WHAT CHALLENGES MIGHT FACE AMERICAN CONSTITUTIONAL DEMOCRACY IN THE TWENTY-FIRST CENTURY?
The U.S. Constitution has proven to be remarkably resilient. It has survived more than two centuries because it has been able to accommodate massive transformations in American life, including the increasing diversity and size of the nation and a traumatic civil war. The constitutional system provides Americans many opportunities to participate in local, state, and national affairs. At home and abroad its principles and ideals have inspired people. In this, the twenty-first century, its resilience will continue to be tested.

In this unit you will learn about American citizenship and opportunities for participation in local, state, and national government. You also will learn how the American constitutional model has influenced other countries and international organizations. Finally, you will consider some challenges facing American constitutionalism in the future.
Justice Louis D. Brandeis once remarked that “the only title in our democracy superior to that of president is the title citizen.” Brandeis was acknowledging one of the oldest principles of American democracy, part of the nation’s legacy of classical republicanism. America’s experiment in self-government depends foremost not on presidents, members of Congress, or justices, but on each of us as citizens. This unit begins with a discussion of influences of classical republicanism and natural rights philosophy on Americans’ ideas about citizenship. It concludes by offering you the opportunity to discuss some of the most fundamental questions of citizenship. This lesson examines the concept of “citizen,” how the concept has changed in American history, how one becomes a citizen, and the moral and legal rights and obligations of citizens.

When you have finished this lesson, you should be able to explain the meaning of citizenship in the United States, the ways Americans become citizens, and why all American citizens are citizens both of their states and their nation. You also should be able to identify essential rights and responsibilities of citizens, and why citizenship is particularly complicated for Native Americans. You should be able to describe the process of naturalization, differences between citizens and resident aliens, and how citizenship can be lost. Finally, you should be able to evaluate, take, and defend positions on the legal and moral rights and obligations of citizens.

**TERMS AND CONCEPTS TO UNDERSTAND**

- alien
- citizen
- denaturalization
- dual national citizenship
- enlightened self-interest
- E pluribus unum
- jus sanguinis
- jus soli
- naturalization
- resident alien
HOW HAVE AMERICANS THOUGHT OF CITIZENSHIP?

As discussed in Unit One, America has been strongly influenced by the ideas of classical republicanism and natural rights philosophy. Each tradition continues to affect Americans’ thinking about what it means to be a citizen. Citizenship, broadly defined, refers to the rights and responsibilities of people who owe allegiance to a particular government and are entitled to that government’s protection.

The early American colonies of the seventeenth century were small, self-contained political communities in which Americans personally experienced their dependence on one another and the need to put the common good ahead of selfish interests. Many of these colonies were called commonwealths, a word that meant something like a republic—that is, a self-governing community in which members are expected to help serve the good of all. The spirit of devotion to a common cause also was reflected in the Mayflower Compact, when the Pilgrims declared their intent to “covenant and combine ourselves together into a civil Body Politick.” Admiration for civic virtue and public spiritedness remained important to the Founders because they knew that America’s strength would be found primarily in its citizens.

The natural rights philosophy of John Locke, found prominently in the Declaration of Independence, also influenced the Founders. Natural rights philosophy differs in several important ways from the ideals of classical republicanism. It stresses the importance of individual rights and self-interest. Human communities exist to protect the individuals who belong to them, each of whom is free to pursue his or her own interests as long as those interests do not interfere with the rights of others. The Founders counted on citizens who viewed themselves as self-sufficient individuals capable of meeting most of their own needs. Such citizens were most likely to thrive in a system of limited government.

The Founders realized that the classical republicanism of the ancient city-states could not be easily adapted to a country as large and diverse as the America of their day. They also realized that republican self-government requires a greater measure of civic virtue than other forms of government require. How can civic virtue and self-interest coexist?

The Founders looked in general to two solutions: religion and education. The Founders held various religious beliefs, and many were wary of the dangers of any one religion becoming dominant in the United States. Nonetheless, the Founders knew that religion helps to promote moral integrity and civic virtue. In addition, religious instruction helps people learn the importance of obeying authority and participating with others to pursue a common goal.
The Founders also knew the importance of education. For the American experiment in republican government to succeed, the country’s citizens had to be schooled in the ideas and principles of popular sovereignty, limited government, individual rights, and how to exercise those rights responsibly. Public, or “common,” schools rapidly developed to prepare Americans not only to work in the country’s growing economy but also to exercise their citizenship, committed to the principles of self-government. Nineteenth-century American educator Horace Mann later would observe that “schoolhouses are the republican line of fortifications.”

HOW DID TOCQUEVILLE CONNECT GOOD CITIZENSHIP WITH SELF-INTEREST IN THE UNITED STATES?

French historian Alexis de Tocqueville explained another way that Americans could embrace both civic virtue and self-interest. In his widely hailed two-volume work *Democracy in America (De la démocratie en Amérique)*, Tocqueville wrote that he was impressed by the equality of opportunity in American democracy, but he wondered how a society so devoted to materialism and the pursuit of individual self-interest could produce the civic spirit needed for self-government. Tocqueville found the answer in traditions of local self-government and habits of free association.

Tocqueville believed that New England townships were examples of classical republicanism in practice, where residents developed the habits of good citizenship. According to Tocqueville, participating in small, local governments helped people see the nature of both their rights and their duties. The American tradition of local self-government also encouraged people to join voluntary associations to solve problems without depending on government. Lesson 34 examines the ongoing importance of voluntary associations in America.

Like the Founders, Tocqueville realized that the civic virtue of the ancients was not practical in the United States and that self-interest is a powerful motivator. However, Tocqueville argued that Americans had found a way to bridge the gap between classical republican virtue and natural rights self-interest. Americans, he argued, demonstrated that

> an enlightened regard for themselves constantly prompts them to assist each other, and inclines them willingly to sacrifice a portion of their time and property to the welfare of the state.

How might participating in local government help people understand their rights and responsibilities?
The realization that one can fulfill private ambitions only if one also contributes to the common good is known as enlightened self-interest. To this day Americans are willing to devote themselves to public ends because they realize that the success of their private ambitions depends in large part on the success of American democracy.

**WHAT DO YOU THINK?**

1. Some people claim that the best way to achieve the common good is for each person to work only for his or her self-interest. Do you agree? Why or why not?

2. Some argue that enlightened self-interest must be learned. What are some effective ways of teaching about and experiencing enlightened self-interest?

3. The idea of the common good is a principle originally associated with small, homogeneous societies. Do you think there is a common good in a nation as large and diverse as the United States? Why or why not?

**HOW HAVE IDEAS ABOUT CITIZENSHIP CHANGED IN THE UNITED STATES?**

For many years American colonists thought of themselves as British subjects. As explained in Unit Two, many later began to think of themselves as Americans. However, they initially thought of themselves as Americans who were citizens of particular colonies.

After the Revolution each of the original thirteen states was an independent, sovereign political community. When Americans talked about “my country,” they usually meant their particular states. Most states welcomed the foreign-born because immigrants brought financial and human resources. However, some states imposed property and religious qualifications for citizenship. Most also imposed residency requirements, typically ranging from one to two years. Many states permitted only “free whites” to become citizens. Native Americans usually were regarded as members of foreign nations.

Although the “United States of America” had existed since July 4, 1776, the tension or ambiguity between the “united” portion of the equation (singular) and the “states” portion (plural) was plain for all to see. Americans felt themselves bound more to their states than to the Union, which was a central problem of the Articles of Confederation period (1781–1788). One of the primary goals of leaders such as James Madison at the Philadelphia Convention was to create a national government that would lead Americans to think of their country as the United States, not their individual states.

One way the tension between state and national identity surfaced at the Philadelphia Convention was in debates over the requirements for holding public office under the proposed Constitution. The delegates eventually agreed that to serve in the House of Representatives, a person must be “seven Years a Citizen of the United States.” To serve in the Senate, a person must be “nine Years a Citizen of the United States.” To be president, a person must be a “natural born Citizen” or a “Citizen of the United States at the time of the Adoption of this Constitution.” However, it was significant that the delegates could not agree on the definition of national citizenship. To do so would have required deciding whether slaves, former slaves, and free African Americans were citizens of the United States. The delegates were so deeply divided on that issue that they left the definition of citizenship to the states. Thus, under the 1787 Constitution the definition of national citizenship depended on state definitions.

Lessons in Unit Three explained why it took a civil war and an amendment to the Constitution to define national citizenship. The Fourteenth Amendment, ratified in 1868, provides that

> 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.

What is the meaning and significance of the nation’s motto, *E pluribus unum*?
This clause defines national citizenship and says that national citizens also are citizens of the states in which they live. As citizens of both the United States and the states in which they reside, citizens have authority over and responsibility for the proper functioning of their state and local governments as well as the national government.

The Fourteenth Amendment uses the principle of *jus soli*, a Latin phrase meaning “law of the soil” or “right of birthplace.” This means that any child born in the United States is a citizen of the United States, even if the child’s parents are not citizens, which includes persons who are merely visiting the country. Congress has declared that the soil of the United States includes Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands.

The tension between national unity and some degree of state sovereignty remains even today as Americans continue to negotiate the meaning of the country’s unique system of federalism. This is not surprising. After all, the idea expressed in the nation’s motto, *E pluribus unum*—Out of Many, One—does not mean that the plurality of *pluribus* is eliminated by the unity of the *unum*. Rather, the two live side by side, finding a degree of unity within diversity.

**WHAT DO YOU THINK?**

1. What tensions, if any, between national unity and state sovereignty exist today? How does the Constitution provide for dealing with such tensions?

2. What were the implications of the Fourteenth Amendment for racial and other barriers to citizenship included in the laws of many states before this amendment was passed?

3. What limitations does the Fourteenth Amendment place on states in regard to citizenship? Would these limitations be adequate to protect the rights of citizens? Why or why not?

4. What are the advantages and disadvantages of using the *jus soli* principle of national citizenship today? Does simply being born in the United States establish a foundation for good citizenship? Why or why not?

5. Should the Fourteenth Amendment be changed to reflect additional or different criteria for national citizenship? Explain.

**WHO ARE NATURALIZED CITIZENS AND WHAT SHOULD THE CRITERIA BE FOR NATURALIZATION?**

Naturalization is the legal process by which a foreign citizen becomes a citizen of the United States. Citizenship through naturalization may be granted to individuals or entire populations by statute or treaty, as has occurred in Alaska, Hawaii, Texas, Puerto Rico, Guam, the Northern Mariana Islands, and the Virgin Islands.

Naturalization is tied to U.S. immigration policy, because only those who are lawfully admitted to the United States can become citizens. Article I of the Constitution gives Congress the power to establish uniform rules for naturalization. The Immigration and Naturalization Service administers naturalization laws. The criteria for naturalization have changed over time, but today individuals qualify for naturalization if they

- Are at least 18 years old
- Have been lawfully admitted to the United States for permanent residence
- Have resided continuously in the United States for at least five years

Should all children born in the United States automatically become citizens? Why or why not?
HOW HAS THE CITIZENSHIP STATUS OF NATIVE AMERICANS EVOLVED?

Native American tribes were self-governing communities long before Europeans arrived in what is now the United States. As explained in Unit One, the overall number of Native Americans was markedly reduced as American colonies, then states, and eventually the United States expanded its territory westward. Defining the legal status of surviving Native Americans proved to be difficult well into the twentieth century.

The Constitution does not contain a clear statement of the relationship between Native American tribes and the United States. Article I gives Congress the power to regulate commerce with foreign nations and “with the Indian tribes,” suggesting that Native American tribes are separate, sovereign nations. However, in 1831 the Supreme Court defined Native American tribes as “domestic dependent nations” (*Cherokee Nation v. Georgia*, 1831). National government policy vacillated between respecting the sovereignty of Native American tribes and seeking to dismantle tribal governments and to integrate their members into the United States.

In 1924 Congress enacted the Indian Citizenship Act, making Native Americans citizens of the United States and of the states in which they reside. Some viewed the act as a tribute for the heroic service of many Native Americans in World War I. Others viewed it as the final step in assimilating Native Americans into the so-called

Recent changes in the laws now make it easier for noncitizens serving in the U.S. military to become naturalized citizens.

WHAT DO YOU THINK?

1. Review the list of criteria for naturalization today. Are there other or different criteria you think Congress should adopt? Explain.

2. Should all Americans be required to take the Oath of Allegiance to the United States when they register to vote? Why or why not?


4. Should all Americans be required to demonstrate a belief in and a commitment to the principles of the Constitution in order to be able to vote? If so, how should that belief and commitment be demonstrated?
mainstream of American life. But even though Native Americans were declared American citizens in 1924, many were excluded from voting by state laws.

The Indian Civil Rights Act of 1968 affirmed that the United States’ “trust responsibility” for Native Americans includes protecting the “sovereignty of each tribal government.” Thus today Native Americans are members of their tribe, citizens of the United States, and citizens of the state in which they reside. More than a million Native Americans qualify for membership in more than one tribe. The U.S. government recognizes more than 560 tribes within its boundaries.

WHAT IS DUAL NATIONAL CITIZENSHIP?

Dual national citizenship, as the phrase implies, means being a citizen of two or more countries. This may occur because the United States recognizes as citizens those born within its boundaries, even if they also are citizens of another country. The United States also recognizes as citizens the children born abroad to American citizens, even though those children may also be citizens of the country in which they were born. Jus sanguinis, “law of the blood,” is a principle in which citizenship is determined by parentage rather than place of birth, or jus soli.

Increased mobility of people and business throughout the world has resulted in greater acceptance of dual national citizenship in various countries. Countries that now permit dual national citizenship include Australia, Canada, France, Mexico, Spain, Switzerland, and the United Kingdom. Other countries, including China, Germany, India, Japan, Uganda, and Venezuela, do not permit dual national citizenship.

Current citizenship and immigration laws of the United States do not specifically address dual national citizenship. The State Department acknowledges the status but does not encourage dual citizenship, believing that it may cause problems, such as conflicting loyalties. However, many citizens believe that dual citizenship is not an issue to be resolved solely by the State Department.

Those who favor allowing dual citizenship often cite hardships to immigrants if dual nationality were not available to them. They argue that dual citizenship is accepted by a number of other democracies and that some dual nationals would lose important benefits if they gave up their original citizenship. They also argue that dual citizenship facilitates commerce.

Opponents argue that dual citizenship dilutes American citizenship and establishes a legitimacy of dual loyalties that is inconsistent with loyalty to the United States. Critics say that dual citizenship weakens the nation. Naturalized citizens have taken an “oath of allegiance and renunciation” of competing political loyalties that is incompatible with dual citizenship.

The issue is bound to remain controversial, with strong views expressed on both sides.

HOW MAY UNITED STATES CITIZENSHIP BE LOST?

The Supreme Court has held that the Eighth Amendment prohibition on cruel and unusual punishment means that natural-born citizens cannot be stripped of their citizenship. The justices explained that taking away citizenship is a “form of punishment more primitive than torture, for it destroys for the individual the political existence that was centuries in development” (Trop v. Dulles, 1958).

Nonetheless, Congress has recognized that giving up U.S. citizenship is a “natural and inherent right of the people.”

What arguments can you make for and against dual citizenship?
The following voluntary acts may result in loss of U.S. citizenship:

- Becoming a naturalized citizen of another country
- Swearing an oath of allegiance to another country
- Serving in the armed forces of a nation at war with the United States
- Working for the government of another nation in a capacity that requires becoming naturalized in that country or swearing an oath of allegiance
- Renouncing citizenship formally
- Being convicted of the crime of treason

Voluntarily renouncing citizenship has serious implications. A person cannot seek to retain some of the privileges of citizenship while surrendering others. A person who gives up United States citizenship cannot get it back.

Naturalized citizens can lose their citizenship in the same ways as natural-born citizens. They also can have their citizenship revoked through denaturalization. The most common ground for denaturalization is fraud, or willful misrepresentation, when applying for citizenship. Denaturalization is a legal process in which the government has the burden of proof, and the citizen is entitled to due process of law.

**WHAT ARE THE RIGHTS OF CITIZENS AND PERMANENT RESIDENTS?**

Most rights in the United States belong to everyone who lives here. Like citizens, permanent residents who have been lawfully admitted to the United States can live and work anywhere in the country. They qualify for Social Security, Supplemental Security Income, and Medicare benefits. They can own property and qualify for state driver’s licenses, attend public schools and colleges, join the armed forces, and purchase and own a firearm if they satisfy the requirements. The guarantees of equal protection and due process in the Fourteenth Amendment apply to all persons, not just citizens. The guarantees in the Bill of Rights similarly apply to persons, not just citizens. All persons have the right to assemble peaceably, speak, and petition government for a redress of grievances.

For the most part only citizens can hold public office. Residency requirements usually accompany citizenship requirements for holding office, whether for governor or member of Congress. Only the president must be a “natural born” citizen of the United States.

Being a citizen did not always mean that one was allowed to vote. For many years women and free African Americans were not permitted to vote, even though they unquestionably were citizens. Citizens living in the District of Columbia could not vote for president until passage of the Twenty-third Amendment in 1961. Congress has extended citizenship to residents of territories,
such as Puerto Rico, but these citizens cannot vote in national elections when they live in their territorial homes and so, like residents of the District of Columbia, they are not represented in Congress. Age requirements for the franchise—the right to vote—still apply to all citizens. Since ratification of the Twenty-sixth Amendment in 1971 voters must be at least eighteen years old. Many states also prohibit citizens who have been convicted of felony crimes from voting.

A contemporary issue regarding the right to vote is whether aliens—people who are not citizens—should be allowed to vote in American elections. Many states and a number of territories allowed noncitizen voting during some portion of the eighteenth and nineteenth centuries. Vermont, for example, originally permitted aliens to vote if they met the state’s property, race, sex, and age requirements. Some states allowed such voting for relatively few years and others for several decades and in a few cases longer.

Defenders of alien voting today argue that resident aliens are affected by local public policies as much as citizens are, and such residents should have a say in how they are governed. Aliens pay taxes just as citizens do. The children of aliens attending schools are affected by school policy as much as the children of citizens. Therefore, alien children’s parents should also have the opportunity to play a role in governing schools.

Opponents argue that alien voting makes American citizens and aliens all but indistinguishable. Alien voting, they say, is a step toward the loss of sovereignty and self-government by the nation and its citizens. If aliens wish to vote, then becoming American citizens allows them to do so.

**WHAT DO YOU THINK?**

1. Should the United States allow dual national citizenship or does it undermine American citizenship? Explain your response.

2. Is the Oath of Allegiance compatible with dual citizenship? Why or why not? If it is incompatible, should the oath be changed to accommodate dual citizenship? Why or why not?

3. Should the practice of permitting resident aliens to vote in school board or other local elections be allowed, or should it be eliminated? Explain your response.

4. Should resident aliens have the right to be elected to local government office? Why or why not?
WHAT ARE THE RESPONSIBILITIES OF CITIZENS AND RESIDENT ALIENS?

Citizens and resident aliens share many responsibilities. For example, everyone has a duty to obey the laws and pay taxes. Men must register with the Selective Service when they turn eighteen years of age.

Citizens have additional responsibilities, including casting informed ballots in elections and serving on juries. Some people find jury duty burdensome because it takes them away from work, home, or leisure. However, the constitutional right to trial by a jury of one’s peers depends on the willingness of citizens to serve as jurors when called. Juries also help to ensure that government officials who initiate criminal prosecutions do not abuse their power.

CRITICAL THINKING EXERCISE

What Are Some of the Rights and Obligations of Citizenship?

This lesson has described ways in which people can become American citizens and some of the rights and responsibilities of citizenship. Work in groups of three to five students to respond to the following:

1. List what you think are some of the most important legal rights and obligations of citizens.
2. List what you think are some of the most important moral rights and obligations of citizens.
3. Be prepared to explain and defend your responses.

REVIEWING AND USING THE LESSON

1. How was citizenship defined in the United States before and after the Fourteenth Amendment?
2. Explain how *jus soli*, *jus sanguinis*, and residency differ as principles for defining citizenship.
3. How does the Constitution define national and state citizenship?
4. How is citizenship through naturalization different from citizenship by birth?
5. Should all Americans be required to demonstrate their knowledge of American government and history as naturalized citizens must do in order to become citizens? Explain.
6. How do the rights and responsibilities of citizens differ from those of resident aliens?
WHAT IS THE IMPORTANCE OF CIVIC ENGAGEMENT TO AMERICAN CONSTITUTIONAL DEMOCRACY?

LESSON PURPOSE

America’s founding principles assume the active involvement of its people in civic life. Popular sovereignty, for example, means that the people have ultimate governing authority, which carries with it the responsibility to exercise that authority knowledgeably to balance individual interests and the common good. Protection of individual rights requires people to be guardians of their own rights and to be willing to defend the rights of others.

This lesson describes ways that Americans can participate in civic life to help achieve the ideals they have set for themselves and their nation, ideals that were examined in Units One and Two. It explains how civic engagement can advance both self-interest and the common good. It also discusses issues related to voting and voter turnout.

When you have finished this lesson, you should be able to explain why Americans need to be engaged in civic affairs. You also should be able to identify opportunities for civic engagement through voluntary associations and nongovernmental organizations and participation in local, state, and national politics. Finally, you should be able to evaluate, take, and defend positions on challenges associated with voting and other forms of participation in civic life in the United States.

TERMS AND CONCEPTS TO UNDERSTAND

- nongovernmental organization
- voluntary associations
- voter registration
WHY SHOULD AMERICANS PARTICIPATE IN THE CIVIC LIFE OF THE COUNTRY?

American constitutional democracy often has been called an experiment in self-government. Sovereignty resides with the people. How the people use their power directly affects the society in which they live and the vibrancy of their civic institutions. The people also determine which problems they can solve for themselves and which problems require governmental responses.

Participation in civic life does more than address problems. Participation helps individuals become attached to their communities, regions, and states as well as the country as a whole. Such attachment is necessary for Americans to develop pride in their communities and country and to understand that they share a common destiny. For many people civic engagement includes recommitting to the ideals that they have set for themselves and understanding how those ideals relate to the fundamental principles of American constitutional democracy.

Those who participate actively in civic life are more likely to vote. They also are more likely to become well-informed voters.

HOW DO VOLUNTARY ASSOCIATIONS CONTRIBUTE TO CIVIC ENGAGEMENT?

When the French historian Alexis de Tocqueville visited the United States in the 1830s, he observed greater equality of opportunity and condition among people and social classes in America than anywhere else he studied. Tocqueville admired much of what he saw and was especially impressed that Americans sought to rely on their own efforts to solve problems and to resist what he called “the evils and the difficulties of life.” He also observed that Americans formed many voluntary associations, or unpaid groups, to solve community problems and take care of one another.

Voluntary associations still thrive in the United States. Associations engaged in civic projects are motivated by a commitment to making their communities and the world better places to live. They depend on their members for ideas, volunteer time, and money to carry out their activities. In turn, members experience the satisfaction of working with others toward a common goal.

Most of the thousands of voluntary associations in the United States fit into the following categories:

- **Religious organizations** Churches and other religious organizations are one type. Americans in general have shown relatively high levels of religious commitment and participation in religious organizations. In addition to addressing their members’ spiritual needs, religious groups commonly perform community services, such as caring for the sick, the elderly, and the poor. Many sponsor youth activities. Religious organizations have been leaders on issues as diverse as maintaining the integrity of the nuclear family, protecting the environment, advancing civil rights in the United States and elsewhere, and advocating for world peace and international human rights.

- **Social organizations** Millions of Americans have joined groups that provide opportunities to socialize with others and to assist one another in times of need. Many of these groups also perform community service by sponsoring athletic events for youth, collecting books for public libraries, and offering scholarships to needy students or adults who were unable to complete high school. Book clubs, sports clubs, assistance leagues, and women’s organizations are examples.
Service and business organizations  Early in the twentieth century, service and business organizations, such as Kiwanis, Lions, Jaycees, and Rotary, sprang up across the country. These organizations address a variety of interests, from business networking to community service. For example, Kiwanis International “serves the children of the world” by promoting child safety, building safe playgrounds, and offering programs to discourage drinking and smoking among young people. Lions Clubs International supports vision and health screenings, provides disaster relief, and awards scholarships. The United States Junior Chamber, also known as the Jaycees, raises money for cancer research.

Nongovernmental organizations  In the past fifty years, thousands of nonprofit organizations have formed. They depend primarily on charitable donations and volunteer service to address particular issues of concern to their members. Nongovernmental organizations (NGOs) often are classified by their focus, such as disaster relief, economic development, health care, or environmental protection. Many of the organizations described above as social or service groups satisfy the definition of an NGO. Other examples are the League of Women Voters, the Carter Center, Athletes for Peace, and Family Health International. NGOs are becoming increasingly significant in world affairs. They also influence domestic policy through lobbying and public education.

WHAT DO YOU THINK?

1. To what, if any, voluntary associations do you or your parents belong? Why?
2. What are the benefits of participating in voluntary associations? The costs?

HOW CAN AMERICANS PARTICIPATE IN LOCAL AND STATE GOVERNMENTS?

Tocqueville believed that New England townships were models of classical republicanism, where the habits of citizenship and self-government were developed. By practicing the art of government in small spheres, he argued, Americans learned the nature of their responsibilities and the extent of their rights. Americans continue to have many opportunities for political involvement. Local and state government are examples.

Local government  There are thousands of local governments in the United States, ranging from those in townships and cities to counties and special districts. Local governments touch the lives of every American by providing the essential governmental services people need to live together day to day. As explained in Unit Four, there are many forms and varieties of local government. Each depends on citizens taking an active role in determining appropriate tax bases, electing and overseeing those who hold local government office, and being willing to hold office themselves. Many city councils, county commissions, school districts, and other special districts do not pay elected officials a salary. Those officials are volunteers. In addition to elected positions, local governments rely on citizen advisory boards and commissions. Examples are police review boards, civil rights advisory committees, and library advisory boards. Students often hold elected or appointed positions on advisory boards.
State government  All fifty states have representative governments with structures that are like the system of separated and shared powers at the national level. Voters must make informed decisions about who should be governor, who should hold other executive offices, and who should serve in the legislature. Many states also elect their judges, including justices of the peace, municipal judges, county trial judges, and state appellate judges. Like local governments, state governments also rely on residents to serve on boards and commissions to study and make recommendations to elected officials about matters such as child welfare, drug and alcohol programs, and environmental protection.

Most Americans who are active in local and state politics take pride in their accomplishments. Their involvement broadens their understanding of issues facing their community and the country, making them more thoughtful and informed than most of those who are not involved.

CRITICAL THINKING EXERCISE
Understanding and Participating in State and Local Government

There are approximately five hundred thousand elected officials in the United States. Fewer than eighty-five hundred are national officials. The vast majority of elected officials serve in state and local offices. Americans have many opportunities to make important governmental decisions by electing state and local officials and by serving on boards and commissions or running for state and local offices.

Work in one of three groups to respond to the following questions and then compare your group’s responses with the rest of the class. If there are significant differences among the groups’ responses, discuss what might account for those differences.

1. How many elected officials are there in your state?
2. Where can you obtain information about the elected officials in your state and a description of their responsibilities?
3. What are the five most important issues facing the state and local governments where you live? How can you become informed about those issues?
4. What considerations would persuade you to run for a state or local office or to work on a state or local political campaign? Explain.

What are some of the benefits of working together to solve community problems?
HOW CAN AMERICANS PARTICIPATE IN THE NATIONAL GOVERNMENT?

Opportunities for direct participation in the national government are more limited than at state and local levels, but they do exist. Political parties play a central role in shaping the national policy agenda. Party participation is open to all interested Americans, regardless of age or background. America’s two major parties, as well as other, or third, parties, have grassroots organizations that encourage and welcome participation. Political parties offer opportunities to work on political campaigns, to help get out the vote, and to have a voice in shaping party platforms, or statements of policy goals.

Congressional representatives rely on constituent groups to advise them on issues of public policy. Members of Congress often host “town hall” meetings in their districts to discuss issues with their constituents. They pay careful attention to communications from constituents expressing opinions on issues. Constituents can communicate with national officials in many ways, such as by using email, letters, and telephone calls and by visiting their representatives’ offices in their home districts or in Washington, D.C.

Presidents also seek the advice of members of the public by appointing citizen commissions and committees to investigate problems and make recommendations. An example is the Safe and Drug-Free Schools and Communities Advisory Committee created in 2006 in response to school shootings. Other examples are commissions on education reform, immigration policy, and scientific matters, such as stem cell research and global warming.

One of the ways that Americans can influence the national government is by joining voluntary associations and NGOs that lobby. Americans also can influence national politics by having their views reflected in public opinion polls. As explained in Lesson 23, public opinion can have a significant effect on legislation and even on presidential decisions.

WHAT NEEDS TO BE DONE TO ENCOURAGE VOTER TURNOUT?

Popular sovereignty and representative government mean that voters have both the authority and the responsibility to decide who will serve as elected officials in all of America’s governments.

Elections in the United States are administered at the state and local levels with some assistance from the Federal Election Commission. All states except North Dakota require those who wish to vote to establish eligibility by registering with county officials. Voter registration lists, or lists of qualified voters maintained by state and local election officials, help these officials decide how many polling places, or voting locations, they will
need and where polling places should be located. In 1993 Congress adopted the National Voter Registration Act to establish uniform standards for voter registration and to make it easier for voters to register. Today voters can register by mail, at state motor vehicle departments, or at other government offices.

In the past voters had to go to a polling place on Election Day to cast their ballots. Most polling places were in neighborhood schools or other civic buildings. Today early voting and absentee ballots are common. By filling out a form, voters can request a ballot that they can mail in before the close of Election Day. The growing use of absentee ballots led the state of Oregon to adopt a vote-by-mail system for all elections. And in some states voters can cast ballots in person days and even weeks before Election Day.

Americans are considering other ways to make it easier to vote. Some observers argue that at least presidential elections should be declared national holidays so that many voters would not have to take time off from work to vote. Others argue for keeping polling places open up to twenty-four hours. Still others contend that voting should occur over a period of several days to give voters more opportunities to vote and to minimize long lines at polling places.

CRITICAL THINKING EXERCISE

How Can Greater Voter Participation Be Encouraged?

The United States Census Bureau compiles voting statistics. According to the Bureau,

- Between 1960 and 2004 turnout of voting-age citizens in elections for national officials ranged from a low of 36.4 percent (1998 and 1986) to a high of 63.1 percent (1960). Turnout typically was lower in state elections and dramatically lower in local elections.

- Non-Hispanic whites had the highest level of voter turnout in the November 2004 election (67 percent), followed by African Americans (60 percent), Hispanics (47 percent), and Asian Americans (44 percent). More native-born citizens vote than naturalized citizens.

- At each successive level of educational attainment, voting rates increase.

- The voting rate is highest among citizens age fifty-five and older and among those with annual household incomes greater than $50,000 per year.

- Young adults had the lowest voting rate in 2004 but the greatest increase in rate since 2000.

Work in small groups to respond to the following questions and then discuss your responses as a class:

1. What factors might account for higher rates of turnout among older, better-educated, wealthier voters than among other types of voters?
2. What might be done to improve voting rates among younger voters?
3. To encourage voting many counties throughout the United States are printing ballots in languages other than English if their area has large numbers of registered voters for whom English is not their first language. Is this a good policy? Why or why not?
4. What factors might explain why voter turnout is lowest for the units of government closest to the people? What steps could be taken to increase voter turnout in state and local elections?
5. Some localities permit resident aliens to vote in local elections. What are the advantages and disadvantages of doing so?

HOW IS CIVIC PARTICIPATION CONNECTED TO SELF-INTEREST?

Many Americans engage in civic activities and vote because they realize it is in their self-interest to do so. Business people, for example, serve on local boards and commissions or run for county commission or city council because they know that healthy communities are good for business. Parents volunteer their time to create and maintain parks because they want safe places for their children to play. Homeowners join neighborhood associations because they care about the value of their property.

Civic engagement has other personal benefits, including the following:

- Acquiring skills, such as speaking and debating in public, organizing groups, and writing letters
- Becoming more self-confident
- Learning how to affect decisions
- Building a reputation as an important member of the community
- Making new friends
- Developing important contacts
Self-interest is not necessarily a narrow concept. Tocqueville observed that Americans often demonstrate “enlightened” self-interest as well as narrow self-interest. Many Americans sacrifice time, money, and effort to strengthen their communities and their country because they realize that the good of the whole benefits them as individuals.

**HOW IS CIVIC PARTICIPATION RELATED TO ADVANCING THE COMMON GOOD?**

Working with others in civic activities frequently makes people aware of other perspectives and leads to a concern for the common good. Commitment to the common good is a central feature of classical republicanism. Concern for the common good requires individuals to see themselves as part of a larger whole and to modify their behavior to serve the needs of the whole.

Civic participation is one of the ways Americans strengthen the network of interdependence and contribute to the common good. Sometimes acting on behalf of the common good simply requires providing opportunities for others to have a voice in their community.

At other times acting on behalf of the common good requires a more significant action, such as voting to increase taxes even though one receives no personal benefit from the increase.

**WHAT DO YOU THINK?**

Assume that there is an upcoming election in your community. One of the measures on the ballot asks property owners to agree to an increase in their property taxes to fund schools and playgrounds. Explain how an appeal to self-interest, enlightened self-interest, or the common good might influence the following groups of voters to support the tax increase:

- Parents of school-age children
- Senior citizens who have no children in school
- Members of a civic organization with a community service focus on homelessness
- Small-business owners whose profit margins are small

How can civic participation serve one’s interests and the common good?
CRITICAL THINKING EXERCISE
Evaluating the Relationship between the Ideals of Classical Republicanism and Civic Engagement

Some of today’s observers worry about the future health of America’s experiment in self-government. They believe that Americans have focused too much on the self-interested aspects of natural rights philosophy and not enough on the public-spirited aspects of classical republicanism. These critics see America as a fragmented society in which individuals are preoccupied with the pursuit of economic self-interest. They note that fewer Americans now participate in voluntary associations and local government than did so in the past. They believe that civic life is disconnected from people’s private lives and that too many Americans fail to engage with others in pursuit of the common good.

Work in small groups to develop positions on the following questions. Be prepared to present and defend your positions before the class.

1. Do you agree with those who are worried about the future health of America’s experiment in self-government? Why or why not?

2. Do you think the classical republican sense of community is possible in American society today? What forces work for and against it? How might a greater sense of community be promoted in the neighborhood or city where you live?

3. What ways can you think of to involve more Americans in civic life? What reforms would you propose to the education system? To the political process? To the Constitution?

REVIEWING AND USING THE LESSON

1. Describe opportunities for participation in civic life afforded by
   - Voluntary associations
   - Nongovernmental organizations
   - Service and business organizations
   - Voting

2. Explain the difference between self-interest, enlightened self-interest, and the common good. Provide examples of each as related to civic engagement.

3. Voting is mandatory in more than sixty countries in the world, many of them democracies. Should it be made mandatory in the United States? Explain your response.

4. The most common reason people offer for not voting is lack of time. What suggestions do you have for solving that problem?

5. Describe ways to contact the following officials from the area in which you live:
   - City councilor
   - State legislator
   - U.S. representative
   - U.S. senator
   - U.S. president

What is the importance of volunteerism to America?
HOW HAVE CIVIL RIGHTS MOVEMENTS RESULTED IN FUNDAMENTAL POLITICAL AND SOCIAL CHANGE IN THE UNITED STATES?

LESSON PURPOSE

The Declaration of Independence is celebrated for its commitment to the principles of human liberty and equality. The Fourteenth Amendment guarantees equal treatment under the law. This lesson focuses on political and social movements that have used and continue to use the Declaration and the Fourteenth Amendment to effect fundamental political and social change in the United States.

When you have finished this lesson, you should be able to explain why African Americans, women, and other groups found it necessary to take concerted action to ensure recognition of their civil rights. You should be able to describe some of the goals and tactics that civil rights movements have used. You should be able to describe and explain the importance of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. You also should be able to identify some ongoing issues involving civil rights. Finally, you should be able to evaluate, take, and defend positions on landmark legislation involving civil rights and the role of civil disobedience in America's constitutional democracy.

TERMS AND CONCEPTS TO UNDERSTAND

- civil disobedience
- civil rights
- de facto segregation
- de jure segregation
WHAT WAS THE STATUS OF CIVIL RIGHTS IN MID-TWENTIETH CENTURY AMERICA?

Discrimination in the United States has affected African Americans and other groups, including Native Americans, Hispanic Americans, Asian Americans, women, and members of religious minorities. Discrimination based on race has its roots in racial separation, known as segregation. There are two kinds of segregation:

- **De jure segregation** refers to separation required by law. For example, before the Supreme Court’s 1954 decision in *Brown v. Board of Education* several states had laws requiring school districts to maintain separate schools for white and nonwhite students. These laws always affected African Americans but sometimes affected other racial minorities as well, including Asian Americans.

- **De facto segregation** refers to racial separation caused by the actions of private individuals and groups. For example, before passage of the Civil Rights Act of 1964 (discussed later in this lesson) some restaurants, hotels, and theaters served only white customers. Some landlords refused to rent houses, apartments, or businesses to racial minorities.

The *Brown* decision addressed only *de jure* segregation in public schools. However, that decision clearly implied that all laws compelling separation of the races violate the guarantee of equal protection of the laws. When little was done to implement the *Brown* decision, the NAACP brought a follow-up case. In *Brown II* (1955) the Supreme Court authorized federal district courts to issue such orders “as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.”

Some school districts found ways to implement the *Brown* decisions. But in some parts of the country the decisions were extremely unpopular. To understand why, it is necessary to recall that slavery was legal in America for almost 250 years, from 1619 to 1865. After the Civil War and Reconstruction the Jim Crow system maintained racial separation for more than a half century. Soldiers in the U.S. Army were segregated by race until after the end of World War II. The army was officially desegregated in 1948 by an executive order of President Harry Truman.

Still, in the 1950s racial segregation and discrimination were deeply entrenched. African Americans and other nonwhites were treated as second-class citizens. A web of state laws and local ordinances mandated *de jure* segregation in almost every aspect of public life, including schools, streetcars and buses, toilets, and drinking fountains. In some
places the courts kept separate Bibles for administering oaths to whites and nonwhites, prisoners were segregated based on race, and laws prevented interracial marriage.

Such discrimination was not limited to the South, but Southern leaders promised “massive resistance” to the Brown decisions. Some states refused to desegregate their schools and waged legal battles to maintain segregation. Other states passed laws making it possible for white students to attend private schools with state financial support. Some school districts closed their schools altogether rather than desegregate.

For the most part the national government deferred to state governments in matters of race. The Ku Klux Klan, an organization created after the Civil War to advocate the supremacy of the white race, was reconstituted and revitalized in 1955. The next several years saw an increase in racially motivated murders, assaults, death threats, cross burnings, and attacks on private homes. President Dwight Eisenhower, who had been reluctant to intervene in state matters, finally sent National Guard troops into Little Rock, Arkansas, in 1957 to open public schools that had been closed in protest to Brown and to enforce order.

WHAT DO YOU THINK?

1. Is de facto segregation more difficult to change than de jure segregation? Why or why not?
2. Does de facto segregation occur today based on race, ethnicity, gender, or other characteristics? Explain.
3. Is there ever such thing as permissible segregation? Why or why not?

WHAT WERE THE ORIGINS OF THE MODERN CIVIL RIGHTS MOVEMENT FOR AFRICAN AMERICANS AND WHAT WERE ITS GOALS?

African Americans, leaders and ordinary men and women alike, challenged and resisted Jim Crow laws from the beginning. They had organized cooperative associations to assert community economic rights, and they had armed themselves against violence from the Klan and other white-supremacy organizations. In desegregated public schools they had taught and learned black history. Their religious, social, and political associations had nurtured networks of communication and resistance by the time the Supreme Court issued the Brown decision.

Organizations such as the NAACP, founded in 1909, helped keep civil rights issues on the national agenda after Brown. The NAACP was joined by several religious organizations, including the Alabama Christian Movement for Human Rights, the Southern Christian Leadership Council, and the Fellowship of Reconciliation, an interfaith organization founded in 1914 to promote peace and justice. Many civil rights leaders also were influenced by principles of nonviolent direct action used by the Indian leader Mohandas Gandhi, commonly known as Mahatma Gandhi, in winning independence for India from Great Britain in 1947. Nonviolent direct action sometimes included civil disobedience, or the open violation of unjust laws together with a willingness to accept the consequences of violating those laws.

Preparation and education were central to the civil rights campaigns of the 1950s and 1960s. Many civil rights participants were trained in political organization and nonviolent social action at the Highlander Folk School in Tennessee. After petitioning local, state, and national leaders to repeal laws allowing racial segregation and discrimination, leaders organized direct actions, including sit-ins at restaurants and other public facilities, protests, marches, boycotts, and demonstrations. They were met with hostility and often violence.

In December 1955 as part of a planned protest, NAACP member and chapter secretary Rosa Parks refused to give up her seat to a white man on a city bus in Montgomery, Alabama. She was arrested for violating an ordinance requiring segregated seating on public transportation. The NAACP used Parks’s case to test the constitutionality of the ordinance and called for a
WHAT IS THE CIVIL RIGHTS ACT?

In the spring of 1963 civil rights leaders organized public demonstrations throughout the South in which young people often were prominent. Some protests were met with violence. In Birmingham, Alabama, local police used powerful fire hoses and dogs to break up marches. Television cameras captured scenes of confrontations, and newspapers around the world carried pictures and stories. These images aroused sympathy and outrage throughout the United States.

In August that same year more than two hundred thousand people, mostly African Americans, converged on Washington, D.C., to demonstrate for a full and speedy program of civil rights and job opportunities. President John F. Kennedy announced that he would ask Congress to enact major new civil rights legislation. Kennedy was assassinated three months later. The task of pushing for the legislation fell to his successor, Lyndon B. Johnson. Congress passed the Civil Rights Act of 1964, using its constitutional power under Article I to regulate interstate commerce so that it could regulate private activities as well as state action. The act remains the most far-reaching civil rights legislation in American history, outlawing both *de jure* and *de facto* segregation and many forms of discrimination. The central provisions of the act

- Outlaw discrimination in hotels, restaurants, theaters, gas stations, airline terminals, and other places of public accommodation

boycott of the Montgomery bus system. Martin Luther King Jr., a young minister in Montgomery, helped lead the year-long boycott, which ended when the Supreme Court ordered Montgomery city officials to end segregation on city buses.

Civil rights activists also worked for passage of laws to protect their right to vote. King, like Gandhi, an advocate of nonviolent direct action, believed that the *Brown* decision could be implemented “without rancor or bitterness” if everyone had access to the ballot.

WHAT DO YOU THINK?

1. Explain the importance of the following for civil rights movements to succeed today:
   - Support of religious groups
   - Leadership and organization
   - Preparation
   - Public education
   - Patience
   - Links to principles in the *Declaration of Independence* or the *Constitution*

2. What factors would influence your decision to organize, join, or support a civil rights movement today? What factors would influence your decision to refrain from joining such a movement?

What events led to President Johnson signing the Voting Rights Act of 1965?
Give the national government additional authority to end school desegregation

Prohibit job discrimination by businesses and labor unions

Authorize the United States Justice Department to file lawsuits against states that discriminate against women and minorities

WHAT IS THE VOTING RIGHTS ACT?

The Civil Rights Act did not address problems that minorities encountered when they tried to vote. In March 1965 civil rights protesters met in Selma, Alabama, to march from there to Montgomery to protest voting discrimination. Alabama’s governor sent state troopers to stop the march. Several demonstrators were clubbed and beaten. One was killed. The event was covered on national television. Five days later President Johnson announced that he would send Congress a voting rights bill. Using its authority to enforce the provisions of the Fifteenth Amendment, Congress quickly passed the Voting Rights Act of 1965. Amended several times since its passage and extended to 2031, the Voting Rights Act now:

- Prohibits discrimination based on race
- Eliminates literacy tests, poll taxes, and discriminatory registration practices
- Requires states, counties, and cities with significant numbers of voters who do not speak English to provide voting materials and assistance in appropriate languages
- Requires states and counties with a history of discrimination to be monitored by the Justice Department

When President George W. Bush signed the 2006 extension of the Voting Rights Act, he acknowledged both progress in the area of civil rights and the need for continued efforts:

“...In four decades since the Voting Rights Act was first passed, we’ve made progress toward equality, yet the work for a more perfect union is never ending. We’ll continue to build on the legal equality won by the civil rights movement to help ensure that every person enjoys the opportunity that this great land of liberty offers.

CRITICAL THINKING EXERCISE

Examining the Civil Rights and Voting Rights Acts

Work in one of two groups. One group should obtain a copy of the Civil Rights Act (1964) and all amendments to it. The other group should obtain a copy of the Voting Rights Act (1965) and all amendments to it.

First, each group should review the criteria for landmark legislation in Lesson 22. Then each group should study its statute and amendments and do any additional research to enable the group to respond to the following questions. Finally, each group should share its responses with the class as a whole.

1. Does the statute you examined qualify as landmark legislation? Explain your reasoning.
2. What are the significant features of amendments to the statute your group examined? Why were they added?
3. Have there been obstacles to implementing the statute or its amendments? If so, explain what they have been and what has been done to overcome them.
WHAT IS THE ROLE OF CIVIL DISOBEDIENCE AS A FORM OF POLITICAL PARTICIPATION?

Participants in the struggles against slavery, the woman suffrage movement, and the civil rights movement all used civil disobedience to advocate change. They did so only after the use of their First Amendment rights of petition, free speech, and assembly proved futile. In his "Letter from Birmingham City Jail" Martin Luther King Jr. wrote,

"I submit that an individual who breaks a law that his conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for the law.

King’s words echoed those of American philosopher Henry David Thoreau (1817–1862), who in 1849 set forth some of the basic ideas about civil disobedience in his essay “On the Duty of Civil Disobedience.” Thoreau argued that individuals should obey their conscience. When conscience and law conflict, individuals have a moral responsibility to promote justice by disobeying the law. Thoreau and others who have written about civil disobedience, such as Russian novelist Leo Tolstoy and India’s Gandhi, agree that civil disobedience must be nonviolent and that those who participate in civil disobedience must be willing to identify themselves and accept legal sanctions. Civil disobedience does not attempt rebellion or revolution. But it does put conscience above the law.

Justification for this viewpoint has ancient roots. Antigone, the title character and tragic heroine of the Greek playwright Sophocles’ drama, justified disobedience to royal authority in the name of law higher than civil authority. For Sophocles (c. 496–406 BC) that higher law was an objective morality rooted in law made by the gods, not by human beings, as Antigone defies the tyrant Creon to secure a respectable funeral for her brother.

Critics argue that civil disobedience is never justified because it is an attack on constitutional democracy. American democracy’s legal system, they argue, often has protected minority rights in the face of majority oppression, as in Brown v. Board of Education and in many other instances. They add that when democratic decisions appear to go amiss, they can be challenged in court. American constitutional democracy does not leave fundamental individual rights at the mercy of majorities. The practice of civil disobedience makes individual conscience absolute, the final judge of obedience or disobedience. Thus it weakens respect for law and is an invitation to social chaos, a state of gross disorder where no rights or values are safe.

WHAT DO YOU THINK?

1. Under what circumstances, if any, do you think a citizen in a representative democracy has the right to engage in civil disobedience? Explain your position.

2. Read Martin Luther King Jr.’s “Letter from Birmingham City Jail.” How might King respond to the charge that those who followed their consciences to defy local segregation laws were no different from white protesters who defied court orders to integrate?
HOW HAS THE MOVEMENT FOR CIVIL RIGHTS CHANGED SINCE THE MID-TWENTIETH CENTURY?

The Civil Rights and Voting Rights Acts were major legal achievements of the civil rights movement of the 1950s and 1960s. Unfortunately King was assassinated in 1968 while helping to organize a protest supporting sanitation workers in Memphis, Tennessee, who needed better pay and working conditions. His murder led to riots in cities throughout the United States. Other riots occurred in American cities during the 1960s protesting perceived economic discrimination and alleged police brutality.

After passage of the laws in the 1960s organizations such as the NAACP turned their attention to other issues affecting minorities and the poor, including:

- Voter registration
- Laws increasing the minimum wage
- Better health care for people with HIV/AIDS
- Health services for minority populations in urban and rural areas
- High-quality public education for all minority children

Other groups also have been active in pursuing rights for their members and other minorities. The following are merely three examples:

- **Farm workers** In the early 1950s Mexican American Cesar Chavez began to register minority voters and to organize farm workers to demand better conditions in the fields of California. He and Dolores Huerta later founded the United Farm Workers Union. It and similar organizations have lobbied Congress for better pay and working conditions for farm workers, organized consumer boycotts of farm products such as grapes and lettuce, challenged the hiring of illegal aliens during farm-worker strikes, and protested the use of dangerous pesticides.

- **Native Americans** In 1968 several hundred members of Native American tribes met to discuss issues affecting their communities. Conversations focused on substandard housing, an eighty percent unemployment rate, discrimination in education and other areas, and claims of police brutality. The American Indian Movement (AIM) emerged out of this meeting. AIM gained national and international attention in the 1970s when some of its members seized the headquarters of the Bureau of Indian Affairs in Washington, D.C., and participated in standoffs with public authorities at Wounded Knee and Pine Ridge, South Dakota, in
disputes over land and mineral rights. Today AIM’s focus includes cultural renewal, monitoring police treatment of Native Americans, opposing the use of Native American caricatures as mascots for sports teams, such as the Atlanta Braves and Florida State University Seminoles, and creating employment programs for Native Americans. AIM also supports the efforts of indigenous groups outside the United States.

**Women**  Women worked for generations to win the right to vote, which they achieved through the Nineteenth Amendment, ratified in 1920. In the 1960s and 1970s women’s organizations turned their attention to issues such as reproductive rights, equal pay for equal work, and harassment in the workplace. The National Organization for Women, formed in 1966, lobbied for the Equal Rights Amendment (ERA), which Congress submitted to the states in 1972. The proposed amendment provided that

> Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex.

Only thirty-five of the required thirty-eight states ratified the ERA. Although the amendment failed, Congress has passed laws that achieve some of the goals of the proposed amendment, such as the Pregnancy Discrimination Act, making it unlawful to fire, not hire, or otherwise discriminate against a woman because of pregnancy or intent to become pregnant, and the Equal Credit Opportunity Act, making it unlawful to discriminate on the basis of gender or marital status in making loans. The Supreme Court also has held that sexual harassment is a form of illegal discrimination (*Meritor Savings Bank v. Vinson*, 1986). Legislative and judicial triumphs have led some to believe that the ERA is not necessary.

**CRITICAL THINKING EXERCISE**

**Evaluating Contemporary Civil Rights Movements**

Work in one of three groups. Each group should select a contemporary civil rights movement and then respond to the following questions. The groups should compare responses.

1. How is the movement you studied organized? Who are its leaders?
2. What are the stated objectives of the movement? How are those objectives related to principles in the Declaration of Independence and the Constitution?
3. What role does public education play in the movement?
4. Has the movement used civil disobedience or supported civil disobedience to achieve its goals? Why or why not?

**REVIEWING AND USING THE LESSON**

1. What is the difference between *de jure* and *de facto* segregation?
2. Why has the Civil Rights Act of 1964 been called the most far-reaching civil rights legislation in American history?
3. Why was it necessary to extend the Voting Rights Act of 1965 in 2006?
4. How is civil disobedience different from merely breaking the law?
HOW HAVE AMERICAN POLITICAL IDEAS AND THE AMERICAN CONSTITUTIONAL SYSTEM INFLUENCED OTHER NATIONS?

LESSON PURPOSE

The ideas in the Declaration of Independence, the Constitution, and the Bill of Rights have inspired other countries seeking to create independent, democratic governments. This lesson examines some of the challenges associated with using the American constitutional model in other parts of the world.

When you have finished this lesson, you should be able to identify which aspects of the American constitutional system have been influential elsewhere. You should be able to explain why some countries and international organizations have chosen to modify the American system or to use other types of democratic systems. You also should be able to explain how the Bill of Rights has influenced other countries and how some countries have adopted bills of rights that are considerably different. Finally, you should be able to evaluate, take, and defend positions on why some aspects of American constitutional democracy that have been effective in the United States have not been used in other countries.

TERMS AND CONCEPTS TO UNDERSTAND

human rights

Universal Declaration of Human Rights
How Have American Ideas About Government and Human Rights Influenced Other Parts of the World?

America’s constitutional principles—including popular sovereignty, individual rights, limited government, and rule of law—are perhaps this country’s greatest contribution to the world. Few other documents in history have had the impact of the Declaration of Independence and the Constitution. Many other charters of freedom have copied or paraphrased the words of both documents.

American constitutional democracy grew out of the world’s first democratic revolution. America’s experiment in self-government has influenced many other countries. For example, the American Revolution inspired the French Revolution of 1789. The French Constitution of 1791 copied many elements from America’s first state constitutions. The Polish Constitution of 1791 also drew on the American example. When Latin American countries won their independence from Spain in the early nineteenth century, they looked to the United States as a model for republican government. In Russia in 1825 the first demands for constitutional government, even though they were unsuccessful, were inspired by American ideas.

The influence of American constitutionalism abroad expanded during the twentieth century, in part because the United States was by then a major world power. During the American occupation of Germany after World War II the German Constitution of 1949 incorporated elements of the American model, guaranteeing rights including freedom of religion, assembly, speech, press, and other forms of expression.

While the United States celebrated the bicentennial of its Constitution in 1987–1991, other nations were writing new chapters in the history of constitutional government. The 1980s and early 1990s saw the collapse of Soviet communism and the emergence of democratic governments in Eastern Europe and other parts of the world. Among the more than twenty countries that have adopted new constitutions since then are Afghanistan, Bosnia and Herzegovina, East Timor, Eritrea, Iraq, Poland, South Africa, and Venezuela. In different ways all these countries drew on the American constitutional system and experience for inspiration in writing constitutions that reflect democratic ideas.

The aftermath of the Cold War witnessed renewed interest in American constitutionalism. Many former communist states began to experiment with their own forms of constitutionalism. The leaders of these newly independent countries have delivered some of the most eloquent tributes to the Constitution of the United States. During the bicentennial of the U.S. Constitution, Václav Havel, then president of Czechoslovakia, said in a speech to Congress,

> “Wasn’t it the best minds of your country, who wrote your famous Declaration of Independence, your Bill of Rights, and your Constitution?... Those great documents... inspire us all, they inspire us despite the fact they are over 200 years old. They inspire us to be citizens.

Following the breakup of Czechoslovakia, Havel served ten years (1993–2003) as the first president of the new Czech Republic.

What Do You Think?

1. In what ways has the Declaration of Independence influenced other peoples and nations?
2. Has it influenced you? If so, how?
3. Why do you think the principles in the Declaration of Independence, the Constitution, and the Bill of Rights have inspired people on every continent in the world?
4. In what ways are the principles in America’s founding documents as relevant today as they were more than two centuries ago?

According to President Václav Havel of the Czech Republic, what has been the influence in the world of American founding documents?
WHAT ELEMENTS OF AMERICAN CONSTITUTIONALISM HAVE INFLUENCED OTHER COUNTRIES?

As the world’s first written framework for national government, the U.S. Constitution set an important standard. Today nearly all countries undergoing democratic reforms believe in the importance of a written constitution. Even totalitarian regimes, such as North Korea, call themselves “democratic” and have written constitutions. However, those documents have not restricted the exercise of government power.

The American experience also set a standard for using conventions to draft constitutions that are then submitted to the people for ratification. For example, in 2004 the European Convention met in Brussels to draft a constitution for a European Union consisting of twenty-five member countries. In 2005 France and the Netherlands rejected the proposed European Constitution, leading to new debates about whether ratification by all member countries is necessary for the document to go into effect.

Other features of the U.S. Constitution have attracted attention, including the following:

- **Presidential government** A main feature of the U.S. Constitution is the office of president, which separates the executive from the legislative branch. The president is both the symbolic head of state and the head of government. Presidents in the American system are elected separately from the legislature and hold office for a fixed period. They cannot be removed from office by the legislature simply by a vote of no confidence, as in parliamentary systems. Parliamentary systems, by contrast, separate the head of state—a monarch or president, largely symbolic and ceremonial offices—from the head of government, who is the prime minister and is elected by the legislature. Legislatures can remove prime ministers simply by passing a vote of no confidence, making prime ministerial power entirely dependent on parliamentary approval.

Presidential government—with separation of powers and checks and balances—was instituted in several cases in Latin America during the nineteenth century. Notable is Brazil’s 1891 constitution, which adopted many features of...
the U.S. Constitution. Versions of the American separation of powers system also have been adopted more recently, for example in Argentina.

The current French constitution features a strong president but combines the office with parliamentary government, making it quite unlike the U.S. system. Many countries, especially in Europe, have shied away from strong presidential government because of their experience with Napoleon Bonaparte (1769–1821) and his successors in the nineteenth century. A general during the French Revolution, Napoleon staged a coup d’état in 1799 and five years later crowned himself emperor. Some countries therefore have been wary of the possibility of positions of executive power and leadership turning into dictatorship. Countries that composed the former Soviet Union, freed from communist rule and mistrustful of executive power, have provided for weak executives in their constitutions.

The office of president in the U.S. Constitution is set in the context of a federal system that substantially limits presidential power, making it far less dangerous to constitutional government. Even so, after 1891 Brazil’s presidential government evolved into dictatorship. This instance, together with similar dangers seen by observers in modern Venezuela, illustrates what one scholar termed the “perils of presidentialism.”

- Federalism America’s system of federalism, which establishes two sets of governments with separate and overlapping powers, also has been of great interest and influence in other parts of the world. Scholars have argued that of all the features of American constitutionalism, federalism has had the greatest effect. The American system in 1787 was something new and very different from the ways that governments had been organized in the past.

Among the notable aspects of federalism is that it provides powerful support for maintaining limited—constitutional—government by dispersing power. By so doing it helps protect both the state governments and individuals from abuse of power by the central government.

Many countries have adopted federal systems influenced to varying degrees by the American model. Among them are Argentina, Australia, Austria, Belgium, Brazil, Canada, Germany, India, and Switzerland. For example, both Australia and Canada have federal systems that give important power to states or provinces. However, federalism has many variants. Countries such as Bosnia and Herzegovina and Iraq have considered adopting models of federalism that ensure representation of ethnic and religious groups in the country’s governing structure.

- Judicial power and human rights

The Bill of Rights in the U.S. Constitution is probably the single greatest contribution of American constitutionalism to the world. Building on the experience of the states after the Revolution, the Bill of Rights provided a prominent example of incorporating
fundamental guarantees of individual rights into written constitutions. But the bills of rights in the state constitutions, written in the 1780s, also made their own important contributions to the spread of universal rights ideas. They did so not only by their effects on the 1791 Bill of Rights. The Bill of Rights became especially important during the second half of the twentieth century, when interest in basic human rights increased around the world. Human rights are rights held by individuals simply because they are human beings. Human rights, therefore, are rights shared equally by everyone, regardless of gender, race, or nationality. It was not until after World War II that many people realized how important the process of constitutional amendment is to the protection of human rights. The amendment process makes it difficult to change constitutional protections of human rights. If laws protecting human rights were easily changed, as in traditional parliamentary systems, then human rights guarantees could be altered overnight. Furthermore, what distinguishes the Bill of Rights from other bills of rights, such as the French Declaration of Rights, is that it has an enforcement mechanism. This mechanism is judicial review, the power of the judiciary to void any law that contradicts constitutional provisions. This key connection between human rights as part of a national constitution and judicial review by an independent judiciary is among the principal achievements of American constitutionalism abroad. The spread throughout the world not only of the ideas of human rights but also of the enforcement mechanism of judicial review is part of the process of constitutional amendment. If laws protecting human rights were easily changed as in traditional parliamentary systems, then human rights guarantees could be altered overnight. The Bill of Rights was written in the eighteenth century and in many ways reflects colonists' concerns about government based on their experience with the English government. Most of these concerns, which reflect a demand for government based on the consent of the governed, and for the protection of private property, are relevant today. The Bill of Rights primarily guarantees individual personal, economic, and political rights. A number of the rights guaranteed in the Bill of Rights were not described as negative rights in the 20th century charters of human rights, such as the 1948 Universal Declaration of Human Rights. For that reason, it is often said that the Bill of Rights is more limited than contemporary charters. Contemporary charters of human rights such as the 1981 African Charter of Human and Peoples' Rights, the 2000 Charter of Fundamental Rights of the European Union, and the 1982 American Constitution have contributed to the effectiveness of the fundamental rights. The process of constitutional amendment is an integral part of the protection of human rights. In many countries, including the United States, where courts have the power of judicial review, European courts have given this power only to special courts. The European Court of Human Rights, for example, was established by the European Convention on Human Rights. It is not, however, true that human rights have been more influential in the United States than in other countries. Why do you think this is so?
HOW IS THE UNITED NATIONS’ UNIVERSAL DECLARATION OF HUMAN RIGHTS SIMILAR TO AND DIFFERENT FROM THE BILL OF RIGHTS?

Before the twentieth century individual rights generally were regarded as matters to be left to each state or nation to decide for its own population. The worldwide economic depression of the 1930s and human rights violations by totalitarian governments before, during, and after World War II gave the issue of human rights a new urgency.

In his 1944 State of the Union address President Franklin Roosevelt asked Congress to adopt laws that would amount to a “Second Bill of Rights.” The laws that he proposed contained economic guarantees, ranging from medical care and adequate housing to jobs and education. After Roosevelt’s death in 1945 his widow, Eleanor Roosevelt, used his proposal to help the United Nations craft the Universal Declaration of Human Rights.

The Universal Declaration and the charter of the United Nations proclaim universal standards of human rights considered to be essential to the dignity of every person. In 1948 the United States was one of forty-eight nations that agreed to the thirty articles of the Universal Declaration of Human Rights. The preamble to this declaration asserts that

> the inherent dignity and…the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

The influence of the Declaration of Independence, the U.S. Constitution, and the Bill of Rights is apparent in the Universal Declaration. Provisions in the Universal Declaration of the right to life and equality echo the U.S. Declaration of Independence of 1776. The prohibition of *ex post facto* laws, the affirmation of the equivalent of habeas corpus, and the equal protection of the law reflect the body of the U.S. Constitution and amendments in addition to the Bill of Rights. Other guarantees in the Universal Declaration, such as those related to freedom of religion, speech, assembly, and association as well as property rights, prohibition of torture, and the sanctity of home and correspondence, reflect the Bill of Rights.

In some instances the Universal Declaration strengthens or elaborates rights that are expressed more generally in the American documents. For example, freedom of religion is to include the right to change one’s religion or beliefs. The right to personal liberty is to include the right not just to marry but to marry only if both parties consent, eliminating coerced or “arranged” marriages. Slavery is outlawed.
In addition to provisions found in the American founding documents, or that might be considered extensions of them, the Universal Declaration contains other concepts. A novel departure for a declaration or charter of rights is the inclusion of a statement of universal “duties to the community,” and among the limits to freedom are the “just requirements of morality.”

The Universal Declaration also contains provisions that have been interpreted as “aspirational goals,” including the following rights:

- To work, join trade unions, and receive equal pay for equal work
- To rest and leisure, including reasonable work hours and periodic paid holidays
- To a standard of living adequate for the health and well-being of families and individuals, including food, clothing, housing, medical care, and necessary social services
- To an education
- To seek, receive, and impart information and ideas through any media, regardless of frontiers

Regional agreements have expanded the concepts of the Universal Declaration in the decades since its adoption. For example, in 1950 as one of the preliminary steps toward formation of the European Union, the countries of Western Europe agreed to a European Convention on Human Rights. They established a European Court of Human Rights to which the citizens of member countries can appeal when they believe their rights have been violated. In practice, however, individual nations remain responsible for guaranteeing rights. Charters such as the Universal Declaration remain largely statements of guiding ideals.

In 1976 the United Nations sponsored a Covenant on Civil and Political Rights and a Covenant on Economic, Social, and Cultural Rights. Both were ratified by enough nations to become international law obligating all signatories. President Jimmy Carter signed both covenants on behalf of the United States in 1977. Fifteen years later, in 1992, the U.S. Senate ratified most of the Covenant on Civil and Political Rights. However, it specified that people have no right to sue in U.S. courts to enforce the civil or political rights listed in the covenant. The Senate has not ratified the Covenant on Economic, Social, and Cultural Rights.

What problems of national sovereignty might result from the establishment of the European Court of Human Rights?
The protection of rights has become an important diplomatic issue among nations. The United States and other countries have restricted trade with countries considered to be violating human rights, including South Africa before the abolition of racial apartheid, Iraq, North Korea, and Sudan.

**CRITICAL THINKING EXERCISE**

Examing the Universal Declaration of Human Rights

Read the Universal Declaration of Human Rights in the Reference section of this book and then respond to the following questions:

1. What rights does the Universal Declaration of Human Rights proclaim that are in the U.S. Constitution and the Bill of Rights?
2. What rights in the Constitution and the Bill of Rights are not included in the Universal Declaration of Human Rights?
3. What rights in the Universal Declaration of Human Rights are not included in the Constitution and the Bill of Rights?
4. How, if at all, can the rights in the U.S. Constitution be effectively enforced? If they can be enforced, what are the enforcement mechanisms?

5. How can the rights in the Universal Declaration of Human Rights be effectively enforced? What are the enforcement mechanisms?
6. How do the rights listed in the Constitution, the Bill of Rights, and the Universal Declaration of Human Rights reflect the history and experiences of the times in which they were written?

**REVIEWING AND USING THE LESSON**

1. Which aspects of American constitutional democracy have been particularly influential in other countries? Which have not been influential? Why?
2. What are some important differences between the Bill of Rights and the Universal Declaration of Human Rights?
3. Why do you think federalism, an American invention, has proved especially popular in other countries?

Under what conditions, if any, should the United States and other nations intervene in the affairs of other sovereign nations to stop them from violating human rights?
LESSON PURPOSE

From the beginning Americans have looked to the future. This lesson examines some of the challenges that might affect Americans as individuals and in their civic lives in coming years. It also explores issues that might lead to proposals for additional changes to the United States Constitution.

When you have finished this lesson, you should be able to discuss the effects of diversity and technology on the lives of Americans. You also should be able to explain the importance of civil discourse in debating divisive issues. Finally, you should be able to evaluate, take, and defend positions on the changing expectations of America’s governments and potential constitutional amendments.

TERMS AND CONCEPTS TO UNDERSTAND

eminent domain
immigration
How might the United States look in the future?

The U.S. Census Bureau predicts significant changes in the United States by the year 2050. Warning that predictions are always uncertain because world events, such as political decisions, new policies, wars, diseases, and global economic factors, always can change things, the forecasters estimate the following:

- The population of the United States will exceed four hundred million.
- Most of the increase in population will result from immigration, that is, from people coming from other countries with the intent of remaining in the United States.
- The United States will be more racially and ethnically diverse than ever. Probably twenty-four percent of the population will be Hispanic; fifteen percent, African American; and eight percent, Asian. The Native American population will double, reaching approximately four million.
- Racial lines will blur as people intermarry.
- Medical advances will help Americans live longer. At least one in four Americans will be over the age of sixty-five.
- The typical American neighborhood will be in the South or West.
- The cost of water, oil, and natural gas will soar.
- Communications and information technologies will offer new kinds of telephones, televisions, and computers, bringing new ways to acquire information and to communicate.

As they have needed to do in the past, America’s social and political institutions will have to adapt continually to a society very different from the one that existed in the late 1700s—or even the late 1900s.

How does diversity create new challenges?

America has been a land of immigrants and their descendants for four centuries. The American goal of *e pluribus unum*—out of many, one—usually has been achieved by balancing the benefits of a diverse society with the unifying influence of a common civic culture and constitutional ideals. One of the major challenges now and for the future is to sustain that balance.

When the first census was taken in 1790, the United States consisted of thirteen states along the East Coast. The U.S. population was almost four million, including more than half a million slaves. The white people were mostly northern European in ancestry and overwhelmingly Protestant. By 2007 the population of the United States exceeded three hundred million and was spread across the continent and beyond. The United States has become a nation composed of immigrants and the descendants of immigrants from virtually every country on earth. Those whose ancestors were not native to Europe compose about a third of the nation’s citizenry. Evidence of America’s diversity is seen in its public schools, where it is not uncommon to find students from diverse ethnic groups, races, and religions. In the Los Angeles school district, for example, more than two hundred languages are represented.
Americans disagree about the significance of this increasing diversity. Some argue that recent immigration patterns are not substantially different from what has happened throughout American history. They maintain that most recent immigrants, like their predecessors, enrich the nation’s economy, culture, and educational institutions. Others worry that there are limits to how much diversity the country can absorb, particularly if large groups of immigrants do not learn to speak English and continue to adhere to cultural practices that conflict with fundamental American principles.

2 Early in the twentieth century President Woodrow Wilson argued that a person whose primary identity is with a particular group in America “has not yet become an American.” Do you agree or disagree? Why?

3 What obligations, if any, do Americans have toward people who hold social, religious, or political beliefs with which they strongly disagree? Explain.

CRITICAL THINKING EXERCISE

Tracing a Family’s Journey to the United States

Write as complete a history as possible of one family in the United States. The family may be your biological, adopted, or foster family, the family of a close friend, or the family of a famous person in American history about whom you can locate information.

1 When did the family or its ancestors come to the United States? Where did they settle? Why?

2 What was U.S. policy on immigration when the family or its ancestors came to the United States? Has the policy changed? Explain.

3 In what ways, if at all, does the experience of this family affect your understanding of what it means to be a citizen of the United States and of the state in which you reside?

If the family has Native American roots, the history should include responses to the following questions:

1 Where was the tribe located before the arrival of immigrants from other countries? How did those immigrants affect the tribe?

2 What have been the migration patterns, if any, of the tribe since the eighteenth century? Where is it located today?

3 What is the status of the tribe today? What connections does the family have with the tribe? How have tribal membership or tribal connections affected the family’s views of the United States and state citizenship?

After you have prepared the family history, use a world map to trace the various journeys the family made on its way to the United States. Then use a map of the United States to trace the journeys the family has made within this country. Discuss as a class how such research affects students’ views on U.S. immigration policy today.

WHAT DO YOU THINK?

1 What advantages and disadvantages does the American political system gain from diversity of people and ideas? Is there such a thing as too much diversity? Explain.
HOW IS MODERN TECHNOLOGY AFFECTING AMERICA’S CIVIC LIFE?

Improvements in electronic communications are transforming how Americans acquire political information and participate in constitutional democracy. Advocacy groups now use the Internet, databases, and email to inform and organize their members. Americans with access to cable or satellite television can watch congressional hearings and debates. Many state legislatures and local governments broadcast government proceedings on community-access television. Witnesses wishing to testify at public hearings increasingly can do so on closed-circuit television or through computer-based communication, rather than traveling to the public meeting. Even some judicial proceedings are conducted through electronic communication. These advances allow Americans to participate and to become informed as never before.

But advances in technology do not guarantee that Americans are better informed. So much information is available on the Internet that many people feel overwhelmed. Often it is difficult or impossible for Internet users to determine the reliability of what they read. Radio, television, and print media target increasingly specialized audiences. Political messages frequently are aimed at specific audiences. If people receive news from only one source, then they do not hear all sides of issues. Writing on diary-like blogs is an increasingly common practice. Blogging allows people with similar views to exchange messages, often avoiding opposing opinions. One challenge of modern technology is that Americans must devise ways to use such technology to enhance their knowledge and civic participation, not to insulate themselves from genuine interaction and political discourse.

CRITICAL THINKING EXERCISE

Assessing the Effect of Technology on America's Civic Life

Work in small groups to respond to the following questions and then compare the groups' responses.

1. In what ways, if at all, might the unrestricted use of technology—the Internet, electronic databases, cellular telephones, and other devices—threaten or enhance the following fundamental principles of American constitutional democracy?
   - Individual rights (especially privacy)
   - Limited government
   - Rule of law
   - Equality of opportunity

2. In what ways, if any, do advances in technology make America’s fundamental principles outmoded? Explain your response.

3. What suggestions can you make to ensure that technology will have a positive effect on American civic life?

HOW MIGHT AMERICANS' EXPECTATIONS OF THEIR GOVERNMENTS CHANGE?

Tocqueville observed that Americans are trained from infancy to rely on themselves and private associations to meet many of their needs. Tocqueville believed that Americans, unlike Europeans, “look upon social authority with an eye of mistrust and anxiety” and turn to government only when they are unable to do without it.

Since the beginning of the twentieth century and especially since World War II, Americans increasingly have looked to government to provide a social safety net. Today the U.S. government spends far more on health and human services—including Social Security, Medicare, and Medicaid—than it does on defense. However, the
greatest growth in government has occurred at state and local levels, not the national level.

Some people believe that Americans are becoming too dependent on government to solve social problems. They lament inefficiencies, costs, and loss of privacy associated with government provision of services. Others believe that the growth of government, particularly at state and local levels, is a sign that the private sector is not capable of providing many of the services required as the United States grows and matures as a nation.

CRITICAL THINKING EXERCISE

Taking and Defending Positions on Public and Private Sector Provision of Services

Below is a list of the most common services provided by state and local governments today. Work in one of six groups. Each group should conduct research on one of these services and then respond to the questions that follow.

- Schools (preschool through university)
- Public safety (police, crime investigation, and fire)
- Prisons (including jails)
- Welfare (services to low-income, disabled, and elderly people)
- Hospitals
- Highways, streets, and roads

1. How, if at all, was the service provided before it became a state or local function?
2. What were the historical circumstances leading to the service being provided at public expense?
3. To what extent, if at all, are state and local governments today contracting the service to private sources? Has private contracting been successful?
4. Is this a service that could or should be provided privately or through some combination of the public and private sectors? Explain your position.

HOW CAN CIVIL DISCOURSE HELP TO ADDRESS THE CHALLENGES FACING AMERICANS?

Local, state, national, and international matters—from education reform to immigration and foreign policy—call up deeply held values that generate spirited debates. This is nothing new. The robust exchange of ideas and opinions by an engaged citizenry is a hallmark of a vibrant democracy. Civil discourse—the respectful, thoughtful exchange of ideas in the search for workable solutions to problems—is essential in a democracy.

Personal attacks, deliberate falsehoods, and negativity have become commonplace in political life. Simplistic phrases, or “sound bites,” are offered as solutions to complicated problems. Many Americans, including opinion leaders such as talk show hosts and other media personalities, shout their disagreement with others and do not listen to opposing viewpoints. One of the most important
challenges of the twenty-first century has become the fostering of civil discourse. The civil exchange of ideas and perspectives increases the chances of finding mutually acceptable solutions to problems. It also permits people to live together even when they disagree.

The Constitutional Convention of 1787 provides one model of civil discourse. As explained in Unit Two, the delegates to the convention were deeply divided politically and economically. In order to debate the issues that separated them they adopted and followed rules for debate, including

- Giving everyone the opportunity to speak and no one the opportunity to dominate debate
- Addressing issues without making personal attacks or interrupting other speakers
- Giving full attention to the debates by not reading or engaging in other activities at the same time

Delegates who occasionally violated the rules apologized. The delegates socialized with one another during evening recesses to get to know and understand one another better. They realized that everyone would have to compromise if they were going to succeed in writing a constitution for a country as diverse as the United States.

No delegate departed the convention completely satisfied, but most agreed with Benjamin Franklin, who said,

“I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

WHAT DO YOU THINK?

Americans always will face issues that divide them along economic, social, religious, cultural, and political lines. Developing the capacity to learn from, debate, disagree with, and get along with those who hold other points of view remains a challenge. What suggestions can you offer for developing the skills of civic engagement for yourself and others? Explain.

WHAT ADDITIONAL CONSTITUTIONAL CHANGES MIGHT AMERICANS DEBATE?

Americans have proposed thousands of changes to the U.S. Constitution and to their state constitutions. In addition to debating the merits of new proposals, Americans will have to decide if constitutional changes or legislation at the state or national level are appropriate ways to respond. The following are some examples of issues that may generate debates about constitutional amendments:

- **Life and death**  Modern science is making it possible to sustain life across a broader age spectrum, beginning with the fetus and extending to advanced old age. Life support systems make it possible to sustain life that would not be tenable without such support.
  - Should the Constitution be amended to define when life begins and to identify a right to be born?
  - Should the Constitution be amended to define when life ends and to identify a right to die?
  - Should the Constitution be amended to include the right to use modern medical advances to transform and improve lives?
Term limits  The Twenty-second Amendment, ratified in 1951, limits presidents to two terms in office. There are no similar restrictions on members of Congress or federal judges.

- Should the Twenty-second Amendment be repealed so that the people, not the Constitution, determine how many terms a president may serve?

- Should the Constitution be amended to limit the number of terms a person can serve in the House or Senate? If so, how many terms? See U.S. Term Limits v. Thornton (1995), holding that states cannot add to the qualifications for serving in Congress stated in Article I.

- Should the Constitution be amended so that judges holding office under Article III of the Constitution, including Supreme Court justices, serve limited terms instead of serving during “good behavior”?

Property rights  The “takings clause” of the Fifth Amendment to the Constitution permits the federal and state governments to “take” private property for public use, if the owner is paid “just compensation.” Governments long have used this power, known as eminent domain, to force owners to sell their property for projects such as highways, urban renewal, and water treatment facilities. In recent years governments have used eminent domain to buy property and then sell it to private individuals or corporations that promise to build something that will create jobs, bring more money into the community, and generate more taxes. The Supreme Court held in Kelo v. New London, Connecticut (2005) that taking private property to promote economic development is a “public use.” Several states amended their constitutions to prohibit state governments from using eminent domain in the manner approved in Kelo.

- Should the Constitution be amended to set aside Kelo v. New London, Connecticut?

Campaign finance  Money always has played a role in political campaigns. At this time no limits are placed on how much money candidates can spend to get elected or on how much money interest groups or others can...
spend on behalf of candidates. In *Buckley v. Valeo* (1976) the Supreme Court held that laws limiting campaign expenditures violate the First Amendment rights to free speech and association.

- Should the Constitution be amended to set aside *Buckley*?
- Should the Constitution be amended to set limits on how much money candidates can spend to get elected?

**Immigration** In the last decades of the twentieth century some Americans became concerned about the millions of people illegally entering the country or entering legally but remaining after their visas expired. Critics question whether such immigrants should be allowed to receive government services and other legal protections.

- Should the Fourteenth Amendment be changed so that children of aliens do not acquire citizenship merely by being born in the United States?
- Should the equal protection and due process clauses be amended to substitute *citizen* or *legal resident* for the word *person*?

**REVIEWING AND USING THE LESSON**

1. What are the five most significant challenges posed by increasing social and cultural diversity in the United States? What opportunities do these changes present?

2. Identify ways in which technology might or might not be consistent with the fundamental principles of American constitutional democracy.

3. How might technology improve opportunities for civic engagement in the United States?

4. Explain what is meant by civil discourse. Why is it important? How might civil discourse be promoted in schools, the media, and political life?

5. What issues in addition to those discussed in this lesson might lead to proposals for constitutional change? Which would you favor or oppose? Why?

Should local governments be able to use the power of eminent domain to take people’s property for private development for the good of the community? Why or why not?
WHAT ARE THE CHALLENGES OF THE PARTICIPATION OF THE UNITED STATES IN WORLD AFFAIRS?

LESSON PURPOSE

The United States is involved in a system of international relations in which sovereign nations compete to achieve and maintain strategic positions in world affairs. The challenges facing the United States and its citizens in world affairs are complex and difficult. They will continue to be so.

This lesson highlights some aspects of Americans’ participation in the international arena. When you have completed the lesson, you should be able to identify the constitutional responsibilities of the three branches of the national government in shaping the involvement of the United States in world affairs. You should be able to describe globalization and to identify some of the challenges that globalization poses for citizenship and participation in world affairs. Finally, you should be able to evaluate, take, and defend positions on issues involving globalization and improving the image of the United States abroad.

TERMS AND CONCEPTS TO UNDERSTAND

- collective security
- multinational corporation
- globalization
- treaty
- international law
- United Nations
- isolationism
- letter of marque and reprisal
WHY IS INTERNATIONAL ENGAGEMENT INEVITABLE?

The Greek historian Thucydides (c. 460–400 BC) argued in his History of the Peloponnesian War that in international affairs the strong dominate the weak: “The powerful exact what they can, and the weak yield what they must.” Renaissance Italian political theorist Niccolò Machiavelli (1469–1527) added in The Prince that preparing for war or being at war is a constant political reality. Those who insist on consistently following conventional morality in political affairs, he counseled, are soon destroyed.

International relations today involve delicate interactions among the more than two hundred independent nations in the world, generally known as nation-states. Given the risks of international involvement, some ask why the United States does not remove itself as far as possible from global engagement. A brief review of U.S. history during the founding period demonstrates why involvement with other countries is an inescapable part of American life.

When the United States declared independence from Great Britain, it needed help to win the Revolutionary War. At the time France wished to avenge its loss to Britain in the Seven Years’ War, which had cost it most of its North American colonial holdings. France therefore lent its support to the American cause. In return, in 1778 the United States agreed to help France defend its West Indian islands if they were ever attacked and to permit France to bring ships captured in war into American ports. Spain also declared war on Britain but suffered a serious naval defeat to the British fleet off Portugal in 1780 and was unable to render aid to the American cause.

Soon after the Revolutionary War America’s relationship with France became problematic. Despite its agreement in 1778 to aid France, the United States did not endorse the radically democratic French Revolution of 1789. When France went to war with Great Britain, Americans were deeply divided about which side the United States should support. At the same time America’s relationship with Spain deteriorated, as Spain sought to detach Kentucky and Tennessee from the
United States, refused to allow American ships to pass through New Orleans, and aided the Creek and Cherokee Indians in wars with the United States. Not much later the French Revolution’s focus on human rights sparked slave uprisings in Saint Dominique (now Haiti) that led to Haitian independence from France in 1804. The success of the Haitian revolution caused slave owners in the United States to fear similar uprisings.

When he left office in March 1797, President George Washington had warned Americans never to expect “real favors from nation to nation.” President Thomas Jefferson later advocated “peace, commerce and honest friendship with all nations—entangling alliances with none.” However, world trade and the need for certain scarce natural resources have kept the United States actively involved with the rest of the world to the present day. So have the desire to export America’s founding ideas to oppressed peoples and, perhaps above all, real and perceived threats to the United States and its allies from other countries. In a world today endangered by fanatical terrorists and predatory states seeking or possessing nuclear and other horrific weapons, isolationism, a policy of noninvolvement with the world, has not been viewed as a realistic option.

CRITICAL THINKING EXERCISE
Examining American Foreign Policy

National self-interest is the driving force in international relations. Work in one of six groups. Each group should study one of the following foreign policies of the United States, prepare responses to the questions below, and then compare responses with the other groups.

- Monroe Doctrine, 1823
- “Good Neighbor” policy, 1933–1945
- Atlantic Charter, 1941
- Truman Doctrine, 1947
- Marshall Plan, 1947
- Détente with the USSR, 1969–1980

1. How did the policy seek to advance the interests of the United States?
2. How did the policy reflect American values and principles?
3. How did other nations respond to the policy?
4. What factors led to changes in the policy?
5. Was this the right policy for the time it was made? Why or why not?

HOW DOES THE CONSTITUTION PROVIDE FOR THE UNITED STATES’ ROLE IN THE WORLD?

The need for a national government to deal with other nations was one of the reasons behind the call for the Philadelphia Convention. The Constitution gives the three branches of the national government important powers in the international arena.

Congress has power to

- Regulate commerce among foreign nations and with the Indian tribes Congress uses this power to regulate imports and exports, encourage or discourage various forms of foreign trade through tariffs and other restrictions, set standards for the health and safety of foreign goods, and regulate employment conditions.

- Declare war, issue letters of marque and reprisal, and make rules for captures on land and water Congress has not exercised the power to declare war since the advent of nuclear weapons near the end of World War II. Instead, it has authorized the president to use
military force overseas. Congress must fund all military actions. Historically, Congress issued letters of marque and reprisal to authorize private raids on merchant ships of enemy nations. A **letter of marque and reprisal** is a warrant that authorizes an agent to go beyond the borders of the nation—*marque*, meaning frontier—to search, seize, or destroy assets or people—*reprisal*—of the hostile foreign party.

- **Raise and support armies, provide and maintain a navy, and regulate land and naval forces** The Constitution does not provide for a standing army. Appropriations for armies can last no longer than two years.

- **Define and punish piracies and felonies on the high seas and offenses against the law of nations** There have been few examples of piracy involving the United States since the nineteenth century, but Congress has used its power to punish felonies by authorizing drug arrests on the high seas. The Supreme Court has held that international law (discussed later) is part of the law of the United States.

- **Ratify treaties** The Senate must ratify treaties negotiated by the president by a two-thirds vote. Ratified treaties require Congress to provide the funds needed to implement them.

The president has power to

- **Negotiate treaties** A **treaty** is a formal agreement with one or more other nations. Treaties are used to conclude wars, help maintain peace, and affect international commerce. The delicate task of negotiating treaties rests with the president. The Department of State assists the president in this ongoing work. Once ratified by the Senate, treaties are part of the “supreme Law of the Land.”

- **Act as commander in chief of the army and navy** This power reflects the need for concentrated military authority in wartime. The United States has been at war—declared or undeclared—so often that the role of commander in chief has contributed significantly to the growth of presidential power.

Under what conditions, if any, should American presidents meet or refuse to meet directly with leaders of other nation-states?
Appoint ambassadors, other public ministers, and consuls  Ambassadors, public ministers, and consuls make up the nation’s diplomatic corps. They are the country’s face and presence throughout the world. International diplomacy lays the groundwork for commercial treaties and helps implement American foreign policy.

Receive ambassadors and other public ministers  Receiving ambassadors and other public ministers establishes diplomatic relations with other countries. This power is used to recognize new nations and to accept changes of government in existing nations. Refusing to receive an ambassador or other public minister means refusing to have diplomatic relations with that country.

The Supreme Court has power to

- Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls  The activities of these officials are directly related to peace and to the nation’s sovereignty.

- Exercise appellate jurisdiction over admiralty and maritime cases  These cases affect the nation’s involvement in international trade.

What Do You Think?

The Constitution is not completely clear about the power of each branch of the national government in foreign affairs. For example, Congress has the authority to regulate the army and the navy, but the president is the commander in chief of the army and the navy. The president has the power to negotiate treaties. But the Senate must ratify them, and Congress is responsible for providing the money required to implement treaties.

1. What are the advantages and disadvantages of checks and balances in the area of foreign relations?

2. Are principles of separation of powers and federalism as viable in the making and execution of foreign policy as they are in the making and execution of domestic policy? If not, what are the alternatives? Explain.

What Is International Law?

International law may be defined as the body of rules of conduct accepted as legally binding by countries in their relations with each other. The purpose of international law is to create and maintain international order. Sources of international law include international treaties and conventions and international customs. The practices of international organizations, especially the United Nations, often are cited as sources of international law, though this claim is disputed. International law may be said to reflect four overarching ideals:

- Equality of sovereign nation-states  All nations have the authority to exercise governmental power over those within their territory. The equality of nations is the key factor in international law. A corollary, or logical extension, of this principle is the self-determination of peoples.

- Noninterference in the affairs of other nations  This principle ensures that each nation respects the rights and powers of other members of the international community.

When Africans on the Spanish slave ship *Amistad* mutinied in 1839 and took over the ship while it was at sea, what laws, if any, did they violate?
• **No use of force or threat of force** This principle reflects the need to avoid armed conflict and has become especially important since the advent of nuclear weapons. A corollary to this principle is the peaceful resolution of disputes.

• **Respect for human rights** This principle recognizes developments in international law since the end of World War II. This principle frequently comes into conflict with the principles of sovereign equality and noninterference.

One of the primary aspects of international law is self-help. For example, international law allows nations to defend themselves. Another aspect is that international law differs significantly from domestic law. In many situations there is no universal enforcement mechanism for international law. There is no international police force to enforce the law. And although there is an International Court of Justice, it functions only for those countries that wish to join it.

International law depends on the willingness of nations to obey it. International law is complicated by the fact that countries have distinctly different geographies, cultures, histories, and languages. These differences often lead to disagreements about the meaning of international law, the right of each country to enforce it, and the extent to which circumstances and under what circumstances it is obligatory.

**HOW DO INTERNATIONAL ORGANIZATIONS HELP TO MAINTAIN INTERNATIONAL ORDER?**

The League of Nations, created after World War I, was the first attempt among nations to create a large-scale international organization to maintain international order through collective security. That is, the collective force of all members was to come to the aid of any member that was attacked. However, the League was a failure, largely because the United States refused to join. After World War II another attempt was made to maintain international order through collective security. Abandoning its previous isolationism, in 1945 the United States was one of fifty countries that agreed to form the United Nations (UN).

The UN is composed of states, or countries. Neither organizations nor individuals are eligible for membership. The goals of the UN are to maintain peace through collective security, which obliges member states to come to the aid of other member states if they are attacked by a third party; to promote friendly relations among nations and international cooperation in solving problems; to resolve international disputes peacefully; and to encourage respect for human rights and fundamental freedoms for everyone. The UN has many administrative bodies and agencies, including the World Health Organization and the United Nations Children’s Fund.

Why might nations with disagreements agree to have their cases heard by the International Court of Justice and abide by its decisions? Why might they refuse?
All countries, including the United States, are expected to provide financial support to these bodies.

In addition to being a leader in the creation of the United Nations, the United States houses the organization’s headquarters in New York City. The United States also is one of five permanent members of the UN Security Council. The others are Britain, China, France, and Russia. The Security Council is charged with maintaining peace and security among the nations of the world. Each of the five permanent member nations of the council has veto power over council resolutions.

The UN was founded with the assumption that the five permanent members of the Security Council would come together in the face of threats to international order. This soon proved illusory when the Cold War between the western democracies and the Soviet Union broke out in the late 1940s. Continuing political divisions among the Security Council’s permanent members often have compromised its effectiveness.

Other international organizations have emerged since the end of World War II, and the United States is a member of many, including the North Atlantic Treaty Organization, which focuses on regional security in Europe. The United States also plays an active role in organizations such as the International Monetary Fund, the World Trade Organization, and the World Bank.

**HOW CAN AMERICANS INFLUENCE INTERNATIONAL RELATIONS?**

Americans indirectly influence American foreign policy and the nation’s international economic decisions. However, there are many opportunities for involvement, and there is considerable evidence that individuals and groups can have a significant effect on the United States’ role in international affairs. Opportunities for involvement include the following:

- **Voting, lobbying, and contacting national officials** Candidates for national political office must take stands on issues facing the United States in the global arena. Informed public opinion is important before and after elections and in the course of deliberations about policy choices.

- **Joining nongovernmental organizations** There are more than forty-four thousand nongovernmental organizations in the international arena, in addition to those operating primarily within the United States. They focus on business, environment, health, poverty, education, children’s issues, human rights, and other matters that cut across all aspects of international affairs.
Traveling, exercising citizen diplomacy, and participating in international education
Traveling to other countries is a common way for individuals to develop knowledge and expertise in international affairs. Students can participate in foreign exchange and sister-city programs, study international relations, and become multilingual. Those who cannot travel can help host foreign exchange students and other visitors from abroad. Americans also can learn about, connect with, and converse with people from around the world on the Internet.

Making informed consumer decisions
In the world’s increasingly interdependent economy consumer choices can have important ripple effects. Some consumers refuse to buy, or boycott, products that they believe are produced in conditions that violate human rights or violate copyright laws designed to protect inventors and creative entrepreneurs.

Before the United States entered World War II most Americans saw themselves and their country as isolationist—fundamentally inward-looking, rather than involved with the world. After World War II and the outbreak of the Cold War with the Soviet Union and its allies, Americans’ attitudes toward the rest of the world changed. Since the 1940s Americans have largely accepted the necessity for America’s worldwide involvements for the sake of the nation’s security and the security of the free world. Nevertheless, many Americans are not well informed about other countries, world affairs, or how the United States is perceived in other parts of the world.

WHAT DO YOU THINK?
1. How important is it for Americans to be informed about what is happening in the rest of the world? Explain your response.
2. What suggestions do you have for (a) improving Americans’ understanding of other countries, (b) improving other countries’ understanding of the United States, and (c) fostering dialogue among citizens of different nations?

WHAT IS GLOBALIZATION?
The word globalization refers to the global economy and the effects of worldwide economic interdependence on cultures, social relations, and politics. The central features of globalization are trade and commerce, worker migration, capital, and information.

- Trade and commerce  In the last half of the twentieth century the volume of world trade increased twenty-fold. Multinational corporations, or enterprises that manage production or deliver services in two or more countries, often have budgets bigger than those of some countries. Globalization also involves massive exports of manufactured goods, particularly from Asia. Some national economies have prospered in the era of globalization. Others, such as those of many African nations, have not.

How might world trade enhance relations among nations?
Worker migration  Workers throughout the world are proving to be remarkably mobile. People move from one country to another seeking better jobs, which can lead to disputes about immigration policies. At the same time many companies in industrialized nations such as the United States are outsourcing jobs—that is, sending work to other countries to take advantage of cheaper labor and to use workplaces that are relatively free from government regulation. Outsourcing also affects migration patterns within the United States as unemployed or underemployed workers move to different communities or states in search of jobs.

Capital  Investment patterns have changed dramatically in the past decade, as corporations explore new markets throughout the world. Creditor nations make loans to debtor nations, often giving the creditors leverage over the debtor nation’s political decisions. Capital markets are increasingly volatile, as witnessed by the reactions of stock markets in one part of the world to news of events on the other side of the globe.

Information  Technology has had the greatest effect on globalization. The Internet and other innovations provide all economic actors—consumers, investors, and businesses—with virtually instant access to important information for making decisions. New technologies also make it possible to transfer capital quickly and easily. Information technologies are being used to influence public opinion and to affect political decisions throughout the world.

WHAT DO YOU THINK?

1. Make a list of the ways you and your family are affected by globalization at home, at school, and in the workplace. Compare your list with those of your classmates. Which effects are positive? Which are negative? Explain.

2. Think about the following factors that you might consider in deciding whether to purchase a particular item of clothing or some other consumer good:
   - The country in which it was made
   - Whether the workers who produced the item earn a minimum or working wage
   - Environmental costs of transporting the item for sale
Some observers claim that globalization of the world economy diminishes citizens’ ability to monitor and influence actions that might affect their welfare. Do you agree with this position? Why or why not? If you do agree, what remedies should be used? Explain your reasoning.

**CRITICAL THINKING EXERCISE**

Assessing the Effects of Globalization on the United States

Work in small groups to respond to the following questions. Share your responses with the whole class.

1. What are the economic and political benefits and drawbacks of globalization for the United States? Explain.

2. Some observers claim that globalization of the world economy diminishes citizens’ ability to monitor and influence actions that might affect their welfare. Do you agree with this position? Why or why not? If you do agree, what remedies should be used? Explain your reasoning.

**REVIEWING AND USING THE LESSON**

1. Explain why the United States is involved in the international arena.

2. Identify the three most important constitutional powers that Congress and the president have in the area of international relations. How do checks and balances and the separation of powers affect the exercise of those powers?

3. What is globalization? How does globalization affect American society and the U.S. economy?

4. Identify ways in which Americans can participate in and have an effect on international relations.
One of the Founders, George Mason from Virginia, said, “No free government, or the blessings of liberty can be preserved to any people, but by frequent recurrence to fundamental principles.” In this concluding lesson, you have the opportunity of relating some fundamental principles and ideas of our government to contemporary issues.

The format of this concluding lesson differs from the others. Critical Thinking Exercises similar to others throughout this text present a series of quotations that represent great ideas and principles that have shaped our constitutional heritage. Some of these ideas contradict each other. However, American constitutional history has witnessed many conflicts between competing principles of equal merit. Examples include the conflict between majority rule and minority rights, between sovereign power and fundamental rights, between liberty and order, and between unity and diversity.

Examples of conflicts appear in the following exercises. In each case you will be asked to apply the principles and ideas suggested in the quotations to a contemporary issue, to work through the issue on your own or in small groups, and to reach your own conclusions.

In so doing you will use the skills of citizenship—observation, analysis, debate, and careful selection of value judgments—to reach, express, and defend an opinion. These exercises provide practice for the responsibilities you will encounter in the years ahead.
WHY ARE FUNDAMENTAL PRINCIPLES IMPORTANT?

This book began with the observation that the American experiment in self-government was an adventure in ideas. The individuals who founded America's governments cherished and respected ideas. They were excited about them. The United States was created by ideas. It is not the product of a homogeneous common culture or centuries of tradition. The United States began as a test to see if certain ideas about government—many never before tried on such a scale or in such a way—would work.

The British economist John Maynard Keynes (1883–1946) once remarked that “in the long run it is ideas and not men who rule the world.” Ideas have consequences, sometimes for good, sometimes for evil. Everyone likes to believe that in the end good ideas will prevail over bad, although there is nothing automatic or inevitable about this. Good ideas do matter. One of the twentieth century’s most compelling images comes from the Chinese student democracy movement of 1989. It is a photograph of a young man, armed only with the moral authority of his cause, confronting a column of armored tanks. This image has moved and inspired the world.

Joseph Stalin, the Soviet dictator from 1929 to 1953, once disparaged the influence of religion by asking, “How many divisions does the Pope have?” One of the great ironies of the twentieth century was that the most influential movement to set in motion the fall of the Soviet empire began in Poland. It was impossible for Poland’s communist regime to gain acceptance by a population that retained its deep Catholic faith and where the Catholic Church remained staunchly independent of the communist state.

It was in these circumstances that the independent Polish trade union Solidarity was founded in 1980. This movement was secular, that is, not specifically related to religion or a religious group, although allied with the Catholic Church and strongly aided by the moral influence of the papacy. Eventually Solidarity was able to form a free, noncommunist government in 1989. The victory of Solidarity over Polish communism inspired similar victories, known as the Revolutions of 1989, in neighboring Soviet satellites in Central and Eastern Europe.

These revolutions inaugurated democracy throughout much of the region and helped to weaken the Soviet state, which hastened the dissolution of the Soviet Union at the end of 1991. “An invasion of armies can be resisted,” the eighteenth-century French novelist Victor Hugo once wrote, “but not an idea whose time has come.”

WHAT DID THE FOUNDERS MEAN BY RETURNING TO FIRST PRINCIPLES?

When George Mason spoke of the importance of a “frequent recurrence to fundamental principles,” he was invoking an old idea associated with republican government. The ancient Greeks and Romans believed that a government established with the purpose of serving the public good and involving the participation of all citizens could not survive unless each generation was reminded of that government’s reason for being and the principles by which it operated.

Another of the Founders, probably Melancton Smith or Richard Henry Lee, writing in 1788 as the Anti-Federalist Federal Farmer (see Lesson 13), said,

“If a nation means its systems, religious or political, shall have duration, it ought to recognize the leading principles of them in the front page of every family book. What is the usefulness of a truth in theory, unless it exists constantly in the minds of the people and has their assent?

It is doubtful that these Founders had in mind an uncritical acceptance of the “wisdom of the past.” In revisiting these principles each generation must examine and evaluate them anew. The Founders probably would be somewhat surprised at the reverence in which they and their writings have been held by subsequent generations of Americans.
The Founders themselves were vigorous critics of the wisdom that they had inherited and the principles in which they believed. They were articulate, opinionated individuals who loved to examine ideas—to analyze, argue, and debate them. They expected no less of future generations. They would expect no less of us. To go back in thought or discussion to first principles requires us to make principled arguments and to ground our opinions in ideas of enduring value. It is what citizenship in a free society is all about.

CRITICAL THINKING EXERCISE 1

Liberty versus Order

One of the most enduring and important challenges in our constitutional system of government is how to balance order with liberty. In this exercise the issue of crime demonstrates the challenge. Violent crime is widespread in the nation’s inner cities, but few areas of our society feel safe. Violence even has become a problem in our schools.

In response to the crime problem in a housing project of one of the nation’s largest cities, officials in that city proposed large-scale police “sweeps” of apartments to search for illegal weapons. These searches would not require search warrants or evidence of probable cause. After a judge struck down the proposal as an unconstitutional violation of the Fourth Amendment, the city proposed a new policy requiring prospective tenants in public housing projects to waive their Fourth Amendment rights as a condition of their leases.

1. How do the following statements apply to the issue of sweeps for illegal weapons? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?

   “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.

   Fourth Amendment

   “The good of the people is the highest law.

   Cicero

   "Authority without wisdom is like a heavy axe without an edge, fitter to bruise than polish.

   Anne Bradstreet

   “For a man’s house is his castle.

   Edward Coke

   “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

   Benjamin Franklin

   “Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations.

   James Madison

   “Every successful revolution puts on in time the robe of the tyrant it has deposed.

   Barbara Tuchman

   “Liberty, too, must be limited in order to be possessed.

   Edmund Burke

   “The great and chief end, therefore, of men’s uniting into Commonwealths, and putting themselves under Government, is the preservation of property [life, liberty, and estate].

   John Locke

2. Which, if any, of these statements do you find most persuasive? Why?

3. What is your position on this issue? Explain the reasons for your position in terms of the situation and the principles involved.

Should residents of public housing projects be required to waive their Fourth Amendment rights so that law enforcement officers can search their apartments for illegal weapons or drugs without warrants?
CRITICAL THINKING EXERCISE 2  
Unity versus Diversity

Is a common language essential to the survival of American democracy? One of the most controversial aspects of diversity in America has to do with language. Throughout American history English has been the principal language of the country. For millions of immigrants learning English has been an important first step to becoming a U.S. citizen.

Schools must teach immigrant children who speak languages other than English. Educators differ about how best to accomplish their tasks. A large percentage of recent immigrants speak Spanish as their first language. In certain areas of the country Spanish is as commonly spoken as English. Some believe that we are becoming a bilingual nation.

How do the following statements apply to this situation? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?

"America is God’s crucible, the great melting pot where all the races of Europe are melting and re-forming!

Israel Zangwill"

"[Immigrants are] not the refuse but the sinew and bone of all the nations…. [Education is] the essence of American opportunity, the treasure that no thief could touch, not even misfortune or poverty.

Mary Antin"

"Our political harmony is therefore concerned in a uniformity of language.

Noah Webster"

"We have room for but one language here, and that is the English language, and we intend to see that the crucible turns our people out as Americans, and not as dwellers of a polyglot boarding-house.

Theodore Roosevelt"

"In world history, those who have helped to build the same culture are not necessarily of one race, and those of the same race have not all participated in one culture.

Ruth Fulton Benedict"

"America is not a melting pot. It is a sizzling cauldron.

Barbara Mikulski"

Under what conditions, if any, should government officials be allowed to confiscate literature or computer files they might consider evidence of terrorist activities or sympathies?
We have become not a melting pot but a beautiful mosaic. Different people, different beliefs, different yearnings, different hopes, different dreams.

Jimmy Carter

Here in America we are descended in blood and in spirit from revolutionaries and rebels—men and women who dared to dissent from accepted doctrines. As their heirs may we never confuse honest dissent with disloyal subversion.

Dwight D. Eisenhower

I believe respect for diversity and encouragement of a plurality of communities have been among the glories of the best elements of the American political system.... But, like all other values, diversity has its problems and costs as well as its advantages and benefits. The problem is often simply referred to as the tension between unity and diversity, or order and liberty, or the public and the private.

R. Freeman Butts

2 Which, if any, of these statements do you find most persuasive? Why?

3 Is a common language necessary to American citizenship? Explain your position in terms of the principles involved.

CRITICAL THINKING EXERCISE 3

Majority Rule versus Minority Rights

The rights and wrongs of majority rule have been the subject of debate for centuries. One scholar recently compared Americans’ concern about the problem of majority tyranny to “a nagging tooth.”

The term *majority* is derived from the Latin *major pars*, or the “weightier part.” In medieval Europe the term referred to powerful nobles who were considered “weightier” than the common people. Today, in a democratic society that adheres to a principle of political equality—“each is to count for one and no more than one”—numbers rather than social position determine the meaning of majority.

The term *minority* may refer to those on the losing side of a vote of any kind. It also refers to a part of a population differing from others in some characteristic such as ethnicity, language, religion, or political party.

Majority rule is an essential concept of democratic government because there needs to be a way to settle disputes and decide issues. If unanimous agreement were necessary before a law could be enacted, a policy put in place, or an official elected, then nothing would get done.

However, majority rule is not an absolute principle. If it were, then the majority of voters or legislators could ignore the wishes of minorities and deprive them of their rights.

Today, most Americans believe themselves to be members, at least part of the time, of one or more minorities. Their views could be ignored and their goals threatened if
the will of majorities were legally unlimited. How to achieve the proper balance between majority rule and minority rights therefore remains a continuing challenge.

1 How do the following statements address the problem of reconciling majority rule with minority rights? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?

The first principle of republicanism is, that the *lex-majoris partis* is the fundamental law of every society of individuals with equal rights; to consider the will of society enounced by the majority of a single vote, as sacred as if unanimous, is the first of all lessons in importance.

*Thomas Jefferson*

Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy, or despotism, in some form is all that is left.

*Abraham Lincoln*

No democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities.

*Franklin D. Roosevelt*

When great changes occur in history, when great principles are involved, as a rule the majority are wrong. The minority are right.

*Eugene Debs*

A nation is judged by how it treats its minorities.

*René Lévesque*

All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.

*Thomas Jefferson*

I admit the tyranny of majorities may be as bad as the tyranny of kings … and I do not think any rational or sober man will say that what is justifiable against a tyrannical king may not under certain circumstances be justifiable against a tyrannical majority.

*Arthur James Balfour*

My definition of a free society is a society where it is safe to be unpopular.

*Adlai Stevenson*

Nor need we enquire whether similar considerations enter into the review of statutes directed at particular religious … or national … or racial minorities … whether prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for correspondingly more searching judicial inquiry.

*Harlan F. Stone, United States v. Carolene Products*, 304 U.S. 144 (1938)

2 Which, if any, of these statements do you find most persuasive? Why?
CRITICAL THINKING EXERCISE 4
Positive versus Negative Rights

A major issue in the United States is health care reform. Health care services comprise about one-seventh of the nation’s economy. Millions of Americans are not covered by private health insurance; neither can many afford medical care. State or national health care plans would mean a substantial expansion of government involvement in the private sector.

Is health care a fundamental right? Do governments have a compelling interest in the health and well-being of their citizens?

1. How do the following statements apply to this situation? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?

   “[To] promote the general Welfare.
   Preamble to the Constitution

   “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.
   Constitution, Article I, Section 8

   “If, my countrymen, you wait for a constitution which absolutely bars a power of doing evil, you must wait long, and when obtained it will have no power of doing good.
   Oliver Ellsworth

   “A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other control, but a regard to the public good and to the sense of the people.
   Alexander Hamilton

   “I own I am not a friend to a very energetic government. It is always oppressive.
   Thomas Jefferson

2. Should health care be considered a private or a public matter? Why?

3. Should states have a greater responsibility than the national government for assuring adequate health care? Why?

4. What is your position on this issue? Explain the reasons for your position in terms of the situation and the principles involved.

POSTSCRIPT

Our Constitution is a covenant running from the first generation of Americans to us and then to future generations. It is a coherent succession. Each generation must learn anew that the Constitution’s written terms embody ideas and aspirations that must survive more ages than one.

U.S. Supreme Court Justices
Sandra Day O’Connor, Anthony Kennedy, and David Hackett Souter, Planned Parenthood v. Casey, 505 U.S. 833 (1992) (plurality opinion)
What are some of the fundamental responsibilities associated with the rights of citizens of the United States? What role should first principles play when citizens participate in politics and government?