the selective choosing of facts and details, political messages can sway voters by appealing to their emotions. Statements and visual images that appeal to our personal values, beliefs, and desires can elicit powerful emotional reactions, either positive or negative.

For example, political candidates will often pose for photographs with their children or grandchildren. Without stating it obviously, it sends a message to capture the emotional appeal that the candidate values family and children, a common value held by most Americans. Interest groups may run ads describing the consequences they predict will come if a certain policy idea is not changed. For example, an animal rights group might show images from farms or slaughterhouses that people find disturbing to convince them to demand laws that would increase protection for animal rights.

**Definition 36.** (Symbols) Symbols are images or text in advertisements that represent something else or have a meaning not obvious from the picture itself. For example, a donkey is the symbol for the Democratic Party while an elephant is the symbol for the Republican Party. The symbols originated in political cartoons of the 1800s. Today, the donkey and elephant are rather benign, though symbols can reflect bias and political messages.

For example, candidate ads that use an American flag are trying to convince viewers that the candidate is proud of his or her country. The flag stands in as a symbol for patriotism. Another example of the symbol in political messages is clothing. For example, when appearing before a group of mineworkers to discuss her plans to increase benefits for them, a candidate is not likely to wear a business suit. She may wear jeans and a shirt with rolled up sleeves, sending a subtle message that she can relate to the mineworkers and their concerns.

**Definition 37.** (Propaganda) Propaganda is information an organization or government sends out to promote a policy, idea, or cause. In general, it means any type of political message with a bias. An advertisement is a type of propaganda. Many people think of the word propaganda as something bad, but its original meaning is neutral. Propaganda can promote both popular and unpopular ideas.

### Regulation Affecting Political Communications

Regulatory policies affect the nature of political communications, with the goal of protecting *equal access, objectivity, and competition*. Since its founding, the **Federal Communications Commission** has operated as police of the airwaves, enforcing decency standards like limitations on use of profanity during the hours when children are more likely to be in the audience. The executive agency also created rules for political campaigns.

The **Federal Communications Commission** expected the media to perform a public service by being a source of information on critical issues within the community, such as disaster preparedness. Regulations prevented a media organization from buying out the majority of limited radio and broadcast channels and consolidating toward monopoly. This protected viewers' rights of choice in programming, as well as ensuring access to multiple perspectives and news sources. Media ownership regulations were common throughout the twentieth century, such as inhibiting one company from owning both a newspaper and a TV station in the same market at the same time. **Congress** relaxed or eliminated these regulations in the 1980s and 1990s. They still exist, but the **Federal Communications Commission** is not required to enforce them.

The **Telecommunications Act** of 1996 in particular relaxed ownership rules. Today, 6 corporations own the majority of *TV and radio airwaves, movie production companies, publishing companies, and well-known internet sites*. The **Walt Disney Company** is one of the corporations, owning companies such as **ESPN television channel** and **Pixar Animation Studios**.



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**Lesson 6: Elections and Voting**

**Unit 3**

## CHAPTER FOUR

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### Courts and Civil Liberties

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## Unit 4

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### Lesson 1: The Judicial Branch

Unit 4

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Lesson 2: Judicial Review

## Unit 4

**Judicial Review**

Since 1789, the **Senate** has not confirmed about  $\frac{1}{4}$  of **Presidential Nominations** to the **Supreme Court**. In 2005, *Harriet Miers*, a lawyer working for *President Bush*, requested that the **president** withdraw his nomination of her to the **Supreme Court** amid **Senate** criticism, including that *Miers* had never served as a judge.

**Definition 38.** (Judicial Review) The reason why **Federal Judges** are so important is because they have the power for **Judicial Review**, which is the power of **Federal Courts** to review laws of **Congress** and acts of the **Executive Branch** in light of the **Constitution**. By making such a judgment, the court is declaring the law or act to be void and unenforceable—citizens are not bound to and **Executive Agencies** may not enforce the law or act.

This is a powerful check of the **Federal Judiciary** on the other branches of government, since this power can undo **Public Policy**. The **Supreme Court** can check the **State** and **Local Governments** through this power as well. While the main job of the **Judicial Branch** is to interpret law, the **Constitution** does not mention **Judicial Review** directly.

**Marbury v. Madison**

*"The courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority."*

**Figure 4.1:** Alexander Hamilton, Federalist No. 78

*Alexander Hamilton* described the role and functions of the **Judicial Branch**, including the power of the **Judicial Review**. In this quote, he names the courts as protectors of the people and a check on the **Legislative Branch** because they can overrule laws that are outside the scope of their powers under the **Constitution**. While newspaper essays published during the **Constitution** ratification debates do not have the force of law, the words of *Hamilton* and others had a powerful effect on increasing the understanding of the intentions of the framers.

*"The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. Where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental."*

**Figure 4.2:** Alexander Hamilton, Federalist No. 78

In this quote, *Alexander Hamilton* explains that the **Constitution** is the "*Fundamental Law*" of the **United States**, representing the will of the people, and therefore superior in authority to any law passed by a legislative body that conflicts with it. He explains that when judges face a conflict between a **Law** and the **Constitution**, they must base decisions on the Constitution.

**Marbury v. Madison** In 1803, the **Supreme Court** decided the case of **Marbury VS. Madison**. Here's the background to the case:

- President John Adams appointed William Marbury to a federal position as he prepared to leave office.
- When President Thomas Jefferson took over, he ordered his Secretary of State James Madison not to deliver the commission required for Marbury to take office. Marbury was from an opposing political party.
- Marbury then filed a lawsuit for the court to force Madison to deliver the commission.

*Chief Justice John Marshall* delivered the **Court Opinion** that neither the **President** nor his **Staff** could withhold the commission, that to do so would violate **Federal Law**.

This case may seem insignificant today, but it set an important precedent. In **Marbury VS. Madison**, the justices determined that the Supreme Court could decide whether an act or law is a violation of the Constitution. The decision also made clear that one role of the Supreme Court is to clarify the meaning of laws and have the final say on interpretations of the law and Constitution.

While most scholars agree that this case established the power of judicial review, they do not agree on the scope of that power. The **Constitution** is not specific on the powers of the Supreme Court. So there are questions such as whether the Supreme Court can declare any law, statute, or act as unconstitutional or whether it is limited to certain areas. Chief Justice Marshall had a strong role in shaping its role and powers through decisions such as *Marbury v. Madison*.

*"It is emphatically the province and duty of the judicial department to say what the law is. A law repugnant to the Constitution is void."*

**Figure 4.3:** Chief Justice John Marshall, *Marbury VS. Madison* (1803)

The first part of this quote echoes Hamilton from Federalist No. 78. Chief Justice John Marshall and his associate justices ruled in *Marbury v. Madison*

that Madison's refusal to deliver was illegal. However, the Supreme Court did not compel the appointment nor did it have the power to do so.

The Court ruled that a portion of the law allowing Marbury to petition the Supreme Court, the Judiciary Act of 1789, was unconstitutional because it expanded jurisdiction of the court beyond areas described in Article III of the Constitution. Therefore, while the Supreme Court ruled it illegal for Madison to withhold the appointments, it could not force him to deliver them because according to the Constitution, the matter should never have come to the U.S. Supreme Court.

### **Judges Make Policy**

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Jan 10 2022 Mon (16:54:00)

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**Lesson 3: The Decision****Unit 4****Types of Judicial Opinions**

When a federal court makes a decision on a case, it publishes an official document explaining the ruling, called an opinion. In courts with a panel of judges that rule by majority, such as the Supreme Court, it is possible that not all of the judges will agree on the final decision. For this reason, multiple opinions may be published for each case.

The majority opinion reflects the official ruling, the decision to which the majority of justices agree. The Chief Justice of the Supreme Court, if part of the majority, will write the majority opinion. If the Chief Justice is not part of the majority, he or she will assign an associate justice to write the formal opinion. A justice in the minority will write a minority opinion, also called a dissent or dissenting opinion. In it, the justice describes why he or she does not agree with the majority and what the ruling should have been. The other justices may add their signatures to the majority or minority opinion as appropriate, though often one or more will write a separate concurring opinion. A concurring opinion agrees with either the majority or minority opinion, but for different reasons or while disagreeing with a specific part of the opinion.

A per curiam is a ruling explained by the court as a whole, rather than individual opinions of all the justices involved. The Supreme Court rarely writes a per curiam decision.

**Interpretations Differ**

Many things can affect a judge's interpretation of the law. One of the most important is Stare Decisis, meaning prior decisions on the case or related situations. The decisions of the lower courts on a specific case factor in to the judge's decisions, as well as their own court's decisions on related cases from the past. These prior decisions are called precedents.

The way a judge interprets and applies the laws, precedents, and Constitution to a particular case can vary, just as you can be flexible or literal in the way you understand language. "Strict constructionist" describes judges that favor a literal interpretation of the laws, court decisions, and Constitution. "Activist" or "loose constructionists" describes judges who have a more flexible view of the law, seeing it as able to apply to new situations not described or anticipated by the original law.

Americans debate whether one style of interpretation is more appropriate than the other. The term "activist judge" has a negative connotation for many, implying a judge who makes decisions beyond the scope of his or her power. However, others note that judges who have favored more loose interpretations of the law are precisely the reason Americans have more protection for civil rights today.

**Symbolic Speech**

Some of the most famous Supreme Court rulings involve the First Amendment from the Bill of Rights, which protects the freedoms of religion, speech, press, assembly, and petition-

Remember that rights are not absolute, so laws and court rulings have affected the way they are interpreted. The meaning of the term "free speech" has been the subject of heavy debate. View this slideshow to see how two landmark Supreme Court cases have affected interpretation of the term "free speech."

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Jan 10 2022 Mon (16:55:38)

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**Lesson 4: Civil Rights****Unit 4****Protecting Civil Rights**

The Declaration of Independence and the U.S. Constitution provide a strong foundation for the protection of U.S. citizen's rights. People have used language from each to support arguments that certain laws or practices unfairly restrict their rights.

Early Americans emphasized the last paragraph in the Declaration of Independence, the one proclaiming that split from Britain. Over time, Americans have focused more on the idea of rights that are inherent to humans. The great legacy of the document is the idea that individual rights come not from any government, but from "their Creator." This ideal has led citizens to sometimes reject a government or law that they feel violates their rights.

Legislation, Supreme Court cases, and amendments to the Constitution have all been justified through interpretation of these documents. These government actions, built on a foundation of constitutional principles, have expanded civil rights to more people a little at a time.

**Civil Rights Expansion**

By the mid-1820s, the number of eligible voters grew, since most states had dropped the requirement of property ownership in order to vote. Large groups of people were still excluded though, like African Americans, who were enslaved in the South and were not recognized as legal U.S. citizens. Women could not vote, either. These groups also faced discrimination in public spaces and in employment.

The Civil War was a bitter war, fought from 1861 to 1865 in the United States. The Northern Union and Southern Confederate sides disagreed over issues such as slavery and the rights of state government. In the five years following the war, during what is known as Reconstruction, states ratified the 13th, 14th, and 15th amendments. These three amendments changed the Constitution to establish former slaves as U.S. citizens, giving them the same protections and rights as other citizens. The amendments would lead to other legislation, amendments, and court cases that targeted the civil rights of African Americans but influenced the rights of other groups of people, as well.

**Incorporation**

The Civil Rights Movement and its associated landmark cases and legislation are associated most with African Americans; however, other groups such as women and Hispanic Americans benefited from the reforms, as well. Additionally, the Supreme Court made other rulings in the 20th century that expanded civil rights to other groups. A key feature binding many of these rulings together is they lead to incorporation of the Bill of Rights.

In an 1833 case, the Supreme Court ruled that the Bill of Rights applied only



to the federal government, not the states. This began to change with various cases in the 1900s, especially around the time of the Civil Rights Movement and the Warren Court. Piece by piece, the Supreme Court ruled in a series of cases that state governments also had to uphold most of the rights protected in the Bill of Rights. They based their decisions on the "due process clause" of the 14th Amendment that states in part, "Nor shall any State deprive any person of life, liberty, or property, without due process of law." In other words, a state may not place a person in jail, take away their rights, or take their property without law enforcement following certain procedures to ensure fair conduct. Thus, the process of incorporation further expanded civil rights to citizens of all states.

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**Lesson 5: Comparing Governments****Unit 4****Types of Governments**

The country's constitution, laws, and traditions play a big role when organizing the basic structure of its government. But, it doesn't all last. For example, a war could lead to a brand new constitution. New laws, change in leadership, and conflicts can lead to a different government structure. When new people come to power with new ideas, they will create laws that may change the way the government works.

The terms we use to describe styles of government can apply to multiple countries, with no two countries having exactly the same features.

The three main types of government differ in how much power the people have in making decisions:

- democracy
- oligarchy
- autocracy

Governments also differ in how they manage their political divisions, such as state or local governments. Some of the arrangements are:

- unitary
- confederation
- federation
- parliamentary

**Best Government**

A country's leaderships considers many factors, including geography, resources, and culture when trying to determine the most suitable form of government.

Countries can change their form of government, with new policies that shift power structures over time. Countries with autocratic or oligarchic rule have made reforms toward democracy in the last few generations, a process called democratization.

**Definition 39.** (Representative Democracy) A government that is elected by citizens.

**Advantages** Citizens have an active role in making decisions. They elect their leaders. The leaders know that they must meet people's needs to stay in office. Leaders who do not represent voters well will not win re-election. In some places, voters could take them out of office early!

**Disadvantages** Making decisions is very time consuming. It is difficult to get the majority of elected leaders to agree on decisions. Leaders do not always make decisions that satisfy the voters.

**Definition 40.** (Oligarchy) A government which is ruled by a small group who are in complete control.

**Advantages** Decisions can be made quickly. The leaders of an oligarchy usually share similar views, so it is easy to agree on decisions.

**Disadvantages** Oligarchies often must use force to stay in power. The leaders may not consider the people's wishes when making decisions.

**Definition 41.** (Autocracy) A government with one person in absolute power.

**Advantages** Decisions can be made quickly since the ruler does not need to consult others.

**Disadvantages** Leaders of autocracies have often ignored the people's needs and wants. He or she can make decisions for his or her own benefit. Decisions can be very poor since no one is consulted. Basic civil rights of the people usually do not exist or are not protected.

**Definition 42.** (Unitary) A government of political organization where most or all of the governing power is in a centralized government.

**Advantages** The same rules, policies, laws, and standards are the same throughout the nation. There is less overlap of services and therefore less chance of wasting tax dollars and government resources. The nation has greater unity and fewer conflicts between different levels of government.

**Disadvantages** The central government may not be aware of issues in local areas and therefore may be slow to do anything about them. On the other hand, if the government is too involved in local concerns, it can neglect people in other areas or issues of national concern.

**Definition 43.** (Federation) A government formed by separate states that have given certain powers to a central government while keeping control over local matters.

**Advantages** It has unity as one nation but local governments address local concerns. Central government can focus on national issues and relationships with other nations. Citizens have opportunity to participate at multiple levels.

**Disadvantages** Government services may overlap at different levels. This can be inefficient and lead to waste or service failure, especially in a crisis. There may be conflict and power struggles between different levels of government.

**Definition 44.** (Confederation) A government confined to a permanent union of sovereign states for a certain common purpose.

**Advantages** Power is focused at the local levels of government. It prevents abuse of power by a large, central government. Members of a confederation can keep their laws and identities while cooperating with others on shared concerns.

**Disadvantages** Central government may be too weak to be effective. There is little to no unity or common laws across members.

### Measure Democracy

We can use many different types of data to evaluate the democratic nature of a country's government. For example, many people relate a higher gross domestic product (GDP) with greater levels of democracy. However, it is important to look at many pieces of data, both qualitative and quantitative. No study has proven that one data type perfectly correlates with a country's level of democracy. We must study different characteristics of a government, as well as statistics, to make a fair judgment.

In addition, a single number can be misleading because countries vary a great deal in size and population. Data "per capita" gives a better idea of daily life. Analysts label many pieces of data, such as GDP as "per capita" or "rate" to show the data by each person or a certain number of people.

Here are some indicators for a democracy government:

1. GDP
2. Internet Users
3. Education and Literacy Rate
4. Economy and Natural Resources
5. Culture, Population, and Elections
6. Freedom House

### **Democratization Taking Place**

Democratization is the name for a process where a country changes to a more democratic government. History is full of examples of such changes, such as U.S. independence and the transitions in Europe from powerful monarchies to republics. Freedom House reported that between 1972 and 2005, dictatorships fell in 67 countries. Some places noted for changes toward increased democracy in the twenty-first century include Hong Kong and Myanmar. However, democratization is not always a matter of constant progress or a linear process. It can, and has, faced setbacks in many places and times.

Hong Kong, once a colony of Britain, is a special administrative district of China and has greater sovereignty than other parts of the country. Its market economy is much freer of economic control than mainland China. The people have been debating whether to implement reforms that would increase democracy, such as universal suffrage and increasing the number of representatives in the district's government. Yet Hong Kong has had large protests in recent years, reflecting its people's lack of approval for the degree of progress in democratic reform. A new law in 2020 puts restrictions on free speech and casts doubt over the future of democratization in Hong Kong.

From 1962 until 2010, Burma, now the Republic of the Union of Myanmar, was under military control. Since 2008, the country has enacted democratic reforms, while receiving heavy foreign criticism for accusations of fraudulent elections, police violence, and corruption. Pro-democracy leader Aung San Suu Kyi was released from house arrest in late 2010, allowing her to freely travel the country and continue activities that support reform. In 2016, Suu Kyi was even elected to serve in executive positions. However, in that time Suu Kyi has also faced international criticism for her leadership, such as inaction in the genocide of the Rohingya people. As a result of the contested 2020 election, there was a military coup d'état in early 2021. The military resumed control of Myanmar and placed Suu Kyi and the nation's president under house arrest.

### **Government's Affect on Resource Use**

The degree to which government controls natural resources may be an indicator of the extent of democratic reforms occurring within a country. Many countries are lucky to have plenty of natural resources and arable land. From oil to fuel, agricultural or mining machines, and land to grow corn, the United States is rich in resources. Finding more uses for a natural resource increases its value. For example, corn has many uses besides food. Ingredients made from corn are important to producing paints, paper, stamps, tape, and medicines. Because the United States is rich in natural resources, it has many products it can sell and trade. Countries that lack natural resources can stimulate their economy in other ways, such as providing services. Services include web design, restaurants, hotels, and cleaning companies. Islands in the Caribbean, such as the Bahamas, export few types of food yet the tropical climate and short distance to the United States have created a booming tourist industry.

Other countries have resources the United States does not. For example, bananas are popular among Americans but are difficult to grow in most parts of the United States. The U.S. imports, or brings in, a majority of bananas from

other countries. The United States exports products to countries on every continent. Even in a free society, the government can play a key role in how the people use and manage resources, including rules for import and export. It might lower taxes on certain industries to encourage people to increase production in those areas. It sets regulations to increase consumer and worker safety as well as protect the environment. A country could ban goods produced in certain countries deemed inferior or produced in an unacceptable manner. A recent example is the public awareness campaign of violence and child soldiers in Africa, linked in part to trade in illegal diamonds. International organizations have created policies aimed at preventing profits from illegal trade from going to groups that spread more violence and discourage democracy.

### **Examples of Resource Management**

After World War II, resource use and management grew into an important political issue in countries around the world, especially in industrialized countries heavily dependent on natural resources such as oil. Environmental concerns grew as people discovered the negative impacts of pollution. Most governments have policies related to production and consumption of various national resources, as well as imported resources. They often encourage expansion of renewable resources.

Governments have also come together through international organizations to cooperate in these efforts and protect Earth and its resources for future generations. Participation in these initiatives varies, with some countries resistant to rules imposed by outside groups or rules that seem unfair, given their own political or economic conditions. A crisis can have a great impact on these initiatives and their application around the world.

**Waste** All living things produce waste through their daily activities, with people in industrialized countries being some of the worst offenders due to use of plastics and chemicals that are not easily recycled. Factories produce great amounts of waste that can find their way to waterways and pollute both air and water. Efforts to reduce waste and use renewable resources exist everywhere, from small communities to international organizations.

The American public was increasingly concerned about the environment and waste in the 1960s and 1970s. President Richard Nixon established the Environmental Protection Agency in 1970 to address the concerns. Congress has created legislation that businesses must follow to reduce pollution and waste. The EPA is in charge of regulating and enforcing those laws. For example, the EPA sets limits for gas waste that a factory can release into the air. It has rules about how businesses should handle all types of waste, such as preventing chemicals from draining into rivers.

**Oil** The cost of oil and its products is a top issue in many countries, as they depend on it for their main source of fuel in a wide variety of human activity. In 1960, representatives from five oil-rich countries met in Baghdad, Iraq and created the OPEC organization, or the Organization of Petroleum Exporting Countries. OPEC coordinates policies on petroleum in its member

countries, with the mission of keeping prices and supply stable for consumers around the world. Examples include maximums for amounts of oil drilled in a given timeframe and minimum prices for a barrel of crude oil. Some people, including many in the United States, have a negative view of OPEC as unfairly controlling oil prices and access in a way that benefits themselves or political allies. They think the natural forces of supply and demand should control prices and supply, a value common to democratic countries with market economies. In the United States alone there are over 300 oil refineries. Refineries break down oil into parts to create the products used in homes and businesses each day, such as motor oil, kerosene, petroleum, and gasoline.

**Emissions** Emissions are the gases released into the air from fuel consumption such as that of gasoline-burning engines. They are a global concern because of scientific analysis that Earth's climate is undergoing change and humans are part of the problem.

The Paris Agreement was signed by the majority of the world's nations in 2016. It is intended to replace the Kyoto Protocol; like this earlier pact, the Paris Agreement is a commitment to reduce emissions as quickly as possible. Each participant nation agrees to find ways through its own laws and regulations to reduce pollutants from factories and consumers. Both the Paris Agreement and its predecessor have been controversial in the United States. This is because increasing regulations is often costly for government, businesses, and individuals. However, the United States has made significant strides in reducing emissions since passage of its Clean Air Act of 1970.

Jan 11 2022 Tue (09:23:07)

**Lesson 6: Foreign Policy****Unit 4****Domestic vs. Foreign Policy**

**Definition 45.** (Domestic Policy) **Domestic Policy** is the decision, laws, and programs that address issues within a country. It includes laws related to education, such as minimum hours of instruction needed per grade, and those related to the environment, like the maximum level of emissions allowed for a factory. The lawmaking process in Congress determines domestic policy with input from the people, the president, and other officials.

**Definition 46.** (Foreign Policy) **Foreign Policy** is the decisions and programs a country creates that affect relations with other countries.

**Domestic** and **Foreign Policy** can affect each other. For example, many foreign policies require funding, and the money needed might come from the federal budget, which is a domestic policy. Another example is how regulation of immigration policies can affect relationships with other countries. In the United States, the goals of foreign policy reflect American values, principles, and domestic policy.

**Approaching a Foreign Policy**

In a representative democracy like the United States, many people and groups affect foreign policy, sometimes creating conflict with one another. The U.S. president has the most influence over foreign policy as he or she is the main person who meets with foreign officials and leads the military, but the president cannot act alone. Managing the information and recommendations for policy change from around the globe is an enormous task. Presidential advisors in several departments provide information and advice, such as the Secretary of State who meets with leaders of other countries and the National Security Advisor. Under the Constitution, the president can send troops into a conflict and make treaties with other countries. He or she appoints ambassadors and other federal officials as well.

The Constitution gives Congress certain powers that deal with foreign policy. Though the president is the leader of the military, only Congress can declare war. The Senate must approve treaties with foreign countries and presidential nominations to ambassador and advisory positions. Congress must approve how the president spends the federal budget.

Conflicts of power between the executive and legislative branches are common in the area of foreign policy. For example, many presidents have sent troops into a conflict without prior authorization or a declaration of war from Congress. Congress passed the War Powers Act in 1973 to place limits on this power.

Yet as long as Congress authorizes more money for a conflict, the president



can continue the military presence. For example, U.S. soldiers remained in Vietnam for twelve years without a war declaration, from 1961-1975. However, countries differ in the relative amounts of power between officials in the area of foreign policy. The British prime minister, for example, can declare war without waiting for Parliament's approval.

Public opinion and interest groups can complicate foreign policy, with every side having different interests in its effects. Business owners trading with those in foreign countries have specific concerns related to trade laws, tariffs, and maintaining peaceful government relations.

Critics of democracy say that foreign policy is a democratic country's weakest point, that it is too dependent on the people's will, which compromises sensitive operations. They say most people have little understanding of foreign policy, as it does not affect their daily lives. Others note that public opinion in fact has a positive effect on foreign policy by keeping officials honest and open about its activities.

**Introduction** Each country approaches foreign policy in different ways and can change it for many reasons. New events might require a change in approach. Different approaches might be used for different issues or countries, and they may be used at the same time. The approaches vary in how intensely a country becomes involved with another. [Image of a spectrum with arrow pointing to the right stating "Intensity of government action increases."] A spectrum shows the range of approaches from least interaction, or isolation, on the left. The other extreme, imperialism, is all the way to the right. Examine each approach to learn more.

**Isolation** Leaders might decide not to work with other countries other than for trade. We call this approach isolation which is a foreign policy approach of a country that separates itself from events in other countries. True isolation would be very difficult to achieve because of the interdependence of the world's countries. Conflict, natural disaster, and human rights crises in one country can disrupt trade and create heavy economic consequences for others. Leaders and the media from around the world may heavily criticize a country that has the power to help but chooses not to get involved. President George Washington advised avoiding "entangling alliances" that would surely lead the country into unnecessary war. The brief periods of isolation in the history of U.S. foreign policy illustrate how difficult, and undesirable for many, it is to maintain.

North Korea, as one of the few remaining communist countries, is often described as one of the most isolated countries in the world. It relies on China for the vast majority of trade and limits who can enter and leave the country. The government controls major industries and access to information. Its foreign policy has focused on building up its military and possible reunification with South Korea, though tensions between the two and their allies complicate these plans.

**Diplomacy or Internationalism** The foreign policies of most countries fall between the extremes on this spectrum. Leaders that focus on diplomacy,

or discussion between leaders or representatives from separate nations, talk often with other world leaders. They wish to address problems before they become conflicts. Ambassadors are people who work in other countries or international organizations for diplomacy. The United Nations was formed after World War II, hoping that through frequent discussions and solving problems together, it could prevent world war in the future. Organizations based on trade are common as well, with the purpose of economic agreements to promote peaceful relations and economic growth for members. The United States has been a founder and active member in many international organizations. Examples include the Peace Corps and UN ([insert links here](#)). Each organization has a different focus. Peace corp example [here](#). For example, one may have military alliance focus. Members agree to help protect each other if one is attacked. Another group may focus on economic issues and helping developing countries. It could assist countries with increasing trade and managing their resources.

**Interventionism** Sometimes leaders believe they must use military intervention to deal with a problem. What separates this foreign policy position from internationalism is the sending of armed troops into a conflict zone, whether the action does or does not have a direct relationship to domestic security. The invasions of Afghanistan in 2001 after the September 11th terrorist attacks and Iraq in 2003 reflected interventionism. Though those country's governments did not directly sponsor the terrorist attacks, evidence showed they supported or possibly encouraged them. This is especially the case concerning the Taliban in Afghanistan, which was known to support the terrorist organization responsible for that day's attack. The U.S. military was successful in removing the corrupt leadership from both countries, and efforts to help the people rebuild the country, both politically and otherwise, continue with U.S. support.

Acts of intervention often happen in coordination with other countries and international organizations. The United Nations, for example, has its own policies for when and how it will send military into a conflict and will request troops from member countries to support these operations. However, membership in the United Nations does not stop countries from acting alone. The United States asked for U.N. support to invade Iraq in 2003 but was denied. With support of key allies, including Britain, the U.S. military went anyway.

**Imperialism** The opposite extreme approach from isolation would be invading to take over territory from another country, known as imperialism. This is usually a unilateral attempt, meaning without support from allies, to assert control over an area not within a country's accepted borders. One example is the Iraq invasion of Kuwait in 1990, which actually led to the first U.S. intervention in that country with the goal of protecting Kuwait's independence (which was successful).

The reasons for imperialism vary but there is typically some specific goal or aim in mind that benefits the imperialist country, such as access to oil reserves and seaports in the case of the Kuwait invasion. The United States tried in the 1960s and early 1970s to prevent North Vietnam, a communist country, from

reunifying with South Vietnam under its communist rule. South Vietnam was democratic and the United States was trying to "contain" communism, or keep it from spreading and threatening U.S. interests. In a powerful example of the pressures of public opinion, that effort was not a success, as American support for it fell and other problems mounted. Vietnam is one of the few remaining communist countries today.

### **Examples of Foreign Policy Influence**

A key difference between foreign and domestic policy is the timing. Foreign policy decisions often are more time-sensitive or about an urgent matter that needs to be addressed. This is why people debate the relative roles of the executive and legislative branches in making foreign policy. The president often cannot wait for Congress to make a decision on an issue before taking action.

In the following activity, imagine you are the U.S. president facing each situation. Select the course of action you would take and see how it compares to the choices of real U.S. presidents.

### **Human Rights**

The idea of rights belonging to humans through God or nature originated during the Enlightenment and was indoctrinated in the founding documents of the United States. Many other countries have since established basic rights for citizens in their own legal documents and policies. The concept of universal human rights, or rights belonging to all people everywhere and transcending borders and governments, is relatively new.

### **Examples of Human Rights Policy**

Creation of the Universal Declaration of Human Rights, like the U.S. Bill of Rights, is just a start and not an end to human rights policy. Enforcement of the rights requires a collection of interlocking agreements, treaties, and domestic policies. The United Nations creates sanctions for countries that fail to abide by its agreements, but that is not always enough to stop human rights abuses, nor is political pressure from various countries always effective. Unfortunately, human rights issues are constant around the world, though some are resolved through diplomacy or intervention. While most of the world's countries participate to some extent in the international community, leaders often resent attempts of other countries to interfere with what they may consider solely a domestic issue.