

Civics: Year-Long Overview

To be productive members of society, students must be critical consumers of information they read, hear, and observe and communicate effectively about their ideas. They need to gain knowledge from a wide array of sources and examine and evaluate that information to develop and express an informed opinion, using information gained from the sources and their background knowledge. Students must also make connections between what they learn about the past and the present to understand how and why events happen and people act in certain ways.

To accomplish this, students must:

1. Use sources regularly to learn content.
2. Make connections among people, events, and ideas across time and place.
3. Express informed opinions using evidence from sources and outside knowledge.

Teachers must create instructional opportunities that delve deeply into **content** and guide students in developing and supporting **claims** about social studies concepts.

In Civics, students explore the goal of a “more perfect union” and the role of the individual in the decisions of that union as they learn about the foundations, structure, and functions of the US government, politics and the role of the citizen, economic concepts, and financial literacy. The unit claim questions highlight the connections among the [GLEs](#) that students should make as they develop and express informed opinions.

Civics Content	Civics Claims	A u g	S e p	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y
Foundations of US Government	Did the Founding Fathers make the best choices for the United States?	X	X								
Structure of Government	Does the government’s structure help or hinder it from fulfilling the purposes espoused in the Preamble?			X	X						
Functions of US Government	How do US policy decisions affect society and the diverse collection of individuals within it?				X	X					
Politics and the Role of the Citizen	To what extent are individual citizens able to influence public policy?						X	X			
The Economy	What is the proper role of government in the economy?								X	X	

Civics: How to Navigate This Document

The Civics scope and sequence document is divided into six units. Each unit has an overview, instruction which includes topics and tasks, and a unit assessment. Click on a link below to access the content.

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Unit One Overview

Description: Students learn about different types of government and explore how the US government came into being to evaluate the strengths and weaknesses of a constitutional federal republic.

Suggested Timeline: 7 weeks

Civics Content	Civics Claims
Foundations of US Government	Did the Founding Fathers make the best choices for the United States?

Topics (GLEs):

1. [Types of Government](#) (C.1.1-2)
2. [Influences on US Government](#) (C.1.3, C.1.4, C.1.6)
3. [Creating the Constitution](#) (C.1.5-6, C.2.6, C.5.1, C.5.3)

Unit Assessment: Students write a multiparagraph essay in response to the prompt: Evaluate the decisions made by the framers from the drafting of the Constitution through the ratification of the Bill of Rights.

Unit One Instruction

Topic One: Types of Government (C.1.1-2)

Connections to the unit claim: Throughout this Civics course, students learn that the US government originated with a group of individuals who came together to found “a more perfect union” and explore the following questions: How “perfect” is the union they created? In what ways does the individual still play a role in the decisions of that union? For this topic, students consider the reasons societies institute governments and learn about the different types of governments that exist. By understanding alternative systems of government, students build the context necessary to understand why the framers chose a constitutional federal republic and evaluate their decisions at the end of the unit.

Suggested Timeline: 2 class periods

Use this sample task:

- [Why Government? Who Rules?](#)

To explore these key questions:

- Why do societies create governments?

That students answer through this assessment:

- Students engage in various class discussions to analyze sources about the purpose of government. Use a [discussion tracker](#) to keep track of students’ contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.4, RH.9-10.9, SL.9-10.1a-d, SL.9-10.2)
- Students provide written responses to questions. Check these for a grade. Answers will vary but rationales should be logical and demonstrate understanding of the advantages and disadvantages of different types of government. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.4, RH.9-10.9, WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.9, WHST.9-10.10)

Civics Instructional Task: Why Government? Who Rules?

Unit One: Foundations of US Government, Topic One: Types of Government

Description: Students investigate the concept of *state of nature* by simulating a society without government and contrasting the views of Thomas Hobbes and John Locke. Then students learn about the different types of governments societies institute.

Suggested Timeline: 2 class periods

Materials: [britannica.com's definition of state of nature](#), [excerpts from *The Leviathan*](#), [excerpts from *The Second Treatise of Civil Government*](#), ["Who Rules?" lesson plan](#), [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Post and read aloud the compelling question for the task: "Why do governments exist?"
2. Say: "Let's begin with a hypothetical situation. Pretend you are on an airplane that crashes on an uninhabited island in the middle of the ocean. There is no possibility of rescue. The island contains some fresh water and resources that could be used for food and shelter, but none of the supplies are abundant."
3. Direct students to individually write down notes about what might occur on the island as the passengers try to survive. Then discuss as a class. Possible questions:
 - a. In the absence of any government, what would determine the way people act toward one another?
 - b. Would you expect more cooperation or conflict?
 - c. How might the physically and/or intellectually strong take advantage of weaker individuals?
 - d. How might individuals respond if they feel threatened or mistreated?
4. Encourage students to disagree with one another and end the discussion before consensus is reached. Use the term *state of nature* to describe the island immediately after the crash. Read or project the following definition:¹
 - a. in political theory, the real or hypothetical condition of human beings before or without political association
5. Say: "Now we are going to read two sources by philosophers with different perspectives about human nature and what life would be like in a *state of nature*." Provide students with copies of the [excerpts from *The Leviathan* by Thomas Hobbes](#) and the [excerpts from *The Second Treatise of Civil Government* by John Locke](#). Project and read aloud the [excerpts from *The Leviathan* by Thomas Hobbes](#), modeling [summarization](#) skills. Write bulleted summary on the board.
6. Direct students to independently read the [excerpts from *The Second Treatise of Civil Government* by John Locke](#) and then write a one-bullet-point summary for each paragraph with a partner.
7. Conduct a discussion to compare the sources. Encourage students to use the [conversation stems](#) during the discussion and provide evidence from the texts to support their answers. Possible questions:
 - a. How does Hobbes' understanding of human nature inform his perspective about the conditions of life in a *state of nature*?
 - b. Both authors use the term *equality*. Compare how they use the term. How does each author's understanding of equality contribute to his argument?

¹ From <https://www.britannica.com/topic/state-of-nature-political-theory>.

- c. How do Locke’s beliefs about conditions in a *state of nature* differ from Hobbes’?
 - d. Answer the following question first as Hobbes and then as Locke: Why do societies establish governments?
 - e. Say: “Returning to the island scenario, imagine a leader emerges. His rule brings order and stability, but he also demands total obedience from his subjects and severely restricts their freedom. How might Hobbes’s perspective on the government he established differ from Locke’s?
8. Conclude the discussion by asking students what term they would use to describe this hypothetical government.
 9. Use the [“Who Rules?”](#) lesson plan developed by [iCivics](#) to teach students about the types of government.²Conclude the lesson after completing Activity A as a class.
 10. Instruct students to provide written responses to the following questions:
 - a. Assuming 850 people survived the plane crash, which type of government would you recommend for the island? In your rationale, be sure to discuss both the advantages and disadvantages of the type of government you chose. (1-2 paragraphs)
 - b. Would your decision be different if fewer people survived the crash? Why or why not? (1 paragraph)
 - c. If the island’s population grew quickly over the next few generations, would you recommend changing the form of government? Why or why not? (1 paragraph)

² Note: Access to lessons and resources on [iCivics](#) requires a free registration on the site.

Excerpts from *The Leviathan*, Thomas Hobbes, 1651

NATURE hath made men so equal in the faculties of the body and mind, as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For, as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself.

And, as to the faculties of the mind, setting aside the arts grounded upon words and especially that skill of proceeding upon general and infallible rules called science, which very few have and but in few things, as being not a native faculty born with us, nor attained, as prudence, while we look after somewhat else, I find yet a greater equality amongst men than that of strength. For prudence is but experience, which equal time equally bestows on all men in those things they equally apply themselves unto. That which may perhaps make such equality incredible is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree than the vulgar, that is, than all men but themselves, and a few others whom by fame or for concurring with themselves they approve. For such is the nature of men that, howsoever they may acknowledge many others to be more witty or more eloquent or more learned, yet they will hardly believe there be many so wise as themselves, for they see their own wit at hand and other men's at a distance. But this proveth rather that men are in that point equal than unequal. For there is not ordinarily a greater sign of the equal distribution of anything than that every man is contented with his share.

From this equality of ability ariseth equality of hope in the attaining of our ends. And therefore, if any two men desire the same thing which nevertheless they cannot both enjoy, they become enemies; and, in the way to their end, which is principally their own conservation and sometimes their delectation only, endeavour to destroy or subdue one another. And from hence it comes to pass that, where an invader hath no more to fear than another man's single power, if one plant, sow, build, or possess, a convenient seat others may probably be expected to come prepared with forces united to dispossess and deprive him not only of the fruit of his labor but also of his life or liberty. And the invader again is in the like danger of another....

Hereby it is manifest that, during the time men live without a common power to keep them all in awe, they are in that condition which is called war, and such a war as is of every man against every man....

Whatsoever therefore is consequent to a time or war where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain, and consequently no culture of the earth, no navigation nor use of the commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth; no account of time, no arts, no letters, no society, and, which is worst of all, continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish, and short.

This text is in the public domain.

Source: A full-text version is available online at <http://www.bartleby.com/34/5/13.html>.

Excerpts from *The Second Treatise Of Civil Government*, John Locke, 1690

To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection...

But though this be a state of liberty, yet it is not a state of licence: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself....The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions....

And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation....

...EVERY MAN HATH A RIGHT TO PUNISH THE OFFENDER, AND BE EXECUTIONER OF THE LAW OF NATURE....

To this strange doctrine, viz. That in the state of nature every one has the executive power of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant, that civil government is the proper remedy for the inconveniencies of the state of nature, which must certainly be great, where men may be judges in their own case...: but I shall desire those who make this objection, to remember, that absolute monarchs are but men; and if government is to be the remedy of those evils, which necessarily follow from men's being judges in their own cases, and the state of nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or controul those who execute his pleasure and in whatsoever he doth, whether led by reason, mistake or passion, must be submitted to. Much better it is in the state of nature, wherein men are not bound to submit to the unjust will of another. And if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.

This text is in the public domain.

A full-text version is available online at <http://www.constitution.org/jl/2ndtr02.htm>.

Unit One Instruction

Topic Two: Influences on US Government (C.1.3, C.1.4, C.1.6)

Connections to the unit claim: In this unit, students evaluate how successful the Founding Fathers were in establishing a “more perfect union.” For this topic, students investigate the Founding Fathers’ major historical, philosophical, and religious influences to better understand their decisions as they declared independence from Great Britain and began the work of creating the US government.

Suggested Timeline: 8 class periods

Use this sample task:

- [Historical Precedents and Philosophical Influences](#)

Note: Prior to conducting this task with students, read the [background information](#) for the “Magna Carta: Cornerstone of the US Constitution” lesson by the National Endowment for the Humanities.

- [Religious Influences](#)

Note: Prior to conducting this task with students, read the [background information](#) for the “Religion and the Argument for American Independence” lesson, including the linked source, “[Religion and the American Revolution](#)” by Christine Leigh Heyrman.

To explore these key questions:

- How “revolutionary” were the ideas behind the American Revolution?
 - Upon what historical precedents did the Founding Fathers draw?
 - What roles did Enlightenment philosophical thinking and religion play?

That students answer through this assessment:

- Students complete a [Declaration of Independence graphic organizer](#), which may be collected and checked for a grade.
- Students engage in a philosophical chairs debate. To prepare, students complete the [Thomas Jefferson: Copycat or Revolutionary Thinker](#) graphic organizer. Collect and check for a grade after the debate. Use a [discussion tracker](#) to keep track of students’ contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.3, RH.9-10.6, RH.9-10.10, WHST.9-10.10, SL.9-10.1, SL.9-10.2, SL.9-10.6)
- Students write an essay in response to the compelling question for the topic: “How *revolutionary* were the ideas behind the American Revolution? Use the [social studies extended response rubric](#) to grade the essay. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written. ([ELA/Literacy Standards](#): WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)

Civics Instructional Task: Historical Precedents and Philosophical Influences³

Unit One: Foundations of US Government, Topic Two: Influences on US Government

Description: Students examine various primary sources to identify the major philosophical and historical influences behind the American Revolution. Students then engage in a philosophical chairs debate to evaluate whether the Declaration of Independence should be considered “revolutionary” or derivative.

Suggested Timeline: 5 class periods

Materials: [background information](#) for the “Magna Carta: Cornerstone of the US Constitution” lesson, “[Treasures in Full, Magna Carta: The Basics](#),” [Magna Carta with Annotations](#), [Magna Carta graphic organizer](#), [Confirmatio Cartarum](#), [pbs.org’s definition of Age of Enlightenment](#), [excerpts from The Second Treatise of Civil Government](#), “[The Enlightenment](#)” mini-lesson, [Declaration of Independence](#), [audio recording of John F. Kennedy](#), “[Was the Revolution Justified?](#),” Declaration of Independence graphic organizer ([blank](#) and [completed](#)), [Section 225 of The Second Treatise of Civil Government](#), [Slave Petition to the Governor, Council, and House of Representatives of the Province of Massachusetts](#), [Instructions from the Town of Malden, Massachusetts, for a Declaration of Independence](#), [excerpt from the Virginia Declaration of Rights](#), “[What Was the Declaration of Independence?](#)” interview, “[The Pre-Revolutionary Period and the Roots of the American Political Tradition](#),” Thomas Jefferson: Copycat or Revolutionary Thinker graphic organizer ([blank](#) and [completed](#)), [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Introduce the topic by saying, “Now that we have explored why societies institute governments and the types of governments that exist, we will begin our investigation into the origins of our government.”
2. To activate prior knowledge, say, “You have studied the Declaration of Independence in previous social studies courses. Take a moment to jot down some notes about what you remember.” Ask students to share their responses. If necessary, correct major misconceptions but refrain from elaborating on student responses at this time. In most cases, a student will identify Thomas Jefferson as the author. If no one does, specifically ask, “Who wrote the Declaration of Independence?”
3. Post and read aloud the compelling question for the topic (overarches both tasks): “How *revolutionary* were the ideas behind the American Revolution?”
4. Read and project the following definition for *revolutionary*:⁴
 - a. of, pertaining to, characterized by, or of the nature of a revolution, or a sudden, complete, or marked change
 - b. radically new or innovative; outside or beyond established procedure, principles, etc.
5. Say: “To answer this question, we will compare the Declaration of Independence to a number of other sources to locate its major philosophical and historical influences. After comparing those sources to the Declaration of

³ This task contains lessons and student resources (“[Magna Carta: Cornerstone of the US Constitution](#)” and “[The Declaration of Independence: An Expression of the American Mind](#)”) adapted from the National Endowment for the Humanities; they are licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for them to be shared and adapted as long as the user agrees to the terms of the license.

⁴ From <http://www.dictionary.com/browse/revolutionary>.

- Independence, you will engage in a [philosophical chairs debate](#). The prompt for the debate will be: Thomas Jefferson: copycat or *revolutionary* thinker?"
6. Say: "The first influence we will consider is the Magna Carta."
 7. Provide students with access to "[Treasures in Full, Magna Carta: The Basics](#)" from the British Library and direct them to read independently.
 8. Provide students with copies of the [Magna Carta with Annotations](#). Read aloud the introductory text in italics.
 9. Provide students with copies of the [Magna Carta graphic organizer](#). Read aloud and discuss the four themes.
 10. Divide the class into small groups. Assign each student in the group a different section of the text to read independently and then report out on to the rest of the group. Direct the students to complete the graphic organizers in their groups by finding a few key examples for each theme. Note: Students do not need to find every relevant passage. The idea is to acquaint them with the document and to give them an opportunity to find evidence to support each of the four major themes. Answers to the graphic organizer will vary.
 11. Briefly review the major themes found in Magna Carta as a class.
 - a. Clarify terms such as *rule of law* and *due process of law*.
 - b. Focus on the importance of each of the four themes to individual rights and liberties.
 12. Conclude with a short explanation of [Confirmatio Cartarum \(1297\)](#) in which Edward I reaffirmed his commitment to the Magna Carta. Project and read aloud paragraph 2, which elevates the Great Charter to the status of "higher law" by declaring that all laws contrary to Magna Carta are null and void.
 13. Say: "In addition to the historical precedent set by the Magna Carta, the Founding Fathers were also heavily influenced by Enlightenment philosophers."
 14. Project and read aloud the [definition for the Age of Enlightenment](#) provided by PBS. Briefly discuss each of the characteristic doctrines from the PBS definition to ensure student comprehension.
 15. Say: "You have already been introduced to one of the most influential Enlightenment political thinkers, John Locke."
 16. Project and read aloud the following definition for *natural rights*:⁵
 - a. believed to be given by God; no government may take away
 17. Direct students to reread the first three paragraphs of the [excerpts from Locke](#) and highlight the sections related to *natural rights*. Ask: "What rights would John Locke classify as *natural rights*?"
 18. Provide students with access to the first page of "[The Enlightenment](#)" mini-lesson by [iCivics](#).⁶ Briefly discuss to ensure comprehension of the terms *social contract* and *consent of the governed*.
 19. Provide students with copies of the [Declaration of Independence](#). Instruct students to [annotate](#) the text as they listen to an audio version. Note: Students will use the Declaration of Independence again in later tasks. To avoid making additional copies, ask them to save the annotated version.
 20. Listen to the [audio recording of John F. Kennedy](#). For the first two paragraphs, pause the audio after important sections and call on students to paraphrase and explain the text. Stop the audio before the list of grievances.
 21. Project the [Magna Carta graphic organizer](#). Briefly review the four key themes and write a system of shorthand notation on the board (e.g. abbreviate "rule of law" as "RoL"). Instruct students to look for examples of breaches of the themes and annotate the text accordingly as they listen to the list of grievances. Continue listening to the audio.

⁵ From https://cnx.org/contents/W8wOWXNF@15.6:1_jm6Ej7@3/The-Pre-Revolutionary-Period-a

⁶ Note: Access to lessons and resources on [iCivics](#) requires a free registration on the site.

22. After the audio concludes, provide students with access to "[Was the Revolution Justified?](#)," which simplifies the list of grievances. Allow students to amend the annotations they made to the grievances section of the Declaration if necessary.
23. Conduct a class discussion. Ask: "Based on the list of grievances, was the Revolutionary War justified?"
24. Distribute the [Declaration of Independence graphic organizer](#).
25. Provide students with copies of or access to each of the following documents (either one at a time or in a set):
 - a. [Section 225, The Second Treatise of Civil Government](#), John Locke, 1690
 - b. [Slave Petition to the Governor, Council, and House of Representatives of the Province of Massachusetts](#), May 27, 1774 (Direct students to focus on beginning and end of the document.)
 - c. [Instructions from the Town of Malden, Massachusetts, for a Declaration of Independence](#), May 27, 1776
 - d. [Excerpt from the Virginia Declaration of Rights](#), June 12, 1776
26. Direct students to independently read each document and locate the portion of the Declaration of Independence that is similar to the document's text.
27. Working in small groups, instruct students to analyze the extent of the connection and influence of the ideas in each document to the wording in specific sections of the Declaration. Direct students to complete graphic organizers. Discuss [completed](#) Declaration of Independence graphic organizers as a class. Note: If collecting for a grade, either return graphic organizers to students before completing the next step or wait to collect until after the debate.
28. Provide students with copies of the [Thomas Jefferson: Copycat or Revolutionary Thinker](#) graphic organizer. Direct students to prepare for the philosophical chairs debate by reviewing all of the primary sources already read in class and adding evidence to the graphic organizer.
29. Provide students with access to additional secondary sources, including Pauline Maier's interview, "[What Was the Declaration of Independence?](#)," and "[The Pre-Revolutionary Period and the Roots of the American Political Tradition](#)." Direct students to read independently and continue adding claims and evidence to their [Thomas Jefferson: Copycat or Revolutionary Thinker](#) graphic organizers. Note: Teachers may also elect to add additional sources.
30. Once students have sufficient evidence, engage the class in a philosophical chairs debate in response to the prompt: Thomas Jefferson: copycat or *revolutionary* thinker? Direct students to use evidence from the various sources to support their positions. Encourage students to use the [conversation stems](#) and assess participation with a [discussion tracker](#).
31. Collect [completed](#) graphic organizers for a grade.

Magna Carta with Annotations, Abridged⁷

The rule of law has its basis in Magna Carta. This concept, fundamental to democratic forms of government, asserts that all – including a king, prime minister, or president – must abide by the laws of the nation. While Magna Carta does not specifically state that the king is subject to the rule of law, the provisions of this document establish that principle by imposing limits on the king’s power. The fact that the barons are given the authority to enforce this document in Chapter 61 of the original version reinforces the principle that the king could no longer ignore or violate established laws, traditions, or customs, nor could he arbitrarily infringe on the rights of his subjects. In short, the king would be compelled to abide by the rule of law.

The Magna Carta is not to be understood as a carefully crafted constitution, or framework of government, like the US Constitution. Rather, it addresses the principal grievances of the barons, merchants, and church officials through a set of rules designed to both restrict the power of the king and protect the liberties of Englishmen, Scots, and Welshmen. The organization, while not entirely haphazard, does not have the same clear structure that we expect to find in a modern constitution.

This annotated version of Magna Carta shows the modern translation provided on the British Library Portal in regular font. EDSITEment notes, which follow the respective chapters, are indented and in italics.

Clauses marked (+) are still valid under the charter of 1225, but with a few minor amendments. Clauses marked (*) were omitted in all later reissues of the charter. In the charter itself the clauses are not numbered, and the text reads continuously. The translation sets out to convey the sense rather than the precise wording of the original Latin.

Magna Carta

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter Bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the knighthood of the Temple in England, William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz

⁷ The annotations are by the National Endowment for the Humanities and are licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/), which allows for them to be shared and adapted as long as the user agrees to the terms of the license. The unabridged annotations are available online at https://edsitement.neh.gov/sites/edsitement.neh.gov/files/worksheets/Annotation_Unabridged737.pdf.

Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

Preamble: This identified the key players, the most important of whom were King John and Stephen Langton, the Archbishop of Canterbury. Others names in this section of the document included high church officials and leading nobles, described as “loyal subjects.” The fact that men of considerable stature had not joined the rebellion against the King is worth noting, for their presence probably helped to dissuade the barons from taking up arms against John. The King, it should be noted, signed the Magna Carta because of the threat of violence, but he had no intention of abiding by the agreement.

+ (1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

The Archbishop's role is evident in this provision – both its placement at the beginning of the document and its guarantee of the rights and freedom of the church to act without being subject to the king's interference.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

The second paragraph of this chapter was added between June 15 and June 19. It extended the liberties beyond the barons to include “all free men” and their heirs forever. At the time, this covered about 10% of the population; however, over time, as more of the population qualified as “free men,” it came to encompass virtually all of the people of Great Britain.

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief', the heir shall have his inheritance on payment of the ancient scale of 'relief'. That is to say, the heir or heirs of an earl shall pay £100 for the entire earl's barony, the heir or heirs of a knight 100s. at most for the entire knight's 'fee', and any man that owes less shall pay less, in accordance with the ancient usage of 'fees'

Under the feudal system, the heir of a feudal estate was required to pay a “relief” to the king in order to retain ownership of the property. King John had increased the fees many fold. This provision set the fee, or “relief,” to the much smaller traditional amount.

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

The exemption of a minor from paying a relief when he came of age was an issue of fairness. The lord to whom the heir would have paid the fee would have had use of the land before the heir came of age, and, as a result, would already have benefited financially.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us.

Concern for fairness is again evident. The guardian of land inherited by a minor could use the land for "reasonable" purposes, but he had to protect the land so that the heir would have full value of his inheritance. If the guardian damaged or destroyed the property, the heir had a right to compensation.

(5) For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with plough teams and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

The guardian would not only return the land to the heir when the latter came of age, he would also provide the means for the heir to farm the land and to live off its product.

(6) Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be made known to the heir's next-of-kin.

This provision was designed to protect the children from being forced by guardians into marriages that would not have been approved by their fathers, had they lived.

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

The king could not force a widow to leave her home by imposing excessive demands for money. A widow's dower (what she brought into the marriage) as well as her marriage portion (her share of the family inheritance) and other property that she held jointly with her husband were protected, thus enabling her to live comfortably on what was rightfully hers.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

A widow could choose not to re-marry. However, if she did decide to re-marry, she had to obtain consent from whoever controlled her lands. The issue here was one of maintaining a balance of power among the barons. Marriage between a wealthy widow and a powerful baron could upset the balance within a region of the country.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

This provision calls for the orderly settlement of debts (i.e. fair treatment for both debtor and lender) and protection of an individual's property. The king could not seize the land of a debtor if that individual had enough personal property (i.e. property other than land) to cover the debt. In turn, those who had given a loan could claim the land of the debtor as well as the rents from that land until the debt was paid.

* (10) If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.

* (11) If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.

[Chapters 10 & 11] These two provisions, by singling out Jewish moneylenders, raise questions regarding prejudice (though Chapter 10 also applied to the king and Chapter 11 makes clear that the provisions applied to other moneylenders as well). The basic idea behind both was to make sure that neither wives nor minor children would unfairly lose their inheritance or other properties.

* (12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

The term scutage refers to a tax paid by feudal lords to avoid military service. The barons who wrote this provision were objecting to the King's demands that they provide financial support for his military campaigns in Europe. To avoid such payments, they limited the circumstances for which such a tax could be imposed.

+ (13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

The protection of the rights and liberties of London's business class recognized that the King's exercise of arbitrary power had threatened this influential group and had led to their support of the barons' uprising against John. By referring to ancient customs, etc., it reinforces the idea of rule of law – not just for landowners, but for other powerful members of English society as well.

* (14) To obtain the general consent of the realm for the assessment of an 'aid' - except in the three cases specified above - or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a

fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

The requirement that “general consent” for taxes be given by leaders from both secular society and the church opened the way for oversight of the king by representatives within the community. The meetings provided for here led to the creation of the British parliament. They also set in place an orderly procedure for convening this meeting and assured that it would take place as arranged.

* (15) In future we will allow no one to levy an 'aid' from his free men, except to ransom his person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable 'aid' may be levied.

This provision placed additional restrictions on the power to tax, limiting the purpose as well as the amount.

(16) No man shall be forced to perform more service for a knight's 'fee', or other free holding of land, than is due from it.

Concerned with fairness as well as the cost of foreign wars, the charter asserted that no man would have to give greater military service than his property holding required.

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

The idea of establishing a permanent court, which included a place where legal records could be stored and consulted, was presented as a reasonable alternative to the former practice of moving the court from one location to another, a practice that resulted in uncertain schedules and indefinite delays in having a case heard.

(18) Inquests of novel disseisin, mort d'ancestor, and darrein presentment shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

Certain cases were more appropriately (and conveniently) heard in local courts, provided for in this chapter. The details included in this chapter were intended to assure a just hearing.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

Efforts would be made to assure a fair hearing, even when the docket was overloaded.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence.

(22) A fine imposed upon the lay property of a clerk in holy orders shall be assessed upon the same principles, without reference to the value of his ecclesiastical benefice.

[Chapters 20-22] Punishment for violations of the law was to be in proportion to the seriousness of the offense, thus establishing a standard of fairness.

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

Traditionally, local communities were obligated to build and maintain bridges so that soldiers could cross. However, King John had taken this requirement to extremes, insisting that bridges also be provided in areas where he wanted to hunt. This resulted in considerable hardship for communities in terms of time and cost. This chapter limited the responsibility for bridges to those towns with "ancient obligations."

(24) No sheriff, constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices.

The goal of this provision was to provide a uniform system of justice, one not subject to local interpretation.

* (25) Every county, hundred, wapentake, and tithing shall remain at its ancient rent, without increase, except the royal demesne manors.

With the exception of royal manors, rents would be set as a means to prevent local officials who collected rent for the crown (such as sheriffs) from increasing the rents of local tenants.

(26) If at the death of a man who holds a lay 'fee' of the Crown, a sheriff or royal official produces royal letters patent of summons for a debt due to the Crown, it shall be lawful for them to seize and list movable goods found in the lay 'fee' of the dead man to the value of the debt, as assessed by worthy men. Nothing shall be removed until the whole debt is paid, when the residue shall be given over to the executors to carry out the dead man's will. If no debt is due to the Crown, all the movable goods shall be regarded as the property of the dead man, except the reasonable shares of his wife and children.

Sheriffs had a reputation for seizing all the goods of an individual who, at the time of his death, owed money to the king. This chapter limited the property that could be seized to the amount of the debt and, required a third party – a "worthy" man – to agree that the value of the goods taken did not exceed the amount of the debt. The provision calls for "due process," respects the rights of property, and assures fair treatment of the heirs.

* (27) If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his debtors are to be preserved.

In the case of a man who died without a will, the church was expected to oversee the fair distribution of his property to family and friends. At the same time, the property rights of those to whom he owed money would be honored.

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

The practice of the king's men to obtain goods from nearby farms and villages in order to feed members of the royal household frequently resulted in underpayment, delayed payment, or no payment. This provision required immediate payment unless the seller voluntarily made other arrangements.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this service.

Traditionally, tenants had been called upon to serve as guards at the castles of local lords. They had been given the option of paying for a substitute but, over time, the option had been replaced by a required fee to pay for professional soldiers. This chapter restored the "option" so that tenants who could not afford the fee could, instead, accept guard duty.

(30) No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

[Chapters 30 & 31] These two chapters protected property from being stolen.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned.

Feudal custom allowed the king to use the property of a lord who had been convicted of a felony for a year and a day. At the end of that time, the land was to be returned to the lord. John had ignored that custom, controlling land well beyond the stipulated period. This provision reinstated the former "rule," thus honoring precedent and, in the process, re-establishing what had been considered a fair process.

(33) All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast.

In recognition of the need to facilitate transportation in order to accommodate trade, the king agreed to the removal of obstructions on the river-ways.

(34) The writ called *praecipe* shall not in future be issued to anyone in respect of any holding of land, if a free man could thereby be deprived of the right of trial in his own lord's court.

The writ of praecipe had first been used by King Henry II to move cases from local courts, where lords presided over cases involving their own tenants, to the king's own courts. [A writ is a legal document issued by a court, under the authority of the state, compelling certain action to be taken. It directs an officer of the law to carry out a specified action.] The king had claimed that his courts would be able to administer a uniform system of justice. The barons objected because it took away much of their influence and authority over their tenants. This provision was a major concession on the part of the king; it was made in response to one of the barons' most pressing demands.

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. There shall also be a standard width of dyed cloth, russett, and haberject, namely two ells within the selvedges. Weights are to be standardised similarly.

This chapter recognized the need for fair exchange in the marketplace.

(36) In future nothing shall be paid or accepted for the issue of a writ of inquisition of life or limbs. It shall be given gratis, and not refused.

A precursor to the writ of habeas corpus, this chapter required that an inquiry be conducted in any case that might result in the defendant being deprived of life or limb, i.e., subject to punishment. The writ calling for the inquiry was to be issued free of charge. This established one of the essential elements of due process of law.

(37) If a man holds land of the Crown by 'fee-farm', 'socage', or 'burgage', and also holds land of someone else for knight's service, we will not have guardianship of his heir, nor of the land that belongs to the other person's 'fee', by virtue of the 'fee-farm', 'socage', or 'burgage', unless the 'fee-farm' owes knight's service. We will not have the guardianship of a man's heir, or of land that he holds of someone else, by reason of any small property that he may hold of the Crown for a service of knives, arrows, or the like.

A rather confusing provision that, in essence, minimized the king's claims over property.

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

Another key element in due process, this chapter required "faithful witnesses" to attest that a man had committed a crime before he was formally accused and prosecuted. Edward Coke referred to this as the "golden passage," indicating the importance he placed on this procedure.

+ (39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

The requirement for a jury of one's peers (or, as the British Library translation puts it, "the lawful judgement of his equals") is probably the most famous and certainly one of the most crucial guarantees of due process in the Magna Carta. In the context of the time in which it was written, this provision meant that a person could present his case to members of his own class; it did not, however, mean that a jury (as we understand that term) would hear the case and render a verdict.

+ (40) To no one will we sell, to no one deny or delay right or justice.

The practice, until this clause was adopted, was to charge a fee for certain writs – with cost dependent on the nature of the writ and its potential value. These charges were considered legitimate ways for the king to raise revenue. However, they had the effect of denying justice to those who could not afford them.

...

* (45) We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well.

This sets a standard for those appointed to enforce and administer the law – they must “know the law” and be prepared to “keep it well.”

...

* (55) All fines that have been given to us unjustly and against the law of the land, and all fines that we have exacted unjustly, shall be entirely remitted or the matter decided by a majority judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61) together with Stephen, archbishop of Canterbury, if he can be present, and such others as he wishes to bring with him. If the archbishop cannot be present, proceedings shall continue without him, provided that if any of the twenty-five barons has been involved in a similar suit himself, his judgement shall be set aside, and someone else chosen and sworn in his place, as a substitute for the single occasion, by the rest of the twenty-five.

Picking up on the theme of fairness, the chapter called for the repayment of all fines that were imposed unjustly, and it established the procedure by which challenges against unjust fines were to be handled. Worth noting is the attempt to avoid a “conflict of interest”: a baron was expected to step aside and allow a substitute to decide a case similar to one in which he was himself involved.

...

(60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

This chapter enlarged the scope of the Magna Carta, implying that the right and liberties would be extended to all men and by all men within the kingdom.

* (61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, for the better ordering of our kingdom, and to allay the discord that has arisen between us and our barons, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter.

If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us - or in our absence from the kingdom to the chief justice - to declare it and claim immediate redress. If we, or in our absence abroad the chief justice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children,

until they have secured such redress as they have determined upon. Having secured the redress, they may then resume their normal obedience to us.

Any man who so desires may take an oath to obey the commands of the twenty-five barons for the achievement of these ends, and to join with them in assailing us to the utmost of his power. We give public and free permission to take this oath to any man who so desires, and at no time will we prohibit any man from taking it. Indeed, we will compel any of our subjects who are unwilling to take it to swear it at our command.

If one of the twenty-five barons dies or leaves the country, or is prevented in any other way from discharging his duties, the rest of them shall choose another baron in his place, at their discretion, who shall be duly sworn in as they were.

In the event of disagreement among the twenty-five barons on any matter referred to them for decision, the verdict of the majority present shall have the same validity as a unanimous verdict of the whole twenty-five, whether these were all present or some of those summoned were unwilling or unable to appear.

The twenty-five barons shall swear to obey all the above articles faithfully, and shall cause them to be obeyed by others to the best of their power.

We will not seek to procure from anyone, either by our own efforts or those of a third party, anything by which any part of these concessions or liberties might be revoked or diminished. Should such a thing be procured, it shall be null and void and we will at no time make use of it, either ourselves or through a third party.

Intended to provide for the enforcement of the Great Charter, this chapter established the means by which the barons could enforce the rights and liberties agreed to by the king. Although this arrangement appears to have some merit, the reality was that the men most likely to have served on the council were also likely to have acted in their own self-interest, thus jeopardizing the achievement at Runnymede. Furthermore, the existence of such a council would have set the stage for subsequent rebellions should the king not comply with their rulings. The dangers inherent in this arrangement were avoided: first by the Pope's annulment of the document, and later by the omission of this chapter from subsequent re-issues.

* (62) We have remitted and pardoned fully to all men any ill-will, hurt, or grudges that have arisen between us and our subjects, whether clergy or laymen, since the beginning of the dispute. We have in addition remitted fully, and for our own part have also pardoned, to all clergy and laymen any offences committed as a result of the said dispute between Easter in the sixteenth year of our reign (i.e. 1215) and the restoration of peace.

In addition we have caused letters patent to be made for the barons, bearing witness to this security and to the concessions set out above, over the seals of Stephen archbishop of Canterbury, Henry archbishop of Dublin, the other bishops named above, and Master Pandulf.

* (63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fulness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the abovementioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (i.e. 1215: the new regnal year began on 28 May).

The text of the Magna Carta is in the public domain.

Modern English translation is courtesy of the British Library and is available online at <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

The annotated notes are drawn from William F. Swindler's *Magna Carta: Legend and Legacy* (Indianapolis: Bobbs-Merrill Co., 1965).

Magna Carta Graphic Organizer⁸

Theme	Chapter #	Evidence
1. Rule of law Powers and privileges of the king are clearly defined and limited Charter provides for enforcement of restrictions placed on the king		
2. Fairness of the laws and their execution “Reasonable” rules and regulations Equal justice under the law Recognition of customs, traditions, and established right Restoration of property and fines if not justly taken Punishment in proportion to the crime		
3. Commitment to “due process of law” Established procedures No trial without evidence/ testimony to support accusations Reliance on local courts and magistrates Trials held in a timely manner Trials open to the public Trial by a jury of one’s peers		
4. Respect for economic rights Right to property Fairness in economic transactions Reimbursement for and/or restoration of property Freedom for merchants to move in order to conduct business		

⁸ This graphic organizer was adapted from one created by the National Endowment for the Humanities and is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/), which allows for it to be shared and adapted as long as the user agrees to the terms of the license. The original graphic organizer is available online at https://edsitement.neh.gov/sites/edsitement.neh.gov/files/worksheets/Magna_Carta-LaunchPad_chrt737.pdf.

Declaration of Independence, July 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

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Section 225, *The Second Treatise Of Civil Government*, John Locke, 1690

Secondly: I answer, such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur. But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going, it is not to be wondered that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected, and without which, ancient names and specious forms are so far from being better, that they are much worse than the state of Nature or pure anarchy; the inconveniencies being all as great and as near, but the remedy farther off and more difficult.

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Excerpt from the Virginia Declaration of Rights

Introduced by George Mason at the Virginia Convention in the Capitol in Williamsburg.

Unanimously adopted June 12, 1776

A DECLARATION OF RIGHTS made by the representatives of the good people of Virginia, assembled in full and free Convention, which rights do pertain to them, and their posterity, as the basis and foundation of government.

- I. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.
- II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.
- III. That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the publick weal.

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A full-text version is available online at <http://www.history.org/Almanack/life/politics/varights.cfm>.

Declaration of Independence Graphic Organizer⁹

Name of Document	Key Phrases from Document	Key Phrases from Declaration	Analysis of Connections (differences/similarities)
Locke's <i>Second Treatise</i>			
Massachusetts Slave Petition			

⁹ This graphic organizer was adapted from one created by the National Endowment for the Humanities and is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/), which allows for it to be shared and adapted as long as the user agrees to the terms of the license. The original graphic organizer is available online at https://edsitement.neh.gov/sites/edsitement.neh.gov/files/worksheets/Chart_723.pdf.

Malden Statement of Independence			
Virginia Declaration of Rights			

Declaration of Independence Graphic Organizer¹⁰ (Completed)

Name of Document	Key Phrases from Document	Key Phrases from Declaration	Analysis of Connections (differences/similarities)
Locke's <i>Second Treatise</i>	But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going, it is not to be wondered that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected...	But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.	same argument, paraphrased; Locke goes on to say despotic government worse than state of nature
Massachusetts Slave Petition	a naturel right to our freedoms without Being depriv'd of them by our fellow men as we are a freeborn Pepel and have never forfeited this Blessing by aney compact or agreement whatever	We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed	both allude to <i>natural rights</i> and <i>social contract</i>

¹⁰ This graphic organizer was adapted from one created by the National Endowment for the Humanities and is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/), which allows for it to be shared and adapted as long as the user agrees to the terms of the license. The original graphic organizer is available online at https://edsitement.neh.gov/sites/edsitement.neh.gov/files/worksheets/Chart_723.pdf.

<p>Malden Statement of Independence</p>	<p>to express their minds in respect to the important question of American independence, is the occasion of our now instructing you</p> <p>Unjustifiable claims have been made by the king and his minions to tax us without our consent</p>	<p>declare the causes which impel them to the separation</p> <p>For imposing Taxes on us without our Consent</p>	<p>structural similarities, introduction explains purpose of document</p> <p>structural similarity, list of grievances; some grievances are similar but style differs</p> <p>conclusions differ; Malden recommends but does not declare independence; Malden also specifically mentions a republican form of government</p>
<p>Virginia Declaration of Rights</p>	<p>THAT all men are by nature equally free and independent, and have certain inherent rights,...namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety</p> <p>That all power is vested in, and consequently derived from, the people...</p> <p>...that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the publick weal.</p>	<p>We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.</p> <p>deriving their just powers from the consent of the governed</p> <p>That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.</p>	<p>same argument of <i>natural rights</i>; "created equal" different from "equally free and independent"</p> <p>same argument of <i>consent of the governed</i></p> <p>same argument</p>

Thomas Jefferson: Copycat or *Revolutionary* Thinker?

Copycat (Remember to include evidence/source for claims.)	<i>Revolutionary</i> Thinker (Remember to include evidence/source for claims.)

Thomas Jefferson: Copycat or *Revolutionary* Thinker? (Completed)

<p style="text-align: center;">Copycat (Remember to include evidence/source for claims.)</p>	<p style="text-align: center;">Revolutionary Thinker (Remember to include evidence/source for claims.)</p>
<ul style="list-style-type: none"> ● The concepts of <i>natural rights</i>, <i>social contract</i>, and <i>consent of the governed</i> were very familiar to 18th-century Americans. (Maier) ● At least 90 towns, counties, and militias had all declared independence before July 1776. (Maier) ● The textual similarities between the Declaration of Independence and its sources of inspiration are so strong that Jefferson can barely be said to have paraphrased. (Locke, Virginia Declaration of Rights) ● The movement for independence was largely a grassroots effort, as local leaders fought to get state delegates to the Congress to vote for independence. (Maier) ● The Declaration of Independence represents an “expression of the American mind” rather than the individual creativity of Thomas Jefferson; Jefferson’s draft was also heavily edited by Adams and Franklin. (Maier) ● Jefferson’s version of events (giving himself more credit than due) may have been influenced by his desire to solidify his legacy. (Maier) 	<ul style="list-style-type: none"> ● Based on the first definition (of, pertaining to, characterized by, or of the nature of a revolution, or a sudden, complete, or marked change), Jefferson was a <i>revolutionary</i> merely by participating in the independence movement. ● While his ideas may not have been “radically new or innovative,” declaring independence and establishing a new government was an act well “outside or beyond established procedure, principles, etc.” ● For Locke, withdrawal of consent of the governed meant replacing the leader; the Declaration established a new nation with new form of government. (<i>American Government</i> online textbook) ● While Jefferson’s intention was to “express the American mind,” his eloquent style elevated what may have been intended as a “press release” into a defining document for our society. ● Subtle language shifts from sources of inspiration (e.g. “pursuit of happiness,” “all men are created equal”) have had lasting influence in the United States and globally.

Civics Instructional Task: Religious Influences¹¹

Unit One: Foundations of US Government, Topic Two: Influences on US Government

Description: Students examine multiple sources to identify the religious influences behind the movement for independence.

Suggested Timeline: 3 class periods

Materials: [background information](#) for the “Religion and the Argument for American Independence” lesson, “[Religion and the American Revolution](#),” “[The First Great Awakening](#),” [Letter of Paul to the Romans 13:1-7](#),” “[A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers](#),” [excerpt from Common Sense](#), [Declaration of Independence](#), “[Religion and the Founding of the American Republic](#),” [letter from John Adams to Hezekiah Niles](#)

Instructional Process:

1. Note: Prepare for this task by reading the [background information](#) for the “Religion and the Argument for American Independence” lesson, including the linked source, “[Religion and the American Revolution](#)” by Christine Leigh Heyrman.
2. Remind students of the compelling question for the topic: “How *revolutionary* were the ideas behind the American Revolution?”
3. Say, “We have already considered the historical precedents and philosophical arguments that influenced the Founding Fathers. Next we will examine the role religion played in the movement for American independence.”
4. To introduce the role of religion in 18th century life, provide students with access to the first seven paragraphs of “[The First Great Awakening](#)” by Christine Leigh Heyrman. Direct students to read independently and write a one-paragraph [summary](#) to ensure comprehension of key ideas.
5. Divide students into small groups. Provide students with copies of [Letter of Paul to the Romans 13:1-7](#). Direct students to read independently and then answer the following questions in their groups:
 - a. What does Romans 13:1-7 teach about political authority and revolutionary activity?
 - b. How might a revolutionary who followed the teachings of the New Testament interpret Romans 13:1-7?
6. Provide students with copies of the excerpt from Jonathan Mayhew’s sermon, “[A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers](#).” Read the sermon aloud and then direct students to answer the following questions in their groups:
 - a. How does Mayhew's interpretation of Romans 13:1–7 compare to your group's interpretation?
 - b. Why do you think this sermon, which was originally delivered in 1750, was so influential during the Revolutionary War?
 - c. Who was Mayhew's audience? Of what importance might time and place of delivery be in our understanding and analysis of this document?
7. Discuss responses as a class.

¹¹ This task is adapted from the “[Religion and the Argument for American Independence](#)” lesson by the National Endowment for the Humanities; it is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

8. Provide students with copies of the [excerpt from *Common Sense*](#) by Thomas Paine. Direct students to read independently.
9. Assign students partners. Instruct one person in each group to pose as a reporter for a local newspaper of the time. Direct the other person to adopt the role of Thomas Paine. Ask the students to write an oral interview consisting of five questions and answers regarding the excerpt from *Common Sense*. Explain that through this interview process, the students should address the following questions:
 - a. According to Paine, what does the Bible say about monarchy?
 - b. How does Paine explain the presence of monarchies in the Bible?
 - c. Why does Paine rely on the Bible as a source in his diatribe against monarchy?
 - d. How effective is Paine's use of the Bible in making his case?
10. If students request additional information about Thomas Paine, provide them with access to "[A Biography of Thomas Paine.](#)"
11. Allow a few sets of partners to perform their interviews for the class.
12. Instruct students to review their copies of the [Declaration of Independence](#) looking for references to a higher power. Project the text and point out the four references:
 - a. "the Laws of Nature and of Nature's God"
 - b. "that they are endowed by their Creator with certain unalienable Rights"
 - c. "appealing to the Supreme Judge of the world for the rectitude of our intentions"
 - d. "with a firm reliance on the protection of divine Providence"
13. Project "[Religion and the Founding of the American Republic](#)" from the Library of Congress. Read aloud the text in the gray boxes (focusing on the "Deism" section) and explore the images as a class.
14. Ask: "Why do you think Jefferson and the committee that edited his draft wrote the Declaration in a way that invokes religious ideas yet does not ground itself in any one specific religious tradition?" Encourage students to understand that the foundation of the Declaration's statement of "self-evident" truths is open to religious and non-religious interpretations.
15. Conduct a class discussion. Ask: "Do Mayhew's sermon, *Common Sense*, and the Declaration of Independence provide sufficient evidence to support the position that religion was a significant factor in the movement toward independence? Why or why not? If not, what more would be needed to make that case?"
16. Provide students with access to the [letter from John Adams to Hezekiah Niles](#). Direct them to read the first six paragraphs independently and then answer the following questions with a partner:
 - a. Why might John Adams be writing this to Hezekiah Niles (editor of the nation's first weekly news magazine) in 1818?
 - b. What does Adams say about religion and the American Revolution?
 - c. Paraphrase Adams' main argument.
17. Post and read aloud the following sentence from the text: "*This radical Change in the Principles, Opinions Sentiments and Affection of the People, was the real American Revolution.*"
18. Conduct a class discussion. Possible questions:
 - a. Do you agree with Adams' assertion? Why or why not?
 - b. Was the change as radical as Adams suggests?
19. Remind students of the [definition for revolutionary](#) from the previous task. Allow students time to prepare for the assessment.

20. Direct students to write an essay in response to the compelling question for the topic: “How *revolutionary* were the ideas behind the American Revolution?”
21. Use the [social studies extended response rubric](#) to grade the essay. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Letter of Paul to the Romans, 13:1-7

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer. Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience. For the same reason you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due.

This text is in the public domain.

**Excerpt from “A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers,”
Jonathan Mayhew, 1750**

Let us now trace the apostle’s [that is, Paul’s] reasoning in favor of submission to the higher powers, a little more particularly and exactly. For by this it will appear, on one hand, how good and conclusive it is, for submission to those rulers who exercise their power in a proper manner: And, on the other, how weak and trifling and inconnected [sic] it is, if it be supposed to be meant by the apostle to show the obligation and duty of obedience to tyrannical, oppressive rulers in common with others of a different character.

The apostle enters upon his subject thus—Let every soul be subject unto the higher powers; for there is no power but of God: the powers that be, are ordained of God. Here he urges the duty of obedience from this topic of argument, that civil rulers, as they are supposed to fulfil the pleasure of God, are the ordinance of God. But how is this an argument for obedience to such rulers as do not perform the pleasure of God, by doing good; but the pleasure of the devil, by doing evil; and such as are not, therefore, God’s ministers, but the devil’s! Whosoever, therefore, resisteth the power, resisteth the ordinance of God; and they that resist, shall receive to themselves damnation. Here the apostle argues, that those who resist a reasonable and just authority, which is agreeable to the will of God, do really resist the will of God himself; and will, therefore, be punished by him. But how does this prove, that those who resist a lawless, unreasonable power, which is contrary to the will of God, do therein resist the will and ordinance of God? Is resisting those who resist God’s will, the same thing with resisting God? Or shall those who do so, receive to themselves damnation! For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good; and thou shalt have praise of the same. For he is the minister of God to thee for good. Here the apostle argues more explicitly than he had before done, for revering, and submitting to, magistracy, from this consideration, that such as really performed the duty of magistrates, would be enemies only to the vile actions of men, and would befriend and encourage the good; and so be a common blessing to society. But how is this an argument, that we must honor, and submit to, such magistrates as are not enemies to the evil actions of men, but to the good; and such as are not a common blessing, but a common curse, to society! But if thou do that which is evil, be afraid: For he is the minister of God, a revenger, to execute wrath upon him that doth evil. Here the apostle argues from the nature and end of magistracy, that such as did evil, (and such only) had reason to be afraid of the higher powers; it being part of their office to punish evil doers, no less than to defend and encourage such as do well. But if magistrates are unrighteous; if they are respecters of persons; if they are partial in their administration of justice; then those who do well have as much reason to be afraid, as those that do evil: there can be no safety for the good, nor any peculiar ground of terror to the unruly and injurious. So that, in this case, the main end of civil government will be frustrated. And what reason is there for submitting to that government, which does by no means answer the design of government? Wherefore ye must needs be subject not only for wrath, but also for conscience sake. Here the apostle argues the duty of a cheerful and conscientious submission to civil government, from the nature and end of magistracy as he had before laid it down, i.e. as the design of it was to punish evil doers, and to support and encourage such as do well; and as it must, if so exercised, be agreeable to the will of God. But how does what he here says, prove the duty of a cheerful and conscientious subjection to those who forfeit the character of rulers? to those who encourage the bad, and discourage the good? The argument here used no more proves it to be a sin to resist such rulers, than it does, to resist the devil, that he may flee from us. For one is as truly the minister of God as may the other. . . .

Thus, upon a careful review of the apostle's reasoning in this passage, it appears that his arguments to enforce submission, are of such a nature, as to conclude only in favour of submission to such rulers as he himself describes; i.e. such as rule for the good of society, which is the only end of their institution. Common tyrants, and public oppressors, are not intitled [entitled] to obedience from their subjects, by virtue of any thing here laid down by the inspired apostle.

I now add, farther, that the apostle's argument is so far from proving it to be the duty of people to obey, and submit to, such rulers as act in contradiction to the public good, and so to the design of their office, that it proves the direct contrary. For, please to observe, that if the end of all civil government, be the good of society; if this be the thing that is aimed at in constituting civil rulers; and if the motive and argument for submission to government, be taken from the apparent usefulness of civil authority; it follows, that when no such good end can be answered by submission, there remains no argument or motive to enforce it; if instead of this good end's being brought about by submission, a contrary end is brought about, and the ruin and misery of society effected by it, here is a plain and positive reason against submission in all such cases, should they ever happen. And therefore, in such cases, a regard to the public welfare, ought to make us with-hold from our rulers, that obedience and subjection which it would, otherwise, be our duty to render to them. If it be our duty, for example, to obey our king, merely for this reason, that he rules for the public welfare, (which is the only argument the apostle makes use of) it follows, by a parity of reason, that when he turns tyrant, and makes his subjects his prey to devour and to destroy, instead of his charge to defend and cherish, we are bound to throw off our allegiance to him, and to resist; and that according to the tenor of the apostle's argument in this passage. Not to discontinue our allegiance, in this case, would be to join with the sovereign in promoting the slavery and misery of that society, the welfare of which, we ourselves, as well as our sovereign, are indispensably obliged to secure and promote, as far as in us lies. It is true the apostle puts no case of such a tyrannical prince; but by his grounding his argument for submission wholly upon the good of civil society; it is plain he implicitly authorises, and even requires us to make resistance, whenever this shall be necessary to the public safety and happiness. Let me make use of this easy and familiar similitude to illustrate the point in hand—Suppose God requires a family of children, to obey their father and not to resist him and inforces [enforces] his command with this argument; that the superintendence and care and authority of a just and kind parent, will contribute to the happiness of the whole family; so that they ought to obey him for their own sakes more than for his: Suppose this parent at length runs distracted, and attempts, in his mad fit, to cut all his children's throats: Now in this case, is not the reason before assigned, why these children should obey their parent while he continued of a sound mind, namely, their common good, a reason equally conclusive for disobeying and resisting him, since he is become delirious, and attempts their ruin? It makes no alteration in the argument, whether this parent, properly speaking, loses his reason; or does, while he retains his understanding, that which is as fatal in its consequences, as any thing he could do, were he really deprived of it.

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Excerpt from *Common Sense*, Thomas Paine, 1776

In the early ages of the world, according to the scripture chronology, there were no kings; the consequence of which was there were no wars; it is the pride of kings which throw mankind into confusion. . . . Antiquity favors the same remark; for the quiet and rural lives of the first patriarchs hath a happy something in them, which vanishes away when we come to the history of Jewish royalty.

Government by kings was first introduced into the world by the Heathens, from whom the children of Israel copied the custom. It was the most prosperous invention the Devil ever set on foot for the promotion of idolatry. The Heathens paid divine honors to their deceased kings, and the Christian world hath improved on the plan by doing the same to their living ones. How impious is the title of sacred majesty applied to a worm, who in the midst of his splendor is crumbling into dust.

As the exalting one man so greatly above the rest cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproves of government by kings. All anti-monarchical parts of scripture have been very smoothly glossed over in monarchical governments, but they undoubtedly merit the attention of countries which have their governments yet to form. 'Render unto Caesar the things which are Caesar's' is the scriptural doctrine of courts, yet it is no support of monarchical government, for the Jews at that time were without a king, and in a state of vassalage [subjection] to the Romans.

Near three thousand years passed away from the Mosaic account of the creation, till the Jews under a national delusion requested a king. Till then their form of government (except in extraordinary cases, where the Almighty interposed) was a kind of republic administered by a judge and the elders of the tribes. Kings they had none, and it was held sinful to acknowledge any being under that title but the Lords of Hosts. And when a man seriously reflects on the idolatrous homage which is paid to the persons of Kings, he need not wonder, that the Almighty, ever jealous of his honor, should disapprove of a form of government which so impiously invades the prerogative of heaven.

Monarchy is ranked in scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them. The history of that transaction is worth attending to.

The children of Israel being oppressed by the Midianites, Gideon marched against them with a small army, and victory, thro' the divine interposition, decided in his favor. The Jews elate with success, and attributing it to the generalship of Gideon, proposed making him a king, saying, Rule thou over us, thou and thy son and thy son's son. Here was temptation in its fullest extent; not a kingdom only, but an hereditary one, but Gideon in the piety of his soul replied, I will not rule over you, neither shall my son rule over you, THE LORD SHALL RULE OVER YOU. Words need not be more explicit; Gideon doth not decline the honor but denieth their right to give it; neither doth he compliment them with invented declarations of his thanks, but in the positive stile of a prophet charges them with disaffection to their proper sovereign, the King of Heaven.

About one hundred and thirty years after this, they fell again into the same error. The hankering which the Jews had for the idolatrous customs of the Heathens, is something exceedingly unaccountable; but so it was, that laying hold of the misconduct of Samuel's two sons, who were entrusted with some secular concerns, they came in an abrupt and clamorous manner to Samuel, saying, Behold thou art old and thy sons walk not in thy ways, now make us a king to

judge us like all the other nations. And here we cannot but observe that their motives were bad, viz. that they might be like unto other nations, i.e. the Heathens, whereas their true glory laid in being as much unlike them as possible. But the thing displeased Samuel when they said, give us a king to judge us; and Samuel prayed unto the Lord, and the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee, for they have not rejected thee, but they have rejected me, THEN I SHOULD NOT REIGN OVER THEM. . . . And Samuel told all the words of the Lord unto the people, that asked of him a king. And he said, This shall be the manner of the king that shall reign over you; he will take your sons and appoint them for himself for his chariots, and to be his horsemen, and some shall run before his chariots (this description agrees with the present mode of impressing men) and he will appoint him captains over thousands and captains over fifties, and will set them to ear his ground and to reap his harvest, and to make his instruments of war, and instruments of his chariots; and he will take your daughters to be confectioneries and to be cooks and to be bakers (this describes the expense and luxury as well as the oppression of kings) and he will take your fields and your olive yards, even the best of them, and give them to his servants; and he will take the tenth of your seed, and of your vineyards, and give them to his officers and to his servants (by which we see that bribery, corruption, and favoritism are the standing vices of kings) and he will take the tenth of your men servants, and your maid servants, and your goodliest young men and your asses, and put them to his work; and he will take the tenth of your sheep, and ye shall be his servants, and ye shall cry out in that day because of your king which ye shall have chosen, AND THE LORD WILL NOT HEAR YOU IN THAT DAY. This accounts for the continuation of monarchy; neither do the characters of the few good kings which have lived since, either sanctify the title, or blot out the sinfulness of the origin; the high encomium [praise] given of David takes no notice of him officially as a king, but only as a man after God's own heart. Nevertheless the People refused to obey the voice of Samuel, and they said, Nay, but we will have a king over us, that we may be like all the nations, and that our king may judge us, and go out before us and fight our battles. Samuel continued to reason with them, but to no purpose; he set before them their ingratitude, but all would not avail; and seeing them fully bent on their folly, he cried out, I will call unto the Lord, and he shall send thunder and rain (which then was a punishment, being the time of wheat harvest) that ye may perceive and see that your wickedness is great which ye have done in the sight of the Lord, IN ASKING YOU A KING. So Samuel called unto the Lord, and the Lord sent thunder and rain that day, and all the people greatly feared the Lord and Samuel. And all the people said unto Samuel, Pray for thy servants unto the Lord thy God that we die not, for WE HAVE ADDED UNTO OUR SINS THIS EVIL, TO ASK A KING. These portions of scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath here entered his protest against monarchical government is true, or the scripture is false....

This text is in the public domain.

A full-text version is available online at <http://www.let.rug.nl/usa/documents/1776-1785/thomas-paine-common-sense/mankind-being-originally-equals.php>.

Unit One Instruction

Topic Three: Creating the Constitution (C.1.5-6, C.2.6, C.5.1, C.5.3)

Connections to the unit claim: Students investigate how the framers crafted and ratified the Constitution. Then they study the amendment process and how amendments have expanded civil rights over time. By focusing on processes, key decision points, and compromises, students gather evidence to evaluate the decisions of the framers at the end of the unit.

Suggested Timeline: 24 class periods

Use this sample task:

- [The Constitutional Convention](#)

Note: Prior to conducting this task, read the [Philosophy of History](#) entry from the Stanford Encyclopedia of Philosophy.

- [How Just Is the Constitution?](#)

Note: Prior to conducting this task, read the [background](#) for the “Creation of the Bill of Rights: Retouching the Canvas” lesson by the National Endowment for the Humanities.

- [Interpreting the Constitution](#)

To explore these key questions:

- How did we get our government?
 - Why was the Constitutional Convention called?
 - What were the key compromises?
 - Why was representation a divisive issue and how was it resolved?
 - Why was the presidency a divisive issue and how was it resolved?
- How just is the Constitution?
 - How have amendments to the Constitution affected US government and society?
- How should the Constitution be interpreted?

That students answer through this assessment:

- Students write an extended-paragraph response to the supporting question: “Why was the Constitutional Convention called?” Collect and grade for content accuracy.
- Students write an extended-paragraph response to the supporting question: “Why was representation a divisive issue and how was it resolved?” Collect and grade for content accuracy.
- Students write an extended-paragraph response to the supporting question: “Why was the presidency a divisive issue and how was it resolved?” Collect and grade for content accuracy.
- Students write a detailed outline (including a thesis statement) in response to the compelling question: How just is the Constitution? Use the [social studies extended response rubric](#) to grade the outline. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.
- Students engage in a debate about Constitutional interpretation. Use a [discussion tracker](#) to keep track of students’ contributions and use this information to assign a grade to students.

Civics Instructional Task: The Constitutional Convention¹²

Unit One: Foundations of US Government, Topic Three: Creating the Constitution

Description: Students perform an in-depth investigation into the creation of the Constitution.

Suggested Timeline: 12 class periods, with the option to extend by one or two days;

Note: See the [original version](#) of this task for recommendations about assigning texts for homework, which would reduce the class time required.

Materials: [“Philosophy of History,”](#) [“Federalist No. 15,”](#) [Letter to the President of Congress,](#) [Letter to John Jay,](#) [Letter to James Warren,](#) [Letter to Elbridge Gerry,](#) [Letter to John Jay,](#) [Letter to Thomas Jefferson,](#) [Articles of Confederation,](#) [The Virginia Plan,](#) [The New Jersey Plan,](#) [The Hamilton Plan,](#) digital access, [“Individual Biographies of the Delegates to the Constitutional Convention,”](#) [Debate on the Virginia Plan: Were the Delegates Authorized to Establish Proportional Representation?,](#) [Debate on the Virginia Plan: Paterson’s Critique of Proportional Representation,](#) [Debate on the New Jersey Plan: Will It Be Enough to Fix the Articles of Confederation,](#) [Debates on Bicameralism: One House or Two,](#) [Debates on Suffrage: By the People or State Legislatures,](#) [Debates on Suffrage: By the People or State Legislatures,](#) [Debates on Proportional or Equal Representation,](#) [Debates on Connecticut Compromise,](#) [Delegates Agree on the Need for an Executive,](#) Plans for the Executive Branch graphic organizer ([blank](#) and [completed](#)), [Debates on the Number of Executives,](#) How Should the President Be Elected? graphic organizer ([blank](#) and [completed](#)), [Debates on Mode of Elections: Round 1,](#) [Debates on Mode of Elections: Round 2,](#) [Debates on Mode of Elections: Round 3,](#) [Debates on the President’s Term of Office: Round 1,](#) [Debates on the President’s Term of Office: Round 2,](#) [Debates on the President’s Term of Office: Round 3,](#) [Debates on the Veto Power of the President,](#) [Debates on the Foreign Policy Power of the President,](#) [Debates on the Appointment Power of the President,](#) [conversation stems,](#) [discussion tracker](#)

Instructional Process:

1. Say, “For this topic, you will perform an in-depth investigation into the creation of the US Constitution, our framework for government and supreme law. Before we begin investigating, we need to develop a question to guide our inquiry.”
2. Project and read aloud the first five paragraphs of the “History and its Representation” section of the [“Philosophy of History”](#) entry from the Stanford Encyclopedia of Philosophy. Pause after complex sentences and vocabulary to model comprehension skills. Stop reading before the paragraph beginning “And, of course...”
3. Discuss as a class. Ask:
 - a. “What kinds of questions do historians seek to answer?”
 - b. “If we are interested in learning about the origins of our government (or where it came from), what question should we ask?” (Take notes on the board as students respond. Discuss the implications/values and limitations of the questions students suggest.)

¹² This task is adapted from the [“Constitutional Convention of 1787”](#) unit by the National Endowment for the Humanities; it is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

4. Support students to develop a compelling question for the task that is similar to “How did we get our government?” or “Why do we have the government we have?” Post the compelling question for the task in a location where students will be able to see it throughout the investigation.
5. To activate prior knowledge, say, “As you studied in grade 7, we formally won independence from Great Britain in the 1783 Treaty of Paris; however, the US Constitution did not come into effect until 1789. What happened during the intervening years?” Depending on how much students recall, continue to ask leading questions until students refer to the Articles of Confederation by name or to the idea that an earlier framework for government existed. To gauge content background, continue questioning students about the weaknesses of the Articles of Confederation until their recall has been exhausted. Correct major misconceptions if necessary, but refrain from frontloading the content before students engage with the texts.
6. Post and read aloud the first supporting question for the task: “Why was the Constitutional Convention called?”
7. Divide the class into seven groups. Assign each group one of the following sources:
 - a. [“Federalist No. 15,”](#) Alexander Hamilton, December 1, 1787
 - b. [Letter to the President of Congress,](#) Robert Morris, March 17, 1783
 - c. [Letter to John Jay,](#) Gouverneur Morris, January 1, 1783
 - d. [Letter to James Warren,](#) George Washington, October 7, 1785
 - e. [Letter to Elbridge Gerry,](#) Rufus King, April 30, 1786
 - f. [Letter to John Jay,](#) George Washington, August 15, 1786
 - g. [Letter to Thomas Jefferson,](#) John Jay, October 27, 1786
8. Provide students with copies of assigned source. Direct them to read independently and then answer the following questions in their groups:
 - a. What is your document, who is the writer, and why is he writing?
 - b. What problems with the political system or the Articles of Confederation does the writer describe?
 - c. What does the writer identify as the causes of the problems?
 - d. Does the writer think the problems can be fixed? If so, how?
 - e. How significant do you think these problems were?
9. Allow groups class time to briefly report out on their assigned document. Project the documents for presenters to refer to as they discuss. Instruct audience members to take notes on problems identified and potential consequences.
10. Instruct students to write an extended paragraph (half to one page but not a full essay) in response to the supporting question: “Why was the Constitutional Convention called?” Collect and grade for content accuracy.
11. Say, “In May of 1787, 12 states (Rhode Island boycotted) met in Philadelphia to amend the Articles of Confederation. Deliberations remained secret during the meeting, but when the Philadelphia Convention concluded, the delegates returned to their states with an entirely new framework for government, the US Constitution. Next we will deeply immerse ourselves in the issues and arguments that occurred during the Constitutional Convention to try to understand how the Founding Fathers came to decisions and the rationales behind their choices.”
12. Say: “The first issue we will investigate is the question of representation. You will use the notes James Madison took about the Constitutional Convention to answer the following supporting question: Why was representation a divisive issue and how was it resolved? Explain that Madison’s notes have been criticized as incomplete and doctored after the fact, but that they are the most extensive record of the debates that took place during the convention.

13. Divide students into mixed-ability groups or “investigation teams.”
14. Provide students with copies of the following documents:
 - a. [Articles of Confederation](#), ratified 1781
 - b. [The Virginia Plan](#), introduced by Edmund Randolph, May 29, 1787
 - c. [The New Jersey Plan](#), introduced by William Paterson, June 15, 1787
 - d. [The Hamilton Plan](#), introduced by Alexander Hamilton, June 18, 1787
15. Direct students to read the set of documents independently and then write a simplified version in the space on the paper below the text for each document. Instruct students to then answer the following questions in their groups:
 - a. Explain how the states were represented under the Articles of Confederation.
 - b. How are the Articles of Confederation and the Virginia Plan different?
 - c. How are the Virginia Plan and Hamilton Plan different?
16. Provide students with access to “[Individual Biographies of the Delegates to the Constitutional Convention](#).”
17. Provide students with copies of [Debate on the Virginia Plan: Were the Delegates Authorized to Establish Proportional Representation](#). Direct them to read independently and answer the following questions in their groups:
 - a. In this debate, which of the delegates are skeptical of the Virginia Plan, and which seem to support it? Make a list of those for and against and then identify the state that each represents using the “[Individual Biographies of the Delegates at the Constitutional Convention](#).”
 - b. Why do some delegates believe that the Virginia Plan would establish a “national” government and do away with the “federal” government under the Articles of Confederation?
 - c. What are the arguments given in favor of a “national” rather than “federal” government?
 - d. What are the arguments against the Virginia Plan?
18. Provide students with copies of [Debate on the Virginia Plan: Paterson’s Critique of Proportional Representation](#). Direct them to read independently and answer the following questions in their groups:
 - a. In this passage, William Paterson (Patterson) of New Jersey argues against the Virginia Plan. What is it that he particularly does not like about the Virginia Plan?
 - b. Why does Paterson believe that the convention should not adopt proportional representation?
 - c. Explain why Paterson said, “We must follow the people; the people will not follow us.”
 - d. What does Paterson say will happen if the Virginia Plan is approved?
19. Provide students with copies of [Debate on the New Jersey Plan: Will It Be Enough to Fix the Articles of Confederation](#). Direct them to read independently and answer the following questions in their groups:
 - a. In this debate, which of the delegates are opposed to the New Jersey Plan and which support it? Make a list of those for and against and then identify the state that each represents using the “[Individual Biographies of the Delegates at the Constitutional Convention](#).”
 - b. How does James Wilson respond to Paterson's claim that the people will never approve the Virginia Plan?
 - c. Why does Edmund Randolph argue that the New Jersey plan will not remedy the problems under the Articles of Confederation?
20. Pause the group investigations to debrief for a moment as a class. Call on students to recap the major issues encountered in the debates thus far. Ask: “The delegates were sent to revise the Articles of Confederation, not

replace them. Did the Virginia Plan overstep the delegates' authority? What would you have done in that situation?"

21. Provide students with copies of [Debates on Bicameralism: One House or Two](#). Direct them to read independently and then work in their groups to identify whether the following delegates were for or against a bicameral legislature and their reasons why:
 - a. William Paterson (Patterson)
 - b. James Wilson
 - c. George Mason
22. Provide students with copies of [Debates on Suffrage: By the People or State Legislatures](#). Direct them to read independently and then work in their groups to identify whether the following delegates were for election by the people or election by the state legislatures and their reasons why:
 - a. Roger Sherman
 - b. Elbridge Gerry
 - c. George Mason
 - d. James Wilson
 - e. James Madison
 - f. Charles Pinckney
 - g. Oliver Ellsworth
23. Provide students with copies of [Debates on Proportional or Equal Representation](#). Direct them to read independently and then work in their groups to identify whether the following delegates were for proportional or equal representation and their reasons why:
 - a. David Brearly
 - b. William Paterson (Patterson)
 - c. James Wilson
 - d. James Madison
24. Pause the group investigations to debrief for a moment as a class. Call on students to recap the major issues encountered in the debates (bicameralism, suffrage, and representation).
25. Optional (extends task by one day): Conduct a role-play of the debates. Assign students [character cards](#) (pages 11-15). Allow students with the same card to meet for a few minutes to prepare arguments for their assigned delegate. Then facilitate a debate of the following questions:
 - a. Should there be one house of Congress or two?
 - b. Should representatives be elected by the people or by state legislatures? For one or both houses of Congress?
 - c. Should there be proportional or equal representation? In one or both houses of Congress?
26. Provide students with copies of [Debates on Connecticut Compromise](#). Direct them to read independently and then work in groups to create a timeline of key events leading up to the acceptance of the Connecticut Compromise.
27. Discuss timelines as a class, creating a master version on the board. Call on students to explain why each event was significant.
28. Instruct students to independently write an extended-paragraph response to the supporting question: "Why was representation a divisive issue and how was it resolved?" Collect and grade for content accuracy.
29. Conduct a class discussion. Ask:

- a. “Was the Connecticut Compromise the best possible compromise given the politics/divisions at the convention?” Anticipate students will answer in the affirmative.
 - b. “With the perspective of hindsight, did the Connecticut Compromise provide the *best choice* for our government in the long-term? Or was it just the *best possible compromise*?” Encourage students to disagree (civily). Move to next question before consensus is reached.
 - c. “Does my previous question even matter?” (i.e. Is it worth our time to debate the *best possible solution* if it has no chance of being enacted?) Encourage students to disagree (civily). Note: This philosophical question provides a foundation both for considering other compromises at the convention and the concept of political compromise generally. Do not seek consensus; anticipate that students will fall in different places on the spectrum between idealism and pragmatism.
30. Say: “You have investigated how the question of representation was debated and resolved at the Constitutional Convention. Next we will examine another significant controversy among the delegates: What should the presidency look like?”
31. Post and read aloud the next supporting question: “Why was the presidency a divisive issue and how was it resolved?”
32. Reshuffle students into new mixed-ability groups of four for the second investigation. If the class size is not divisible by four, some groups may contain five students.
33. Provide students with copies of [Delegates Agree on the Need for an Executive](#) and [Plans for the Executive Branch](#) graphic organizer. Direct them to read independently and then work in groups to fill out the graphic organizer.
34. Project [completed](#) graphic organizer for students to check answers. Discuss briefly as a class. Possible questions:
- a. Why do you think each of these delegates thought that a chief executive(s) was necessary?
 - b. What were some of the major differences in the plans?
 - c. Why was there so much disagreement over what the executive branch should be like?
35. Provide students with copies of [Debates on the Number of Executives](#). Direct them to read independently and answer the following questions in their groups:
- a. What were some of the fears expressed by each of these delegates?
 - b. What reasons were given to support a single executive?
 - c. What reasons were given to support an executive branch composed of more than one?
36. Provide students with copies of the [How Should the President Be Elected?](#) graphic organizer.
37. Divide each group of students into subgroups of partners. Provide each pair with copies of one of the following sources (so that each student receives either Round 1 or Round 2, but both sources are represented within the larger group):
- a. [Debates on Mode of Elections: Round 1](#)
 - b. [Debates on Mode of Elections: Round 2](#)
38. Direct students to read independently and then fill out the [How Should the President Be Elected?](#) graphic organizer with the partner assigned the same set of sources.
39. Instruct each set of partners to report out to the other set on their assigned source.
40. Discuss briefly as a class. Possible questions:
- a. What were the major concerns about each plan?
 - b. Is there any evidence that delegates revised their thoughts on these plans?
 - c. At what point do you believe the delegates began to feel desperate about the situation? Why?

41. Provide all students with copies of [Debates on Mode of Elections: Round 3](#).
42. Direct students to read the first selection. Then ask:
 - a. "What did the delegates think about an election by the people?"
 - b. "What were the objections to the election of the president by the legislature?"
43. Direct students to read the Brearly Committee recommendations in the second selection. Then ask:
 - a. "What did the committee recommend?"
 - b. "What reasons did G. Morris give on behalf of the committee for the change?"
 - c. "Are other members ready to accept this mode of election? Explain."
44. Direct students to read the final two selections. Then ask:
 - a. "What mode of election was finally agreed upon?"
45. Divide each group of students into subgroups of partners. Provide each pair with copies of one of the following sources (so that each student receives either Round 1 or Round 2, but both sources are represented within the larger group):
 - a. [Debates on the President's Term of Office: Round 1](#)
 - b. [Debates on the President's Term of Office: Round 2](#)
46. Direct students to read independently and then answer the following questions with the partner assigned the same set of sources:
 - a. What arguments were given regarding monarchy?
 - b. What arguments were given for/against making the president eligible to run for re-election after his term expired?
 - c. What arguments were given for/against impeachment? What was decided?
 - d. What arguments were given for/against a longer length of term in office? What term lengths were suggested?
47. Instruct each set of partners to report out to the other set on their assigned source.
48. Provide all students with copies of [Debates on the President's Term of Office: Round 3](#). Direct students to read independently and then answer the following questions in their groups:
 - a. What did the Brearly Committee recommend concerning the length of term?
 - b. What did the Brearly Committee recommend concerning eligibility for re-election?
 - c. What did the Brearly Committee recommend concerning impeachment?
 - d. Did all the delegates agree with the Brearly recommendations? Explain.
49. Optional (extends task by one day): Conduct a role-play of the debate over the Brearly Committee proposal. Assign students [character cards](#) (pages 8-10). Allow students with the same card to meet for a few minutes to prepare arguments for their assigned delegate. Then read aloud the Brearly proposal and facilitate a debate of it.
50. Assign each group one of the following text and question sets:
 - a. [Debates on the Veto Power of the President](#)
 - Which delegate supported the absolute negative and what reasons were given?
 - Which delegates were against the absolute negative and what were their reasons?
 - What decision was reached? Why do you think it was decided that way?
 - b. [Debates on the Foreign Policy Power of the President](#)
 - What proposals did Paterson make on June 15?
 - What was the objection(s) of allowing Congress "to make war?"

- What were the objections to giving the president the power to "declare war?"
- What decision was finally reached?
- What did the Brearly Committee recommend concerning the treaty making power?
- What change did Madison want to make and why?
- What reasons did the delegates give to oppose Madison's change?
- What was finally decided?

c. [Debates on the Appointment Power of the President](#)

- What methods of selecting judges were discussed?
- At the end of the day on July 18, how were the delegates leaning? How do you know?
- How is this similar to or different from opinions at the end of the day on July 21? How do you know?
- What did the Brearly Committee recommend?
- What was accepted?

51. Instruct groups to report out to the class on their assigned text and question sets.

52. Ask: "What was the importance of the Brearly Committee in reaching several compromises regarding the powers of the president?"

53. Instruct students to independently write an extended-paragraph response to the supporting question: "Why was the presidency a divisive issue and how was it resolved?"

54. Post and read aloud the final supporting question for the task:

55. As a class, explore "[Individual Biographies of the Delegates to the Constitutional Convention](#)" again. Read aloud the introductory text. Then click on and skim through the biographies for the framers the students encountered most frequently during the investigation. Ask the students to make some general observations about who the framers were.

56. Pose the philosophical question: "Was the outcome of the Constitutional Convention inevitable? In other words, based on who the framers were and where they came from, could different decisions have been made?" Allow a few students to share thoughts but interrupt the discussion while it is still active.

57. Project and read aloud the "Actors and causes in history" section of the "[Philosophy of History](#)" entry from the Stanford Encyclopedia of Philosophy. Pause periodically and call on students to paraphrase key ideas. Be certain to highlight and discuss the first two sentences in paragraph four ("Here is an alternative way of thinking...") and paragraph six ("Social circumstances can be both inhibiting and enabling...").

58. Scroll down to the last section entitled "Rethinking the philosophy of history." Read aloud paragraphs three and four. Highlight and discuss the following sentences:

- a. "History consists of human actions within humanly embodied institutions and structures."
- b. "There is no super-human meaning or progress in history; there is only a series of events and processes driven by concrete causal processes and individual actions."
- c. "However, there is such a thing as social causation, proceeding through the workings of human agency and the constraints of institutions and structures."

59. Return the discussion to the question: "Was the outcome of the Constitutional Convention inevitable?" Support students to reject deterministic ideas and view history as the result of many decisions made by many individuals (including both leaders and ordinary persons/groups of people) acting within the social conditions that exist at the time.

60. Conclude the task with a class discussion. Encourage students to use the [conversation stems](#) and assess student participation with a [discussion tracker](#). Possible questions:
- a. What were the most significant points of contention at the Constitutional Convention? (Take notes on the board for this question for students to refer to later in the discussion.)
 - b. How wide/deep were the divisions? To what extent did the disagreements reflect the interests of the state they represented? To what extent did the disagreements reflect personal differences in viewpoint?
 - c. Explain the role of compromise at the Constitutional Convention.
 - d. What did you learn about the political process by examining these debates in such depth? How would your understanding be different if we had just studied the outcomes (i.e. the text of the Constitution) instead of the examining the debates?

Excerpt from “Federalist No. 15,” Alexander Hamilton, December 1, 1787

We may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience. Are there engagements to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith in respect to the same treaty ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?

This is the melancholy situation to which we have been brought by those very maxims and counsels which would now deter us from adopting the proposed Constitution; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below. Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/fed15.asp.

Excerpt from Letter to the President of Congress, Robert Morris, March 17, 1783

I have gone into these few details merely to elucidate one position, viz., that all the money now at our command, and which we may expect from the States for this two months to come, will not do more than satisfy the various engagements which will by that time have fallen due.

It is of importance that Congress should know their true situation, and therefore I could wish that a committee were appointed to confer with the minister of France. My reason for that wish is, that every member of Congress may have the same conviction which I feel of one important fact—that there is no hope of any further pecuniary aid from Europe...

But whatever may be the ability of nations or individuals, we can have no right to hope, much less to expect the aid of others, while we show so much unwillingness to help ourselves. It can no longer be a doubt to Congress that our public credit is gone. It was very easy to foresee that this would be the case, and it was my particular duty to predict it. This has been done repeatedly. I claim no merit from the prediction, because a man must be naturally or wilfully blind who could not see that credit can not long be supported without funds.

From what has already been said, Congress will clearly perceive the necessity of further resources. What means they shall adopt it is their wisdom to consider. They can not borrow, and the States will not pay. The thing has happened which was expected. I can not presume to advise. Congress well know that I never pretended to any extraordinary knowledge of finance, and that my deficiencies on this subject were a principal reason for declining the office. I have since had reason to be still more convinced of my incompetency, because the plans which I did suggest have not met with approbation. I hope, therefore, that some abler mind will point out the means to save our country from ruin.

I do assure you, sir, that it is extremely painful to me to be obliged to address Congress on this subject. I wish most sincerely that I could look at our future prospects with the same indifference that others have brought themselves to regard them. Perhaps I am not sufficiently sanguine. It is common for age to listen more to the voice of experience than youth is inclined. The voice of experience foretold these evils long since. There was a time when we might have obviated them, but I fear that precious moment is passed...

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A full-text version is available online at <http://teachingamericanhistory.org/library/document/letter-to-the-president-of-congress-2/>.

Excerpt from Letter to John Jay, Gouverneur Morris, January 1, 1783

Gen. McDougall, Col. Brooks of the Massachusetts and Col. Ogden of the Jersey Line are now here with a Petition to Congress from the Army for Pay. The Army are now disciplined and their wants as to food and Cloathing are relieved but they are not paid. Their back Accounts are not settled. If settled the Ballances are not secured by competent funds. No Provision is made for the Half-Pay promised them. Some Persons and indeed some States pretend to dispute their Claim to it. (THE ARMY HAVE SWORDS IN THEIR HANDS. YOU KNOW ENOUGH OF THE HISTORY OF MANKIND TO KNOW MUCH MORE THAN I HAVE SAID AND POSSIBLY MUCH MORE THAN THEY THEMSELVES YET THINK OF.) I will add however that I am glad to see Things in their present Train. Depend on it good will arise from the Situation to which we are hastening. And this you may rely on that my Efforts will not be wanting. I pledge myself to you on the present occasion and ALTHOUGH I THINK IT PROBABLE THAT MUCH OF CONVULSION WILL ENSUE, YET IT MUST TERMINATE IN GIVING TO GOVERNMENT THAT POWER WITHOUT WHICH GOVERNMENT IS BUT A NAME. GOVERNMENT IN AMERICA IS NOT POSSESSED OF IT (BUT THE PEOPLE ARE WELL PREPARED. WEARIED WITH THE WAR, THEIR ACQUIESCENCE MAY BE DEPENDED ON WITH ABSOLUTE CERTAINTY AND YOU AND I, MY FRIEND, KNOW BY EXPERIENCE THAT WHEN A FEW MEN OF SENSE AND SPIRIT GET TOGETHER AND DECLARE THAT THEY ARE THE AUTHORITY, SUCH FEW AS ARE OF A DIFFERENT OPINION MAY EASILY BE CONVINCED OF THEIR MISTAKE BY THAT POWERFUL ARGUMENT THE HALTER. IT IS, HOWEVER, A MOST MELANCHOLY CONSIDERATION THAT A PEOPLE SHOULD REQUIRE SO MUCH OF EXPERIENCE BEFORE THEY WILL BE WISE. IT IS STILL MORE PAINFUL TO THINK THAT THIS EXPERIENCE IS ALWAYS BOUGHT SO DEAR. ON THE WISDOM OF THE PRESENT MOMENT DEPENDS MORE THAN IS EASILY IMAGINED, AND WHEN I LOOK ROUND FOR THE ACTORS—LET US CHANGE THE SUBJECT.)

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A full-text version is available online at <http://teachingamericanhistory.org/library/document/letter-to-john-jay-3/>.

Excerpt from Letter to James Warren, George Washington, October 7, 1785

Dear Sir:

...The war, as you have very justly observed, has terminated most advantageously for America and a fair field is presented to our view; but I confess to you freely, My Dr. Sir, that I do not think we possess wisdom or Justice enough to cultivate it properly. Illiberality, Jealousy, and local policy mix too much in all our public councils for the good government of the Union. In a word, the confederation appears to me to be little more than a shadow without the substance; and Congress a nugatory body, their ordinances being little attended to. To me, it is a solecism in politics: indeed it is one of the most extraordinary things in nature, that we should confederate as a Nation, and yet be afraid to give the rulers of that nation, who are the creatures of our making, appointed for a limited and short duration, and who are amenable for every action, and recallable at any moment, and are subject to all the evils which they may be instrumental in producing, sufficient powers to order and direct the affairs of the same. By such policy as this the wheels of Government are clogged, and our brightest prospects, and that high expectation which was entertained of us by the wondering world, are turned into astonishment; and from the high ground on which we stood, we are descending into the vale of confusion and darkness.

That we have it in our power to become one of the most respectable Nations upon Earth, admits, in my humble opinion, of no doubt; if we would but pursue a wise, just, and liberal policy towards one another, and would keep good faith with the rest of the World: that our resources are ample and encreasing, none can deny; but while they are grudgingly applied, or not applied at all, we give a vital stab to public faith, and shall sink, in the eyes of Europe, into contempt.

It has long been a speculative question among Philosophers and wise men, whether foreign Commerce is of real advantage to any Country; that is, whether the luxury, effeminacy, and corruptions which are introduced along with it; are counter-balanced by the convenience and wealth which it brings with it; but the decision of this question is of very little importance to us: we have abundant reason to be convinced, that the spirit for Trade which pervades these States is not to be restrained; it behoves us then to establish just principles; and this, any more than other matters of national concern, cannot be done by thirteen heads differently constructed and organized. The necessity, therefore, of a controuling power is obvious; and why it should be withheld is beyond my comprehension...

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<http://web.archive.org/web/20100502030410/http://gwpapers.virginia.edu/documents/constitution/1784/warren.html>.

Letter to Elbridge Gerry, Rufus King, April 30, 1786

We go on in Congress as when you left us. Three days since October only have nine States been on the Floor. Eight are now here, when we shall have nine is a melancholy uncertainty. I proposed a few days since that Congress should resolve, that provided on a certain day, sufficiently distant for information to reach all the States in season, the States were not so represented as to give power to administer the Government, Congress would adjourn without day. Something of this kind must be done. It is a mere farce to remain here as we have done since last October. Foreigners know our situation and the friends of free Governments through the world must regret it.

Resolves have been passed upon Resolves—and letter after letter has been sent to the deficient States, and all without the desired effect. We are without money or the prospect of it in the Federal Treasury; and the States, many of them, care so little about the Union, that they take no measures to keep a representation in Congress. The civil list begin to clamour—there is not money to pay them: they are now unpaid for a longer period than since the circulation of Paper Money. The handful of troops over the Ohio are mutinous and desert because they are unpaid. The money borrowed in Europe is exhausted and this very day our Foreign Ministers have it not in their power to receive their salaries for their support.

Where, my dear friend, will the evils consequent to this inattention in the States terminate? The people of the States do not know their dangerous situation; this torpor and inactivity should alarm the Guardians of the People; but indeed the Legislatures seem the least attentive. Pray think of our situation *and advise me*. I can open my heart with freedom to you; you are now at home, and will be concerned in the Government of the State. Can there be no means devised whereby Massachusetts can yield something to the common Treasury? Since the organization of the Board of Treasury, the State has paid *nothing*. We are told of it in Congress—we justify by declaring that past exertions have exhausted us; but that we should revive, when the States would accede to such commercial Regulations as would place the American Navigation on *an equal footing* with that of Foreigners.

This is ostensible—but poor as we are I hope we could do more than we now accomplish— indeed the State neither pays anything to the federal Treasury, nor supports her Delegates.

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Excerpt from Letter to John Jay, George Washington, August 15, 1786

Dear Sir:

...I'm sorry to be assured, of what indeed I had little doubt before, that we have been guilty of violating the treaty in some instances. What a misfortune it is the British should have so well grounded a pretext for their palpable infractions? And what a disgraceful part, out of the choice of difficulties before us, are we to act?

Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be is also beyond the reach of my foresight. We have errors to correct. We have probably had too good an opinion of human nature in forming our confederation. Experience has taught us, that men will not adopt & carry into execution, measures the best calculated for their own good without the intervention of a coercive power. I do not conceive we can exist long as a nation, without having lodged somewhere a power which will pervade the whole Union in as energetic a manner, as the authority of the different state governments extend over the several States. To be fearful of vesting Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness...Many are of opinion that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to the States, when they had a right to assume their imperial dignity and command obedience. Be that as it may, requisitions are a perfect nihility, where thirteen sovereign, independent, disunited States are in the habit of discussing & refusing compliance with them at their option. Requisitions are actually little better than a jest and a bye word throughout the Land. If you tell the Legislatures they have violated the treaty of peace and invaded the prerogatives of the confederacy they will laugh in your face. What then is to be done? Things cannot go on in the same manner forever. It is much to be feared, as you observe, that the better kind of people being disgusted with the circumstances will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate & prevent disastrous contingencies would be the part of wisdom & patriotism.

What astonishing changes a few years are capable of producing! I am told that even respectable characters speak of a monarchical form of government without horror. From thinking proceeds speaking, thence to acting is often but a single step. But how irrevocable and tremendous! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious! Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend...

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A full-text version is available online at

<http://web.archive.org/web/20100602072255/http://gwpapers.virginia.edu/documents/constitution/1784/jay2.html>.

Letter to Thomas Jefferson, John Jay, October 27, 1786

The inefficacy of our government becomes daily more and more apparent. Our treasury and our credit are in a sad situation; and it is probable that either the wisdom or the passions of the people will produce changes. A spirit of licentiousness has infected Massachusetts, which appears more formidable than some at first apprehended. Whether similar symptoms will not soon mark a like disease in several other States is very problematical.

The public papers herewith sent contain everything generally known about these matters. A reluctance to taxes, an impatience of government, a rage for property and little regard to the means of acquiring it, together with a desire of equality in all things, seem to actuate the mass of those who are uneasy in their circumstances. To these may be added the influence of ambitious adventurers, and the speculations of the many characters who prefer private to public good, and of others who expect to gain more from wrecks made by tempests than from the produce of patient and honest industry. As the knaves and fools of this world are forever in alliance, it is easy to perceive how much vigour and wisdom a government, from its construction and administration, should possess, in order to repress the evils which naturally flow from such copious sources of injustice and evil.

Much, I think, is to be feared from the sentiments which such a state of things is calculated to infuse into the minds of the rational and well-intended. In their eyes, the charms of liberty will daily fade; and in seeking for peace and security, they will too naturally turn towards systems in direct opposition to those which oppress and disquiet them.

If faction should long bear down law and government, tyranny may raise its head, or the more sober part of the people may even think of a king.

In short, my dear sir, we are in a very unpleasant situation. Changes are necessary; but, what they ought to be, what they will be, and how and when to be produced, are arduous questions. I feel for the cause of liberty, and for the honour of my countrymen who have so nobly asserted it, and who, at present, so abuse its blessings. If it should not take root in this soil, little pains will be taken to cultivate it in any other.

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Excerpt from the Articles of Confederation, Ratified 1781

Article V. For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members...

In determining questions in the United States in Congress assembled, each State shall have one vote.

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/artconf.asp.

Excerpt from the Virginia Plan, Introduced by Edmund Randolph, May 29, 1787

1. Resolved that the Articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution; namely, "common defence, security of liberty and general welfare."
2. Resd. therefore that the rights of suffrage in the National Legislature ought to be proportioned to the Quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.
3. Resd. that the National Legislature ought to consist of two branches.
4. Resd. that the members of the first branch of the National Legislature ought to be elected by the people of the several States...
5. Resold. that the members of the second branch of the National Legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual Legislatures...

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/vatexta.asp.

Excerpt from the New Jersey Plan, Introduced by William Paterson, June 15, 1787

1. Resd. that the articles of Confederation ought to be so revised, corrected & enlarged, as to render the federal Constitution adequate to the exigencies of Government, & the preservation of the Union
2. Resd. that in addition to the powers vested in the U. States in Congress, by the present existing articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandizes of foreign growth or manufacture, imported into any part of the U. States...

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/patexta.asp.

Excerpt from the Hamilton Plan, Introduced by Alexander Hamilton, June 18, 1787

I. "The Supreme Legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate who together shall form the Legislature of the United States with power to pass all laws whatsoever subject to the Negative hereafter mentioned.

II. The Assembly to consist of persons elected by the people to serve for three years.

III. The Senate to consist of persons elected to serve during good behaviour; their election to be made by electors chosen for that purpose by the people: in order to this the States to be divided into election districts. On the death, removal or resignation of any Senator his place to be filled out of the district from which he came...

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**Debate on the Virginia Plan: Were the Delegates Authorized to Establish Proportional Representation?,
Madison's Notes of the Constitutional Convention, May 30, 1787**

Mr. CHARLES PINKNEY wished to know of Mr. Randolph whether he meant to abolish the State Governments altogether. Mr. R. replied that he meant by these general propositions merely to introduce the particular ones which explained the outlines of the system he had in view...

Genl. PINKNEY expressed a doubt whether the act of Congress recommending the Convention, or the Commissions of the Deputies to it, could authorize a discussion of a System founded on different principles from the federal Constitution.

Mr. GERRY seemed to entertain the same doubt.

Mr. Govr. MORRIS explained the distinction between a federal and national, supreme, Govt.; the former being a mere compact resting on the good faith of the parties; the latter having a complete and compulsive operation. He contended that in all Communities there must be one supreme power, and one only.

Mr. MASON observed that the present confederation was not only deficient in not providing for coercion & punishment against delinquent States; but argued very cogently that punishment could not in the nature of things be executed on the States collectively, and therefore that such a Govt. was necessary as could directly operate on individuals, and would punish those only whose guilt required it.

Mr. SHERMAN who took his seat today, admitted that the Confederation had not given sufficient power to Congress and that additional powers were necessary; particularly that of raising money which he said would involve many other powers...He seemed however not be disposed to make too great inroads on the existing system...

Col. HAMILTON moved to alter the resolution so as to read "that the rights of suffrage in the national Legislature ought to be proportioned to the number of free inhabitants. Mr. SPAIGHT seconded the motion. It was then moved that the Resolution be postponed, which was agreed to.

Mr. RANDOLPH and Mr. MADISON then moved the following resolution-"that the rights of suffrage in the national Legislature ought to be proportioned." It was moved and seconded to amend it by adding "and not according to the present system"-which was agreed to. It was then moved and seconded to alter the resolution so as to read "that the rights of suffrage in the national Legislature ought not to be according to the present system." It was then moved & seconded to postpone the Resolution moved by Mr. Randolph & Mr. Madison, which being agreed to:

Mr. MADISON, moved, in order to get over the difficulties, the following resolution-"that the equality of suffrage established by the Articles of Confederation ought not to prevail in the national Legislature, and that an equitable ratio of representation ought to be substituted." This was seconded by Mr. Govr. MORRIS, and being generally relished, would have been agreed to; when,

Mr. REED moved that the whole clause relating to the point of Representation be postponed; reminding the Committee that the deputies from Delaware were restrained by their commission from assenting to any change of the rule of suffrage, and in case such a change should be fixed on, it might become their duty to retire from the Convention.

Mr. Govr. MORRIS observed that the valuable assistance of those members could not be lost without real concern, and that so early a proof of discord in the Convention as a secession of a State, would add much to the regret; that the change proposed was however so fundamental an article in a national Govt. that it could not be dispensed with.

Mr. MADISON observed that whatever reason might have existed for the equality of suffrage when the Union was a federal one among sovereign States, it must cease when a national Governmt. should be put into the place. In the former case, the acts of Congs. depended so much for their efficacy on the cooperation of the States, that these had a weight both within & without Congress, nearly in proportion to their extent and importance. In the latter case, as the acts of the Genl. Govt. would take effect without the intervention of the State legislatures, a vote from a small State wd. have the same efficacy & importance as a vote from a large one, and there was the same reason for different numbers of representatives from different States, as from Counties of different extents within particular States.

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/debates_530.asp.

**Debate on the Virginia Plan: Paterson's Critique of Proportional Representation,
Madison's Notes of the Constitutional Convention, June 9, 1787**

Mr. PATTERSON moves that the Committee resume the clause relating to the rule of suffrage in the Natl. Legislature.

Mr. BREARLY seconds him...

Mr. PATTERSON considered the proposition for a proportional representation as striking at the existence of the lesser States. He wd. premise however to an investigation of this question some remarks on the nature structure and powers of the Convention. The Convention he said was formed in pursuance of an Act of Congs. that this act was recited in several of the Commissions, particularly that of Massts. which he required to be read: that the amendment of the confederacy was the object of all the laws and commissions on the subject; that the articles of the Confederation were therefore the proper basis of all the proceedings of the Convention. We ought to keep within its limits, or we should be charged by our Constituents with usurpation, that the people of America were sharpsighted and not to be deceived. But the Commissions under which we acted were not only the measure of our power, they denoted also the sentiments of the States on the subject of our deliberation. The idea of a national Govt. as contradistinguished from a federal one, never entered into the mind of any of them, and to the public mind we must accomodate ourselves. We have no power to go beyond the federal scheme, and if we had the people are not ripe for any other. We must follow the people; the people will not follow us...It has been said that if a Natl. Govt. is to be formed so as to operate on the people and not on the States, the representatives ought to be drawn from the people. But why so? May not a Legislature filled by the State Legislatures operate on the people who chuse the State Legislatures? or may not a practicable coercion be found. He admitted that there was none such in the existing System. -He was attached strongly to the plan of the existing confederacy, in which the people chuse their Legislative representatives; and the Legislatures their federal representatives. No other amendments were wanting than to mark the orbits of the States with due precision, and provide for the use of coercion, which was the great point...N. Jersey will never confederate on the plan before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate. He would not only oppose the plan here but on his return home do every thing in his power to defeat it there.

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/debates_609.asp.

**Debate on the New Jersey Plan: Will It Be Enough to Fix the Articles of Confederation,
Madison's Notes of the Constitutional Convention, June 16, 1787**

Mr. LANSING called for the reading of the 1st. resolution of each plan, which he considered as involving principles directly in contrast; that of Mr. Patterson says he sustains the sovereignty of the respective States, that of Mr. Randolph destroys it...He grounded his preference of Mr. P.'s plan, chiefly on two objections agst. that of Mr. R. 1. want of power in the Convention to discuss & propose it. 2 the improbability of its being adopted.

1. He was decidedly of opinion that the power of the Convention was restrained to amendments of a federal nature, and having for their basis the Confederacy in being. The Act of Congress The tenor of the Acts of the States, the Commissions produced by the several deputations all proved this. And this limitation of the power to an amendment of the Confederacy, marked the opinion of the States, that it was unnecessary & improper to go farther. He was sure that this was the case with his State. N. York would never have concurred in sending deputies to the convention, if she had supposed the deliberations were to turn on a consolidation of the States, and a National Government...

Mr. PATTERSON, said as he had on a former occasion given his sentiments on the plan proposed by Mr. R. he would now avoiding repetition as much as possible give his reasons in favor of that proposed by himself. He preferred it because it accorded 1. with the powers of the Convention, 2 with the sentiments of the people. If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them of ourselves. I came here not to speak my own sentiments, but the sentiments of those who sent me. Our object is not such a Governmt. as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve...

Mr. WILSON entered into a contrast of the principal points of the two plans so far he said as there had been time to examine the one last proposed. These points were 1. in the Virga. plan there are 2 & in some degree 3 branches in the Legislature: in the plan from N. J. there is to be a single legislature only- 2. Representation of the people at large is the basis of the one: -the State Legislatures, the pillars of the other-3. proportional representation prevails in one: -equality of suffrage in the other...

With regard to the power of the Convention, he conceived himself authorized to conclude nothing, but to be at liberty to propose any thing. In this particular he felt himself perfectly indifferent to the two plans.

With regard to the sentiments of the people, he conceived it difficult to know precisely what they are. Those of the particular circle in which one moved, were commonly mistaken for the general voice. He could not persuade himself that the State Govts. & Sovereignities were so much the idols of the people, nor a Natl. Govt. so obnoxious to them, as some supposed. Why sd. a Natl. Govt. be unpopular? Has it less dignity? will each Citizen enjoy under it less liberty or protection? Will a Citizen of Delaware be degraded by becoming a Citizen of the United States? Where do the people look at present for relief from the evils of which they complain? Is

it from an internal reform of their Govts.? no, Sir. It is from the Natl. Councils that relief is expected. For these reasons he did not fear, that the people would not follow us into a national Govt. and it will be a further recommendation of Mr. R.'s plan that it is to be submitted to them, and not to the Legislatures, for ratification...

Mr. PINKNEY, the whole comes to this, as he conceived. Give N. Jersey an equal vote, and she will dismiss her scruples, and concur in the Natil. system. He thought the Convention authorized to go any length in recommending, which they found necessary to remedy the evils which produced this Convention...

Mr. RANDOLPH, was not scrupulous on the point of power. When the salvation of the Republic was at stake, it would be treason to our trust, not to propose what we found necessary. He painted in strong colours, the imbecility of the existing Confederacy, & the danger of delaying a substantial reform...The true question is whether we shall adhere to the federal plan, or introduce the national plan. The insufficiency of the former has been fully displayed by the trial already made...We must resort therefor to a National Legislation over individuals, for which Congs. are unfit...If the Union of these powers heretofore in Congs. has been safe, it has been owing to the general impotency of that body. Congs. are moreover not elected by the people, but by the Legislatures who retain even a power of recall. They have therefore no will of their own, they are a mere diplomatic body, and are always obsequious to the views of the States, who are always encroaching on the authority of the U. States. A provision for harmony among the States, as in trade, naturalization &c.-for crushing rebellion whenever it may rear its crest-and for certain other general benefits, must be made. The powers for these purposes, can never be given to a body, inadequate as Congress are in point of representation, elected in the mode in which they are, and possessing no more confidence than they do: for notwithstanding what has been said to the contrary, his own experience satisfied him that a rooted distrust of Congress pretty generally prevailed. A Natl. Govt. alone, properly constituted, will answer the purpose; and he begged it to be considered that the present is the last moment for establishing one. After this select experiment, the people will yield to despair.

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**Debates on Bicameralism: One House or Two?,
Madison's Notes of the Constitutional Convention, June 16 and 20, 1787**

June 16, 1787

Mr. PATTERSON, said as he had on a former occasion given his sentiments on the plan proposed by Mr. R. he would now avoiding repetition as much as possible give his reasons in favor of that proposed by himself...It is urged that two branches in the Legislature are necessary. Why? for the purpose of a check. But the reason of the precaution is not applicable to this case. Within a particular State, where party heats prevail, such a check may be necessary. In such a body as Congress it is less necessary, and besides, the delegations of the different States are checks on each other. Do the people at large complain of Congs.? No, what they wish is that Congs. may have more power. If the power now proposed be not eno', the people hereafter will make additions to it...

Mr. WILSON entered into a contrast of the principal points of the two plans so far he said as there had been time to examine the one last proposed. These points were 1. in the Virga. plan there are 2 & in some degree 3 branches in the Legislature: in the plan from N. J. there is to be a single legislature only...

[P]roceeding now to the 1st point on which he had contrasted the two plans, he observed that anxious as he was for some augmentation of the federal powers, it would be with extreme reluctance indeed that he could ever consent to give powers to Congs. he had two reasons either of wch. was sufficient. 1. Congs. as a Legislative body does not stand on the people. 2. it is a single body....Congress is a single Legislature. Despotism comes on Mankind in different Shapes, sometimes in an Executive, sometimes in a Military, one. Is there no danger of a Legislative despotism? Theory & practice both proclaim it. If the Legislative authority be not restrained, there can be neither liberty nor stability; and it can only be restrained by dividing it within itself, into distinct and independent branches. In a single House there is no check, but the inadequate one, of the virtue & good sense of those who compose it...

In order to controul the Legislative authority, you must divide it...

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0616.html>.

June 20, 1787

Col. MASON... Is it to be thought that the people of America, so watchful over their interests; so jealous of their liberties, will give up their all, will surrender both the sword and the purse, to the same body, and that too not chosen immediately by themselves? They never will. They never ought. Will they trust such a body, with the regulation of their trade, with the regulation of their taxes; with all the other great powers, which are in contemplation?...

Much has been said of the unsettled state of the mind of the people, he believed the mind of the people of America, as elsewhere, was unsettled as to some points; but settled as to others. In two points he was sure it was well settled. 1. in an attachment to Republican Government. 2. in an attachment to more than one branch in the Legislature. Their constitutions accord so generally in both these circumstances, that they seem almost to have been preconcerted. This must either have been a miracle, or have resulted from the genius of the people. The only exceptions to the establishmt. of two branches in the Legislatures are the State of Pa. & Congs. and the latter the only single one not chosen by the

people themselves. What has been the consequence? The people have been constantly averse to giving that Body further powers...

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**Debates on Suffrage: By the People or State Legislatures?,
Madison's Notes of the Constitutional Convention, May 31-June 25, 1787**

May 31, 1787

Resol: 4. first clause "that the members of the first branch of the National Legislature ought to be elected by the people of the several States" being taken up,

Mr. SHERMAN opposed the election by the people, insisting that it ought to be by the State Legislatures. The people he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.

Mr. GERRY The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Masss. it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute...He had he said been too republican heretofore...

Mr. MASON argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Govtt...It ought to know & sympathise with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it...He admitted that we had been too democratic but was afraid we sd. incautiously run into the opposite extreme...

Mr. WILSON contended strenuously for drawing the most numerous branch of the Legislature immediately from the people...No government could long subsist without the confidence of the people. In a republican Government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State Legislatures by making them the electors of the national Legislature. All interference between the general and local Governmts. should be obviated as much as possible. On examination it would be found that the opposition of States to federal measures had proceeded much more from the officers of the States, than from the people at large.

Mr. MADISON considered the popular election of one branch of the National Legislature as essential to every plan of free Government...He thought too that the great fabric to be raised would be more stable and durable, if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the Legislatures.

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0531.html>.

June 6, 1787

Mr. PINKNEY...moved "that the first branch of the national Legislature be elected by the State Legislatures, and not by the people." contending that the people were less fit Judges in such a case, and that the Legislatures would be less likely to promote the adoption of the new Government, if they were to be excluded from all share in it...

Mr. GERRY. Much depends on the mode of election...His idea was that the people should nominate certain persons in certain districts, out of whom the State Legislatures shd. make the appointment.

Mr. WILSON. He wished for vigor in the Govt., but he wished that vigorous authority to flow immediately from the legitimate source of all authority. The Govt. ought to possess not only 1st. the force, but 2dly. the mind or sense of the people at large. The Legislature ought to be the most exact transcript of the whole Society...

Mr. SHERMAN...The right of participating in the National Govt. would be sufficiently secured to the people by their election of the State Legislatures...

Col. MASON. Under the existing Confederacy, Congs. represent the States not the people of the States: their acts operate on the States, not on the individuals. The case will be changed in the new plan of Govt. The people will be represented; they ought therefore to choose the Representatives. The requisites in actual representation are that the Reps. should sympathize with their constituents; shd. think as they think, & feel as they feel; and that for these purposes shd. even be residents among them. Much he sd. had been alledged agst. democratic elections. He admitted that much might be said; but it was to be considered that no Govt. was free from imperfections & evils; and that improper elections in many instances, were inseparable from Republican Govts...

Mr. MADISON considered an election of one branch at least of the Legislature by the people immediately, as a clear principle of free Govt. and that this mode under proper regulations had the additional advantage of securing better representatives, as well as of avoiding too great an agency of the State Governments in the General one...

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0606.html>.

June 21, 1787

Mr. MASON urged the necessity of retaining the election by the people. Whatever inconveniency may attend the democratic principle, it must actuate one part of the Govt. It is the only security for the rights of the people...

Mr. RUTLIDGE...An election by the Legislature would be more refined than an election immediately by the people: and would be more likely to correspond with the sense of the whole community...

Mr. WILSON considered the election of the 1st. branch by the people not only as the corner Stone, but as the foundation of the fabric...

Mr. KING enlarged on the same distinction. He supposed the Legislatures wd. constantly choose men subservient to their own views as contrasted to the general interest...

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0621.html>.

June 25, 1787

Mr. WILSON. the question is shall the members of the 2d. branch be chosen by the Legislatures of the States?...

Mr. ELSEWORTH...Wisdom was one of the characteristics which it was in contemplation to give the second branch. Would not more of it issue from the Legislatures; than from an immediate election by the people...

On the question to agree "that the members of the 2d. branch be chosen by the indivl. Legislatures" Masts. ay. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. ay. Geo. ay.

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0625.html>.

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**Debates on Proportional or Equal Representation,
Madison's Notes of the Constitutional Convention, June 9 and July 14, 1787**

June 9, 1787

Mr. PATTERSON moves that the Committee resume the clause relating to the rule of suffrage in the Natl. Legislature.

Mr. BREARLY seconds him. He was sorry he said that any question on this point was brought into view. It had been much agitated in Congs. at the time of forming the [Articles of Confederation] and was then rightly settled by allowing to each sovereign State an equal vote. Otherwise the smaller States must have been destroyed instead of being saved. The substitution of a ratio, he admitted carried fairness on the face of it; but on a deeper examination was unfair and unjust...There will be 3. large states, and 10 small ones. The large States by which he meant Massts. Pena. & Virga. will carry every thing before them...While Georgie with her Solitary vote, and the other little States will be obliged to throw themselves constantly into the scale of some large one, in order to have any weight at all. He had come to the convention with a view of being as useful as he could in giving energy and stability to the federal Government. When the proposition for destroying the equality of votes came forward, he was astonished, he was alarmed...

Mr. PATTERSON considered the proposition for a proportional representation as striking at the existence of the lesser States... He held up Virga. Massts. & Pa. as the three large States, and the other ten as small ones; repeating the calculations of Mr. Brearly as to the disparity of votes which wd. take place, and affirming that the small States would never agree to it...Give the large States an influence in proportion to their magnitude, and what will be the consequence? Their ambition will be proportionally increased, and the small States will have every thing to fear... N. Jersey will never confederate on the plan before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate. He would not only oppose the plan here but on his return home do every thing in his power to defeat it there.

Mr. WILSON...entered elaborately into the defence of a proportional representation, stating for his first position that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle had been improperly violated in the owing to the urgent circumstances of the time...If the small States will not confederate on this plan, Pena. & he presumed some other States, would not confederate on any other...

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0609.html>.

July 14, 1787

Mr. MADISON expressed his apprehensions that if the proper foundation of Governmt-was destroyed, by substituting an equality in place of a proportional Representation, no proper superstructure would be raised...He reminded them of the consequences of laying the existing confederation on improper principles. All the principal parties to its compilation, joined immediately in mutilating & fettering the Governmt. in such a manner that it has disappointed every hope placed on it...He enumerated the objections agst. an equality of votes in the 2d. branch, notwithstanding the proportional representation in the first. 1. the minority could negative the will of the majority of the people...

Mr. WILSON would add a few words only...The great fault of the existing confederacy is its inactivity. It has never been a complaint agst. Congs. that they governed overmuch. The complaint has been that they have governed too little. To remedy this defect we were sent here. Shall we effect the cure by establishing an equality of votes as is proposed? no: this very equality carries us directly to Congress: to the system which it is our duty to rectify. The small States cannot indeed act, by virtue of this equality, but they may controul the Govt. as they have done in Congs. This very measure is here prosecuted by a minority of the people of America. Is then the object of the Convention likely to be accomplished in this way? Will not our Constituents say? we sent you to form an efficient Govt. and you have given us one more complex indeed, but having all the weakness of the former Governt...

A full-text version is available online at <http://www.teachingamericanhistory.com/convention/debates/0714.html>.

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**Debates on the Connecticut Compromise,
Madison's Notes of the Constitutional Convention, June 11-July 16, 1787**

Sherman proposes Connecticut Compromise, June 11, 1787

Mr. SHARMAN proposed that the proportion of suffrage in the 1st. branch should be according to the respective numbers of free inhabitants; and that in the second branch or Senate, each State should have one vote and no more....The smaller States would never agree to the plan on any other principle than an equality of suffrage in this branch. Mr. ELSWORTH seconded the motion. On the question for allowing each State one vote in the 2d. branch.

Massts. no. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. no. S. C. no. Geo. no. 2.

Madison opposes equal representation in the Senate, June 19, 1787

Mr. MADISON... The great difficulty lies in the affair of Representation [in the Senate]; and if this could be adjusted, all others would be surmountable...If they [the states] shd. be entitled to vote according to their proportions of inhabitants, all would be right & safe. Let them have an equal vote, and a more objectionable minority than ever might give law to the whole...

The Convention compromises on election by state legislatures in the Senate, June 25, 1787

On the question to agree "that the members of the 2d. branch be chosen by the indivl. Legislatures" Masts. ay. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. ay. Geo. ay.

Franklin calls for a prayer, June 28, 1787

[Dr. FRANKLIN.] The small progress we have made after 4 or five weeks close attendance & continual reasonings with each other – our different sentiments on almost every question, several of the last producing as many noes as ays, is methinks a melancholy proof of the imperfection of the Human Understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it...

In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings?...I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth- that God Governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?...

I therefore beg leave to move – that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business...

Ellsworth revives the Connecticut Compromise proposal, June 29, 1787

Mr. MADISON...He entreated the gentlemen representing the small States to renounce a principle wch. was confessedly unjust, which cd. never be admitted, & if admitted must infuse mortality into a Constitution which we wished to last forever...

Mr. GERRY...The injustice of allowing each State an equal vote was long insisted on. He voted for it, but it was agst. his Judgment, and under the pressure of public danger, and the obstinacy of the lesser States. The present Confederation he considered as dissolving. The fate of the Union will be decided by the Convention...He lamented that instead of coming here like a band of brothers, belonging to the same family, we seemed to have brought with us the spirit of political negociators...

Mr. ELSEWORTH moved that the rule of suffrage in the 2d. branch be the same with that established by the articles of confederation...He hoped it would become a ground of compromise with regard to the 2d. branch. We were partly national; partly federal. The proportional representation in the first branch was conformable to the national principle & would secure the large States agst. the small. An equality of voices was conformable to the federal principle and was necessary to secure the Small States agst. the large. He trusted that on this middle ground a compromise would take place. He did not see that it could on any other. And if no compromise should take place, our meeting would not only be in vain but worse than in vain...

Franklin sums up the dilemma, June 30, 1787

Docr. FRANKLIN. The diversity of opinions turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger...

A compromise committee is formed, July 2, 1787

Mr. PINKNEY thought an equality of votes in the 2d. branch inadmissible...

Mr. SHARMAN. We are now at a full stop, and nobody he supposed meant that we shd. break upwithout doing something. A committee he thought most likely to hit on some expedient...

Mr. MADISON opposed the Commitment. He had rarely seen any other effect than delay from such Committees...

Mr. GERRY was for the Commitmt. Something must be done, or we shall disappoint not only America, but the whole world. He suggested a consideration of the State we should be thrown into by the failure of the Union...We must make concessions on both sides...

On the question "for committing," generally:

Masts. ay. Cont. ay. N. Y. ay. N. J. no. P. ay. Del. no. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay.... That time might be given to the Committee, and to such as chose to attend to the celebrations on the anniversary of Independence, the Convention adjourned till Thursday.

Committee's compromise report, July 5, 1787

"The Committee...submit the following Report...1. That in the 1st. branch of the Legislature each of the States now in the Union shall be allowed 1 member for every 40,000 inhabitants...[T]hat all bills for raising or appropriating money...shall originate in the 1st. branch of the Legislature, and shall not be altered or amended by the 2d. branch: and that no money shall be drawn from the public Treasury. but in pursuance of appropriations to be orginated in the 1st. branch II. That in the 2d. branch each State shall have an equal vote."

...Mr. MADISON. could not regard the exclusive privilege of originating money bills [in the 1st branch] as any concession on the side of the small States...He conceived that the Convention was reduced to the alternative of either departing from justice in order to conciliate the smaller States, and the minority of the people of the U. S. or of displeasing these by justly gratifying the larger States and the majority of the people. He could not himself hesitate as to the option he ought to make...

Mr. ELSEWORTH said he had not attended the proceedings of the Committee, but was ready to accede to the compromise they had reported. Some compromise was necessary; and he saw none more convenient or reasonable.

Mr. GERRY...If no compromise should take place what will be the consequence. A secession he foresaw would take place; for some gentlemen seem decided on it; two different plans will be proposed; and the result no man could foresee. If we do not come to some agreement among ourselves some foreign sword will probably do the work for us.

Mr. MASON...There must be some accomodation on this point, or we shall make little further progress in the work...[H]e would bury his bones in this City rather than expose his Country to the Consequences of a dissolution of the Convention without any thing being done.

Mason accepts the Compromise proposal, July 6, 1787

Mr. MASON. The consideration which weighed with the Committee was that the 1st. branch would be the immediate representatives of the people, the 2d. would not. Should the latter have the power of giving away the people's money, they might soon forget the source from whence they received it. We might soon have an aristocracy...He was a friend to proportional representation in both branches; but supposed that some points must be yielded for the sake of accomodation.

Debate over the Compromise proposal, July 14, 1787

Mr. WILSON...As to the privilege of originating money bills, it was not considered by any as of much moment, and by many as improper in itself. He hoped both clauses wd. be reconsidered. The equality of votes was a point of such critical importance, that every opportunity ought to be allowed, for discussing and collecting the mind of the Convention on it.

Mr. GERRY...He did not approve of a reconsideration of the clause relating to money bills. It was of great consequence. It was the corner stone of the accomodation...The Report was not altogether to his mind. But he would agree to it as it stood rather than throw it out altogether...

Mr. SHERMAN urged the equality of votes not so much as a security for the small States; as for the State Govts. which could not be preserved unless they were represented & had a negative in the Genl. Government...

Mr. MADISON expressed his apprehensions that if the proper foundation of Governmt-was destroyed, by substituting an equality in place of a proportional Representation, no proper superstructure would be raised. If the small States really wish for a Government armed with the powers necessary to secure their liberties, and to enforce obedience on the larger members as well as on themselves he could not help thinking them extremely mistaken in their means. He reminded them of the consequences of laying the existing confederation on improper principles. All the principal parties to its compilation, joined immediately in mutilating & fettering the Governmt. in such a manner that it has disappointed every hope placed on it...

Mr. WILSON...A vice in the Representation, like an error in the first concoction, must be followed by disease, convulsions, and finally death itself...

Connecticut Compromise approved, July 16, 1787

On the question for agreeing to the whole Report as amended & including the equality of votes in the 2d. branch. it passed in the Affirmative.

Mas. divided Mr. Gerry, Mr. Strong, ay. Mr. King Mr. Ghorum no. Cont. ay. N.J.ay. Pena.no. Del.ay. Md.ay. Va.no. N.C. ay. Mr. Spaight no. S.C.no. Geo.no.

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Delegates Agree on the Need for an Executive

The Virginia Plan, Introduced by Edmund Randolph, May 29, 1787

7. Resd. that a National Executive be instituted; to be chosen by the National Legislature for the term of ----- years...and to be ineligible a second time; and that besides a general authority to execute the National laws, it ought to enjoy the Executive rights vested in Congress by the Confederation.

8. Resd. that the Executive and a convenient number of the National Judiciary, ought to compose a Council of revision with authority to examine every act of the National Legislature before it shall operate, & every act of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the Act of the National Legislature be again passed...by ----- of the members of each branch.

The New Jersey Plan, Introduced by William Paterson, June 15, 1787

4. Resd. that the U. States in Congs. be authorized to elect a federal Executive to consist of ----- persons, to continue in office for the term of ----- years...to be incapable of holding any other office or appointment during their time of service and for ----- years thereafter; to be ineligible a second time, & removeable by Congs. on application by a majority of the Executives of the several States; that the Executives besides their general authority to execute the federal acts ought to appoint all federal officers not otherwise provided for, & to direct all military operations; provided that none of the persons composing the federal Executive shall on any occasion take command of any troops, so as personally to conduct any enterprise as General or in other capacity.

The Hamilton Plan, Introduced by Alexander Hamilton, June 18, 1787

IV. The supreme Executive authority of the United States to be vested in a Governour to be elected to serve during good behaviour-the election to be made by Electors chosen by the people in the Election Districts aforesaid-The authorities & functions of the Executive to be as follows: to have a negative on all laws about to be passed, and the execution of all laws passed, to have the direction of war when authorized or begun; to have with the advice and approbation of the Senate the power of making all treaties; to have the sole appointment of the heads or chief officers of the departments of Finance, War and Foreign Affairs; to have the nomination of all other officers (Ambassadors to foreign Nations included) subject to the approbation or rejection of the Senate; to have the power of pardoning all offences except Treason; which he shall not pardon without the approbation of the Senate.

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Plans for the Executive Branch

Elements	Virginia Plan	New Jersey Plan	Hamilton Plan
How many people?			
How elected?			
Term length			
Run for re-election?			

General powers			
Impeachable? If so, how?			
Veto power			
Appointment power			
Additional info			

Plans for the Executive Branch (Completed)

Elements	Virginia Plan	New Jersey Plan	Hamilton Plan
How many people?	one	undecided but more than one	one
How elected?	chosen by national legislature	chosen by Congress	electors chosen by the people in election districts
Term length	undecided	undecided	serve during good behavior
Run for re-election?	not eligible	not eligible	good behavior could be for life
General powers	execute national laws executive rights vested in Congress by the Articles	execute federal acts direct all military operations	execution of all laws direction of war when authorized or begun make all treaties with approbation of the Senate
Impeachable? If so, how?		removable by Congress by a majority of the executives of the states	
Veto power	with a convenient number of the National judiciary, make up a Council of revision with authority to examine every act	not mentioned, so not given	a negative on all laws about to be passed
Appointment power	see Articles	appoint all federal officers not otherwise provided for	Sole appointment power of the heads of Finance, War, and Foreign Affairs. Can nominate other officers subject to approbation or rejection by the senate
Additional info		cannot hold any other office during time of service and for an undetermined time following/ None of the executives can directly command the troops as general or in any other capacity	

**Debates on the Number of Executives,
Madison's Notes of the Constitutional Convention, June 1, 2, and 4, 1787**

Single executive most likely to possess "energy," June 1, 1787

The Committee of the whole proceeded to Resolution 7. "that a national Executive be instituted, to be chosen by the national Legislature-for the term of ----- years to be ineligible thereafter, to possess the executive powers of Congress."

Mr. PINKNEY was for a vigorous Executive but was afraid the Executive powers of the existing Congress might extend to peace & war, which would render the Executive a monarchy, of the worst kind, to wit an elective one.

Mr. WILSON moved that the Executive consist of a single person...

Mr. RUTLIDGE...He said he was for vesting the Executive power in a single person, tho' he was not for giving him the power of war and peace. A single man would feel the greatest responsibility and administer the public affairs best.

Mr. SHERMAN said he considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depository of the supreme will of the Society. As they were the best judges of the business which ought to be done by the Executive department, and consequently of the number necessary from time to time for doing it, he wished the number might not be fixed but that the legislature should be at liberty to appoint one or more as experience might dictate.

Mr. WILSON preferred a single magistrate, as giving most energy dispatch and responsibility to the office...

Mr. RANDOLPH strenuously opposed a unity in the Executive magistracy. He regarded it as the foetus of monarchy...He could not see why the great requisites for the Executive department, vigor, despatch & responsibility could not be found in three men, as well as in one man. The Executive ought to be independent. It ought therefore in order to support its independence to consist of more than one.

Mr. WILSON said that unity in the Executive instead of being the fetus of monarchy would be the best safeguard against tyranny...

Fears of a "monarchy," June 2, 1787

Mr. RUTLIDGE & Mr. C. PINKNEY moved that the blank for the no. of persons in the Executive be filled with the words "one person." He supposed the reasons to be so obvious & conclusive in favor of one that no member would oppose the motion.

Mr. RANDOLPH opposed it with great earnestness, declaring that he should not do justice to the Country which sent him if he were silently to suffer the establishmt. of a Unity in the Executive department. He felt an opposition to it which he believed he should continue to feel as long as he lived.

He urged 1.that the permanent temper of the people was adverse to the very semblance of Monarchy. 2. that a unity was unnecessary a plurality being equally competent to all the objects of the department. 3. that the necessary confidence would never be reposed in a single Magistrate. 4. that the appointments would generally be in favor of some

inhabitant near the center of the Community, and consequently the remote parts would not be on an equal footing. He was in favor of three members of the Executive to be drawn from different portions of the Country.

Mr. BUTLER contended strongly for a single magistrate as most likely to answer the purpose of the remote parts. If one man should be appointed he would be responsible to the whole, and would be impartial to its interests. If three or more should be taken from as many districts, there would be a constant struggle for local advantages. In Military matters this would be particularly mischievous...

Delegates agree on a single executive June 4, 1787

The Question was resumed on motion of Mr. PINKNEY, "shall the blank for the number of the Executive be filled with a single person?"

Mr. WILSON was in favor of the motion. It had been opposed by the gentleman from Virga. [Mr. Randolph] but the arguments used had not convinced him. He observed that the objections of Mr. R. were levelled not so much agst. the measure itself, as agst. its unpopularity...On examination he could see no evidence of the alledged antipathy of the people. On the contrary he was persuaded that it does not exist. All know that a single magistrate is not a King. One fact has great weight with him. All the 13 States tho agreeing in scarce any other instance, agree in placing a single magistrate at the head of the Governnt. The idea of three heads has taken place in none...In addition to his former reasons for preferring a unity, he would mention another. The tranquility not less than the vigor of the Govt. he thought would be favored by it. Among three equal members, he foresaw nothing but uncontroled, continued, & violent animosities; which would not only interrupt the public administration; but diffuse their poison thro' the other branches of Govt., thro' the States, and at length thro' the people at large...

Mr. SHERMAN. This matter is of great importance and ought to be well considered before it is determined. Mr. Wilson he said had observed that in each State a single magistrate was placed at the head of the Govt. It was so he admitted, and properly so, and he wished the same policy to prevail in the federal Govt. But then it should be also remarked that in all the States there was a Council of advice, without which the first magistrate could not act. A council he thought necessary to make the establishment acceptable to the people. Even in G. B. the King has a Council; and though he appoints it himself, its advice has its weight with him, and attracts the Confidence of the people...

Mr. GERRY was at a loss to discover the policy of three members for the Executive. It Wd. be extremely inconvenient in many instances, particularly in military matters, whether relating to the militia, an army, or a navy. It would be a general with three heads.

On the question for a single Executive it was agreed to Massts. ay. Cont. ay. N. Y. no. Pena. ay. Del. no. Maryd. no. Virg. ay. Mr. R. & Mr. Blair no- Doctr. Mc.Cg. Mr. M. & Gen W. ay. Col. Mason being no, but not in house, Mr. Wythe ay but gone home. N. C. ay. S. C. ay. Georga ay.

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**Debates on Mode of Elections: Round 1,
Madison's Notes of the Constitutional Convention, June 1, 2, and 9**

Election by the people or Congress?, June 1, 1787

The next clause in Resolution 7, relating to the mode of appointing, & the duration of, the Executive being under consideration,

Mr. WILSON said he was almost unwilling to declare the mode which he wished to take place...He would say however at least that in theory he was for an election by the people...

Mr. SHERMAN was for the appointment by the Legislature, and for making him absolutely dependent on that body, as it was the will of that which was to be executed. An independence of the Executive on the supreme Legislature, was in his opinion the very essence of tyranny if there was any such thing...

Mr. WILSON renewed his declarations in favor of an appointment by the people. He wished to derive not only both branches of the Legislature from the people, without the intervention of the State Legislatures but the Executive also; in order to make them as independent as possible of each other, as well as of the States...

Electoral College introduced – and rejected, June 2, 1787

The mode of appointg ye Executive was resumed.

Mr. WILSON made the following motion, to be substituted for the mode proposed by Mr. Randolph's resolution, "that the Executive Magistracy shall be elected in the following manner: That the States be divided into ----- districts: & that the persons qualified to vote in each district for members of the first branch of the national Legislature elect ----- members for their respective districts to be electors of the Executive magistracy, that the said Electors of the Executive magistracy meet at ----- and they or any ----- of them so met shall proceed to elect by ballot, but not out of their own body ----- person in whom the Executive authority of the national Government shall be vested."

Mr. WILSON repeated his arguments in favor of an election without the intervention of the States. He supposed too that this mode would produce more confidence among the people in the first magistrate, than an election by the national Legislature.

Mr. GERRY opposed the election by the national legislature. There would be a constant intrigue kept up for the appointment. The Legislature & the candidates wd. bargain & play into one another's hands, votes would be given by the former under promises or expectations from the latter, of recompensing them by services to members of the Legislature or to their friends...He seemed to prefer the taking the suffrages of the States instead of Electors, or letting the Legislatures nominate, and the electors appoint. He was not clear that the people ought to act directly even in the choice of electors, being too little informed of personal characters in large districts, and liable to deceptions...

On the question for agreeing to Mr. Wilson's substitute, it was negatived: Massts. no. Cont. no. N. Y. no. Pa. ay. Del. no. Maryland. ay. Virga. no. N. C. no. S. C. no. Geoa. no.

Election by state governors proposed, June 9, 1787

Mr. GERRY, according to previous notice given by him, moved "that the National Executive should be elected by the Executives of the States..." If the appointmt. should be made by the Natl. Legislature, it would lessen that independence of the Executive which ought to prevail, would give birth to intrigue and corruption between the Executive & Legislature previous to the election, and to partiality in the Executive afterwards to the friends who promoted him. Some other mode therefore appeared to him necessary. He proposed that of appointing by the State Executives...He supposed the Executives would be most likely to select the fittest men, and that it would be their interest to support the man of their own choice.

Mr. RANDOLPH, urged strongly the inexpediency of Mr. Gerry's mode of appointing the Natl. Executive...Bad appointments would be made; the Executives of the States being little conversant with characters not within their own small spheres. The State Executives too notwithstanding their constitutional independence, being in fact dependent on the State Legislatures will generally be guided by the views of the latter...A Natl. Executive thus chosen will not be likely to defend with becoming vigilance & firmness the National rights agst. State encroachments...

On the question for referring the appointment of the Natl. Executive to the State Executives as propd. by Mr. Gerry
Massts. no. Cont. no. N. Y. no. N. J. no. Pa. no. Del. divd. Md. no. Va. no. S. C. no. Geo. no...

These texts are in the public domain.

**Debates on Mode of Elections: Round 2,
Madison's Notes of the Constitutional Convention, July 17, 19, 24, and 26, 1787**

Election by the people or Congress?, July 17, 1787

..."To be chosen by the National Legisl:"

Mr. GOVERNOR. MORRIS was pointedly agst. his being so chosen. He will be the mere creature of the Legisl: if appointed & impeachable by that body. He ought to be elected by the people at large...If the Legislature elect, it will be the work of intrigue, of cabal, and of faction...He moved to strike out "National Legislature" & insert "citizens of U.S."

Mr. SHERMAN thought that the sense of the Nation would be better expressed by the Legislature, than by the people at large. The latter will never be sufficiently informed of characters, and besides will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment...

Mr. PINKNEY did not expect this question would again have been brought forward; An Election by the people being liable to the most obvious & striking objections. They will be led by a few active & designing men...

Mr. Govr. MORRIS...If the Executive be chosen by the Natl. Legislature, he will not be independent on it; and if not independent, usurpation & tyranny on the part of the Legislature will be the consequence...

Col. MASON...He conceived it would be as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the Candidates...

Question on an election by the people instead of the Legislature; which passed in the negative. Mas. no. Cont. no. N. J. no. Pa. ay. Del. no. Md. no. Va. no. N.C. no. S.C.no. Geo.no.

Should the President be re-eligible for office?, July 19, 1787

Mr. WILSON. It seems to be the unanimous sense that the Executive should not be appointed by the Legislature, unless he be rendered in-eligible a 2d. time: he perceived with pleasure that the idea was gaining ground, of an election mediately or immediately by the people.

Mr. MADISON...It is essential then that the appointment of the Executive should either be drawn from some source, or held by some tenure, that will give him a free agency with regard to the Legislature...The people at large was in his opinion the fittest in itself. It would be as likely as any that could be devised to produce an Executive Magistrate of distinguished Character. The people generally could only know & vote for some Citizen whose merits had rendered him an object of general attention & esteem...

Mr. GERRY. If the Executive is to be elected by the Legislature he certainly ought not to be re- eligible. This would make him absolutely dependent. He was agst. a popular election. The people are uninformed, and would be misled by a few designing men. He urged the expediency of an appointment of the Executive by Electors to be chosen by the State Executives. The people of the States will then choose the 1st. branch: The legislatures of the States the 2d. branch of the

National Legislature, and the Executives of the States, the National Executive. This he thought would form a strong attachment in the States to the National System. The popular mode of electing the chief Magistrate would certainly be the worst of all...

Dangers of election by Congress, July 24, 1787

Mr. HOUSTON moved that he be appointed by the "Natl. Legislature..."

Mr. GERRY. We seem to be entirely at a loss on this head. He would suggest whether it would not be advisable to refer the clause relating to the Executive to the Committee of detail to be appointed. Perhaps they will be able to hit on something that may unite the various opinions which have been thrown out...

Mr. Govr. MORRIS. Of all possible modes of appointment that by the Legislature is the worst. If the Legislature is to appoint, and to impeach or to influence the impeachment, the Executive will be the mere creature of it...Much had been said of the intrigues that will be practised by the Executive to get into office. Nothing had been said on the other side of the intrigues to get him out of office. Some leader of party will always covet his seat, will perplex his administration, will cabal with the Legislature, till he succeeds in supplanting him...In order to get rid of the dependence of the Executive on the Legislature, the expedient of making him ineligible a 2d. time had been devised. This was as much as to say we shd. give him the benefit of experience, and then deprive ourselves of the use of it. But make him ineligible a 2d. time-and prolong his duration even to 15- years, will he by any wonderful interposition of providence at that period cease to be a man? No he will be unwilling to quit his exaltation, the road to his object thro' the Constitution will be shut; he will be in possession of the sword, a civil war will ensue, and the Commander of the victorious army on which ever side, will be the despot of America. This consideration renders him particularly anxious that the Executive should be properly constituted...It is the most difficult of all rightly to balance the Executive. Make him too weak: The Legislature will usurp his powers: Make him too strong. He will usurp on the Legislature. He preferred a short period, a re-eligibility, but a different mode of election. A long period would prevent an adoption of the plan...

Mason reviews the various proposals, July 26, 1787

Col. MASON In every Stage of the Question relative to the Executive, the difficulty of the subject and the diversity of the opinions concerning it have appeared. Nor have any of the modes of constituting that department been satisfactory. 1. It has been proposed that the election should be made by the people at large; that is that an act which ought to be performed by those who know most of Eminent characters, & qualifications, should be performed by those who know least. 2. that the election should be made by the Legislatures of the States. 3. by the Executives of the States. Agst. these modes also strong objections have been urged. 4. It has been proposed that the election should be made by Electors chosen by the people for that purpose. This was at first agreed to: But on further consideration has been rejected...After reviewing all these various modes, he was led to conclude, that an election by the Natl. Legislature as originally proposed, was the best. If it was liable to objections, it was liable to fewer than any other...

These texts are in the public domain.

How Should the President Be Elected?

Mode of Election	Reasons in Favor	Reasons Opposed
By the people		
By Congress		

By Electoral College		
By the states		

How Should the President Be Elected? (Completed)

Mode of Election	Reasons in Favor	Reasons Opposed
By the people	<p>Wilson—President should be as independent as possible.</p> <p>Madison—Would be as likely as any that the people would produce an executive of distinguished character. The people generally could only know and vote for some citizen whose merits had rendered him an object of general attention and esteem.</p>	<p>Gerry—People shouldn't be involved—too little informed of personal characters and liable to be deceived.</p> <p>Sherman—People would never be sufficiently informed and would always vote for someone from their own state—largest state would have the best chance of appointment.</p> <p>Pinckney—would be led by a few active and designing men. Most populous states could combine and appt. their choice.</p> <p>Mason—the extent of the country renders it impossible for the people to have the capacity to judge the qualifications of the candidates.</p>
By Congress	<p>Sherman—President should be absolutely dependent on the legislature—an independent executive would be tyranny. Sense of nation would be expressed by the legislature.</p> <p>Pinckney—Legislature would choose a fit man to carry out the laws they make.</p> <p>Rutledge—Appointment by national legislature, or by Senate only - would be sufficiently independent if not re-eligible.</p>	<p>Gerry—Constant intrigue would be kept up for the appointment, which would lessen the independence of the executive and cause corruption. Would cause partiality by the executive to those who supported him.</p> <p>Morris—Executive would be a mere creature of the leg. If appointed and impeachable by that body- cause intrigue and factions. Exec would not be independent.</p> <p>Gerry—could not be re-eligible because it would make him absolutely dependent on the legislature.</p> <p>Morris—Executive would court the popularity of the legislature by sacrificing executive rights, join the legislature after his term, and enjoy the fruits of any policies enacted while in office.</p>

<p>By Electoral College</p>	<p>Wilson—States divided into districts and people qualified to vote for Senators would elect members from their district to be electors—would meet and elect (not one of their own) the executive. No intervention by the states—also would produce confidence among the people.</p> <p>Morris—would guard against the executive courting popularity in the legislature</p>	<p>King—An appointment by electors chosen by the people for the purpose would be liable to fewest objections.</p> <p>Madison—Electors chosen for the occasion, meet at once, and proceed immediately with the appointment; there would be little opportunity for corruption.</p>
<p>By the states</p>	<p>Gerry—State legislatures nominate and electors appoint. Executive should be elected by governors whose proportion of votes should be the same as allowed in the election of the Senate.</p> <p>Appt by state executives—they would be most likely to select the fittest men. Would be in their interest to support the man of their choice.</p> <p>People would choose the 1st branch of national leg/ state legs would choose the 2nd branch/ state executives choose the national executive. Would form a strong attachment to the national system.</p>	<p>Randolph—Bad appointments would be made, because governors wouldn't know the characteristics of men not within their own spheres. Governors are dependent on state legislatures and would be guided by them and prefer favorites within the state. President thus chosen would not likely defend national rights against state encroachments.</p> <p>Madison—Being standing bodies, state executives would be courted and intrigued by the candidates, by their partisans, and by foreign powers</p>

**Debates on Mode of Elections: Round 3,
Madison's Notes of the Constitutional Convention, August 24 and September 4 and 5, 1787**

Electoral College reintroduced, August 24, 1787

Mr. Govr. MORRIS opposed the election of the President by the Legislature. He dwelt on the danger of rendering the Executive uninterested in maintaining the rights of his Station, as leading to Legislative tyranny. If the Legislature have the Executive dependent on them, they can perpetuate & support their usurpations by the influence of tax-gatherers & other officers, by fleets armies. Cabal & corruption are attached to that mode of election: so also is ineligibility a second time. Hence the Executive is interested in Courting popularity in the Legislature by sacrificing his Executive Rights; & then he can go into that Body, after the expiration of his Executive office, and enjoy there the fruits of his policy. To these considerations he added that rivals would be continually intriguing to oust the President from his place. To guard against all these evils he moved that the President "shall be chosen by Electors to be chosen by the People of the several States"

Mr. CARROL 2ded. him & on the question it passed in the negative. N. H. no. Mas. no. Ct. ay. N. J. ay. Pa. ay. Del. ay. Md. no. Va. ay. N. C. no. S. C. no. Geo. no...

Brearily Committee recommends electoral system, September 4, 1787

Mr. BREARLY from the Committee of eleven made a further partial Report as follows. "The Committee of Eleven to whom sundry resolutions were referred on the 31st. of August, report that in their opinion the following additions and alterations should be made to the Report before the Convention, viz...

(4) After the word 'Excellency' in sect. 1. art. 10. to be inserted. 'He shall hold his office during the term of four years, and together with the vice-President, chosen for the same term, be elected in the following manner, viz. Each State shall appoint in such manner as its Legislature may direct, a number of electors equal to the whole number of Senators and members of the House of Representatives to which the State may be entitled in the Legislature. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit sealed to the Seat of the Genl. Government, directed to the President of the Senate-The President of the Senate shall in that House open all the certificates; and the votes shall be then & there counted. The Person having the greatest number of votes shall be the President, if such number be a majority of that of the electors.'...

The (4) clause was accordingly taken up...

Mr. RANDOLPH & Mr. PINKNEY wished for a particular explanation & discussion of the reasons for changing the mode of electing the Executive.

Mr. Govr. MORRIS said he would give the reasons of the Committee and his own. The 1st. was the danger of intrigue & faction if the appointmt. should be made by the Legislature. 2. the inconveniency of an ineligibility required by that mode in order to lessen its evils. 3. The difficulty of establishing a Court of Impeachments, other than the Senate which would not be so proper for the trial nor the other branch for the impeachment of the President, if appointed by the

Legislature, 4. No body had appeared to be satisfied with an appointment by the Legislature. 5. Many were anxious even for an immediate choice by the people. 6. the indispensable necessity of making the Executive independent of the Legislature. -As the Electors would vote at the same time throughout the U. S. and at so great a distance from each other, the great evil of cabal was avoided. It would be impossible also to corrupt them. A conclusive reason for making the Senate instead of the Supreme Court the Judge of impeachments, was that the latter was to try the President after the trial of the impeachment...

Mr. BUTLER thought the mode not free from objections, but much more so than an election by the Legislature, where as in elective monarchies, cabal faction & violence would be sure to prevail.

Mr. PINKNEY stated as objections to the mode...2. The Electors will be strangers to the several candidates and of course unable to decide on their comparative merits. 3. It makes the Executive reeligible which will endanger the public liberty...

Mr. WILSON. This subject has greatly divided the House, and will also divide people out of doors. It is in truth the most difficult of all on which we have had to decide. He had never made up an opinion on it entirely to his own satisfaction. He thought the plan on the whole a valuable improvement on the former. It gets rid of one great evil, that of cabal & corruption; & Continental Characters will multiply as we more & more coalesce, so as to enable the electors in every part of the Union to know & judge of them. It clears the way also for a discussion of the question of reeligibility on its own merits, which the former mode of election seems to forbid...

“We have made a bold stroke for Monarchy,” September 5, 1787

The Report made yesterday as to the appointment of the Executive being taken up.

Mr. PINKNEY renewed his opposition to the mode, arguing 1. that the electors will not have sufficient knowledge of the fittest men, & will be swayed by an attachment to the eminent men of their respective States...

Mr. GERRY did not object to this plan of constituting the Executive in itself, but should be governed in his final vote by the powers that may be given to the President.

Mr. RUTLIDGE was much opposed to the plan reported by the Committee...He was also against a re-eligibility. He moved to postpone the Report under consideration & take up the original plan of appointment by the Legislature, to wit. "He shall be elected by joint ballot by the Legislature to which election a majority of the votes of the members present shall be required: He shall hold his office during the term of seven years; but shall not be elected a second time."

On this motion to postpone N. H. divid. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no...

Mr. RANDOLPH. We have in some revolutions of this plan made a bold stroke for Monarchy...

Electoral College accepted, September 6, 1787

The Report relating to the appointment of the Executive stands as amended, as follows,

"He shall hold his office during the term of four years, and together with the vice-President, chosen for the same term, be elected in the following manner.

Each State shall appoint in such manner as its Legislature may direct, a number of electors equal to the whole number of Senators and members of the House of Representatives, to which the State may be entitled in the Legislature:

But no person shall be appointed an Elector who is a member of the Legislature of the U. S. or who holds any office of profit or trust under the U. S.

The Electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Seat of the General Government, directed to the President of the Senate.

The President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates & the votes shall then be counted.

The person having the greatest number of votes shall be the President (if such number be a majority of the whole number of electors appointed)...

These texts are in the public domain.

**Debates on the President's Term of Office: Round 1,
Madison's Notes of the Constitutional Convention, June 1, 2, and 18, 1787**

Shorter term and eligible for re-election, June 1, 1787

The next clause in Resolution 7, relating to the mode of appointing, & the duration of, the Executive being under consideration...

Mr. WILSON moves that the blank for the term of duration should be filled with three years, observing at the same time that he preferred this short period, on the supposition that a reeligibility would be provided for.

Mr. PINKNEY moves for seven years.

Mr. SHERMAN was for three years, and agst. the doctrine of rotation as throwing out of office the men best qualified to execute its duties.

Mr. MASON was for seven years at least, and for prohibiting a re-eligibility...

Mr. BEDFORD was strongly opposed to so long a term as seven years. He begged the committee to consider what the situation of the Country would be, in case the first magistrate should be saddled on it for such a period and it should be found on trial that he did not possess the qualifications ascribed to him, or should lose them after his appointment. An impeachment he said would be no cure for this evil, as an impeachment would reach misfeasance only, not incapacity. He was for a triennial election, and for an ineligibility after a period of nine years.

Should the President be impeachable?, June 2, 1787

Mr. DICKENSON moved "that the Executive be made removeable by the National Legislature on the request of a majority of the Legislatures of individual States." It was necessary he said to place the power of removing somewhere...

Mr. SHERMAN contended that the National Legislature should have power to remove the Executive at pleasure.

Mr. MASON. Some mode of displacing an unfit magistrate is rendered indispensable by the fallibility of those who choose, as well as by the corruptibility of the man chosen. He opposed decidedly the making the Executive the mere creature of the Legislature as a violation of the fundamental principle of good Government...

Mr. DICKENSON considered the business as so important that no man ought to be silent or reserved. He went into a discourse of some length, the sum of which was, that the Legislative, Executive, & Judiciary departments ought to be made as independent. as possible; but that such an Executive as some seemed to have in contemplation was not consistent with a republic: that a firm Executive could only exist in a limited monarchy...A limited Monarchy he considered as one of the best

Governments in the world...A limited Monarchy however was out of the question. The spirit of the times-the state of our affairs, forbade the experiment, if it were desirable...

On Mr. DICKENSON'S motion for making Executive removeable by Natl.; Legislature at request of majority of State Legislatures was also rejected-all the States being in the negative Except Delaware which gave an affirmative vote...

Mr. WILLIAMSON 2ded. by Mr. DAVIE moved to add to the last Clause, the words- "and to be removeable on impeachment & conviction of mal-practice or neglect of duty"-which was agreed to.

"Let the Executive be for life," June 18, 1787

Mr. HAMILTON...As to the Executive, it seemed to be admitted that no good one could be established on Republican principles. Was not this giving up the merits of the question: for can there be a good Govt. without a good Executive...What is the inference from all these observations? That we ought to go as far in order to attain stability and permanency, as republican principles will admit. Let one branch of the Legislature hold their places for life or at least during good behaviour. Let the Executive also be for life. He appealed to the feelings of the members present whether a term of seven years, would induce the sacrifices of private affairs which an acceptance of public trust would require, so as to ensure the services of the best Citizens...But is this a Republican Govt., it will be asked? Yes if all the Magistrates are appointed, and vacancies are filled, by the people, or a process of election originating with the people...It will be objected probably, that such an Executive will be an elective Monarch, and will give birth to the tumults which characterize that form of Govt. He wd. reply that Monarch is an indefinite term. It marks not either the degree or duration of power. If this Executive Magistrate wd. be a monarch for life-the other propd. by the Report from the Comtte of the whole, wd. be a monarch for seven years...Having made these observations he would read to the Committee a sketch of a plan which he shd. prefer to either of those under consideration...

IV. The supreme Executive authority of the United States to be vested in a Governour to be elected to serve during good behaviour...

These texts are in the public domain.

**Debates on the President's Term of Office: Round 2,
Madison's Notes of the Constitutional Convention, July 17, 19, 20, and 24**

Mason argues against monarch, July 17, 1787

Col. MASON...He considered an Executive during good behavior as a softer name only for an Executive for life. And that the next would be an easy step to hereditary Monarchy. If the motion should finally succeed, he might himself live to see such a Revolution. If he did not it was probable his children or grand children would. He trusted there were few men in that House who wished for it. No state he was sure had so far revolted from Republican principles as to have the least bias in its favor...

The dangers of ineligibility, July 19, 1787

On reconsideration of the vote rendering the Executive re-eligible a 2d. time...

Mr. GOVERNEUR MORRIS... What effect will this have?

1. it will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment...The love of fame is the great spring to noble & illustrious actions. Shut the Civil road to Glory & he may be compelled to seek it by the sword.
2. It will tempt him to make the most of the short space of time allotted him, to accumulate wealth and provide for his friends.
3. It will produce violations of the very constitution it is meant to secure. In moments of pressing danger the tried abilities and established character of a favorite Magistrate will prevail over respect for the forms of the Constitution...

These then are the faults of the Executive establishment as now proposed. Can no better establishment be devised? If he is to be the Guardian of the people let him be appointed by the people? If he is to be a check on the Legislature let him not be impeachable. Let him be of short duration, that he may with propriety be re-eligible...He suggested a biennial election of the Executive...

Mr. RANDOLPH urged the motion of Mr. L. Martin for restoring the words making the Executive ineligible a 2d. time. If he ought to be independent, he should not be left under a temptation to court a re-appointment. If he should be re-appointable by the Legislature, he will be no check on it...

On the question shall he be ineligible a 2d. time? Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no.

Impeachment accepted, July 20, 1787

..."to be removeable on impeachment and conviction for mal practice or neglect of duty."

Mr. PINKNEY & Mr. Govr. MORRIS moved to strike out this part of the Resolution. Mr. P. observd. he ought not to be impeachable whilst in office

Mr. DAVIE...He considered this as an essential security for the good behaviour of the Executive.

Mr. WILSON concurred in the necessity of making the Executive impeachable whilst in office...

Col. MASON. No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice?...

Docr. FRANKLIN was for retaining the clause as favorable to the Executive...What was the practice before this in cases where the chief Magistrate rendered himself obnoxious? Why recourse was had to assassination in wch. he was not only deprived of his life but of the opportunity of vindicating his character. It wd. be the best way therefore to provide in the Constitution for the regular punishment of the Executive where his misconduct should deserve it, and for his honorable acquittal when he should be unjustly accused...

Mr. MADISON thought it indispensable that some provision should be made for defending the Community agst. the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service, was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of speculation or oppression. He might betray his trust to foreign powers...

Mr. PINKNEY did not see the necessity of impeachments. He was sure they ought not to issue from the Legislature who would in that case hold them as a rod over the Executive and by that means effectually destroy his independence. His revisionary power in particular would be rendered altogether insignificant.

Mr. GERRY urged the necessity of impeachments. A good magistrate will not fear them. A bad one ought to be kept in fear of them. He hoped the maxim would never be adopted here that the chief magistrate could do no wrong...

Mr. RANDOLPH. The propriety of impeachments was a favorite principle with him...The Executive will have great opportunities of abusing his power; particularly in time of war when the military force, and in some respects the public money will be in his hands...

On ye. Question, Shall the Executive be removeable on impeachments? Mas. no. Ct. ay. N. J. ay. Pa. ay. Del ay. Md. ay. Va. ay. N. C. ay. S. C. no. Geo. Ay...

Longer term and ineligible for re-election, July 24, 1787

Mr. WILLIAMSON was for going back to the original ground; to elect the Executive for 7 years and render him ineligible a 2d. time...It was pretty certain he thought that we should at some time or other have a King; but he wished no precaution to be omitted that might postpone the event as long as possible. -Ineligibility a 2d. time appeared to him to be the best precaution. With this precaution he had no objection to a longer term than 7 years. He would go as far as 10 or 12 years...

Mr. L. MARTIN & Mr. GERRY moved to re-instate the ineligibility of the Executive a 2d. time.

Mr. ELSEWORTH...The Executive he thought should be reelected if his conduct proved him worthy of it. And he will be more likely to render himself, worthy of it if he be rewardable with it...

Mr. GERRY. That the Executive shd. be independent of the Legislature is a clear point. The longer the duration of his appointment the more will his dependence be diminished. It will be better then for him to continue 10, 15, or even 20, years and be ineligible afterwards...

Mr. L. MARTIN...moved "that the appointmt. of the Executive shall continue for Eleven years. Mr. GERRY suggested fifteen years

Mr. KING twenty years. This is the medium life of princes.

Mr. DAVIE Eight years...

These texts are in the public domain.

**Debates on the President's Term of Office: Round 3,
Madison's Notes of the Constitutional Convention, September 4, 6, and 8**

Brearily Committee recommends four year term and re-eligibility, September 4, 1787

Mr. BREARLY from the Committee of eleven made a further partial Report as follows...

(4) After the word 'Excellency' in sect. 1. art. 10. to be inserted. 'He shall hold his office during the term of four years...

The latter part of Sect. 2. Art: 10. to read as follows.

(9) 'He shall be removed from his office on impeachment by the House of Representatives, and conviction by the Senate, for Treason, or bribery, and in case of his removal as aforesaid, death, absence, resignation or inability to discharge the powers or duties of his office, the vice-president shall exercise those powers and duties until another President be chosen, or until the inability of the President be removed.'...

Four year term accepted, September 6, 1787

Mr. SPAIGHT & Mr. WILLIAMSON moved to insert "seven" instead of "four" years for the term of the President. On this motion N. H. ay. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. ay. N. C. ay. S. C. no. Geo. no.

Mr. SPAIGHT & Mr. WILLIAMSON, then moved to insert "six" instead of "four." On which motion N. H. no. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no

On the term "four" all the States were ay, except N. Carolina, no.

Impeachment clause expanded, September 8, 1787

The clause referring to the Senate, the trial of impeachments agst. the President, for Treason & bribery, was taken up.

Col. MASON. Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences...Attempts to subvert the Constitution may not be Treason as above defined...He movd. to add after "bribery" "or maladministration."...

Mr. Govr. MORRIS...An election of every four years will prevent maladministration.

Col. MASON withdrew "maladministration" & substitutes "other high crimes & misdemesnors agst. the State"

On the question thus altered N. H. ay. Mas. ay. Ct. ay. N. J. no. Pa. no. Del. no. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay...

These texts are in the public domain.

**Debates on the Veto Power of the President,
Madison's Notes of the Constitutional Convention, June 4, 1787**

Absolute veto rejected, June 4, 1787

Mr. GERRY...moves to...propose "that the National Executive shall have a right to negative any Legislative act which shall not be afterwards passed by ----- parts of each branch of the national Legislature."

...Mr. WILSON ...The Executive ought to have an absolute negative. Without such a self- defense the Legislature can at any moment sink it into non-existence...

Mr. SHERMAN was agst. enabling any one man to stop the will of the whole. No one man could be found so far above all the rest in wisdom. He thought we ought to avail ourselves of his wisdom in revising the laws, but not permit him to overrule the decided and cool opinions of the Legislature...

Mr. WILSON believed as others did that this power would seldom be used. The Legislature would know that such a power existed, and would refrain from such laws, as it would be sure to defeat...

Mr. BUTLER had been in favor of a single Executive Magistrate; but could he have entertained an idea that a complete negative on the laws was to be given him he certainly should have acted very differently. It had been observed that in all countries the Executive power is in a constant course of increase...Gentlemen seemed to think that we had nothing to apprehend from an abuse of the Executive power...

Col. MASON...The Executive may refuse its assent to necessary measures till new appointments shall be referred to him; and having by degrees engrossed all these into his own hands, the American Executive, like the British, will by bribery & influence, save himself the trouble & odium of exerting his negative afterwards. We are Mr. Chairman going very far in this business. We are not indeed constituting a British Government, but a more dangerous monarchy, an elective one...Do gentlemen mean to pave the way to hereditary Monarchy? Do they flatter themselves that the people will ever consent to such an innovation? If they do I venture to tell them, they are mistaken. The people never will consent...He never could agree to give up all the rights of the people to a single Magistrate. If more than one had been fixed on, greater powers might have been entrusted to the Executive. He hoped this attempt to give such powers would have its weight hereafter as an argument for increasing the number of the Executive...

On the question for striking out so as to give Executive an absolute negative-Massts. no. Cont. no. N. Y. no. Pa. no. Dl. no. Md. no. Va. no. N. C. no. S. C. no. Geor. No...

On a question for enabling two thirds of each branch of the Legislature to overrule the revisionary check: it passed in the affirmative sub silentio; and was inserted in the blank of Mr. Gerry's motion...

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Debates on Foreign Policy Power of the President,

Madison's Notes of the Constitutional Convention, June 15, August 17, and September 4 and 7, 1787

"To direct all military operations," June 15, 1787

The propositions from N. Jersey moved by Mr. Patterson were in the words following...

4. Resd...that the Executives besides their general authority to execute the federal acts ought to appoint all federal officers not otherwise provided for, & to direct all military operations; provided that none of the persons composing the federal Executive shall on any occasion take command of any troops, so as personally to conduct any enterprise as General or in other capacity...

The power to "make" but not "declare war," August 17, 1787

[On the proposed power of Congress] "To make war"

Mr. PINKNEY opposed the vesting this power in the Legislature. Its proceedings were too slow. It wd. meet but once a year. The Hs. of Reps. would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions...

Mr. BUTLER. The objections agst. the Legislature lie in great degree agst. the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. MADISON and Mr. GERRY moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. SHARMAN thought it stood very well. The Executive shd. be able to repel and not to commence war. "Make" better than "declare" the latter narrowing the power too much

Mr. GERRY never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELSWORTH. there is a material difference between the cases of making war and making peace. It shd. be more easy to get out of war, than into it. War also is a simple and overt declaration. peace attended with intricate & secret negotiations.

Mr. MASON was agst. giving the power of war to the Executive, because not safely to be trusted with it...

On the motion to insert declare-in place of make, it was agreed to.

Brearily Committee recommends treaty-making power, September 4, 1787

Mr. BREARLY from the Committee of eleven made a further partial Report as follows. "The Committee of Eleven to whom sundry resolutions were referred on the 31st. of August, report that in their opinion the following additions and alterations should be made to the Report before the Convention, viz...

(7) 'Sect. 4. The President by and with the advice and Consent of the Senate, shall have power to make Treaties...But no Treaty shall be made without the consent of two thirds of the members present.'

Treaty power shared with Senate, September 7, 1787

Mr. MADISON then moved to authorise a concurrence of two thirds of the Senate to make treaties of peace, without the concurrence of the President."-The President he said would necessarily derive so much power and importance from a state of war that he might be tempted, if authorised, to impede a treaty of peace...

Mr. GORHAM thought the precaution unnecessary as the means of carrying on the war would not be in the hands of the President, but of the Legislature.

Mr. Govr. MORRIS thought the power of the President in this case harmless; and that no peace ought to be made without the concurrence of the President, who was the general Guardian of the National interests.

Mr. BUTLER was strenuous for the motion, as a necessary security against ambitious & corrupt Presidents...

On the motion of Mr. Madison & Mr. Butler N.H. no. Mas. no. Ct. no. N.J. no. Pa. no. Del. no. Md. ay. Va. no. N. C. no. S. C. ay. Geo. ay.

These texts are in the public domain.

**Debates on the Appointment Power of the President,
Madison's Notes of the Constitutional Convention, July 18, 21, September 4, and 7, 1787**

Appointing federal judges, July 18, 1787

Resol. 11 "that a Natl. Judiciary be estabd. to consist of one supreme tribunal." agd. to nem. con. "The Judges of which to be appointd. by the 2d. branch of the Natl. Legislature."

Mr. GHORUM...He suggested that the Judges be appointed by the Execuve. with the advice & consent of the 2d. branch, in the mode prescribed by the constitution of Masts. This mode had been long practised in that country, & was found to answer perfectly well.

Mr. WILSON, still wd. prefer an appointmt. by the Executive; but if that could not be attained, wd.. prefer in the next place, the mode suggested by Mr. Ghorum. He thought it his duty however to move in the first instance "that the Judges be appointed by the Executive." Mr. Govr. MORRIS 2ded. the motion...

Mr. MASON. The mode of appointing the Judges may depend in some degree on the mode of trying impeachments of the Executive. If the Judges were to form a tribunal for that purpose, they surely ought not to be appointed by the Executive...

Mr. MADISON, suggested that the Judges might be appointed by the Executive with the concurrence of 1/3 at least, of the 2d. branch. This would unite the advantage of responsibility in the Executive with the security afforded in the 2d. branch agst. any incautious or corrupt nomination by the Executive.

Mr. SHERMAN, was clearly for an election by the Senate. It would be composed of men nearly equal to the Executive, and would of course have on the whole more wisdom. They would bring into their deliberations a more diffusive knowledge of characters. It would be less easy for candidates to intrigue with them, than with the Executive Magistrate. For these reasons he thought there would be a better security for a proper choice in the Senate than in the Executive...

On the question for referring the appointment of the Judges to the Executive, instead of the 2d. branch Mas. ay. Cont. no. Pa. ay. Del. no. Md. no. Va. no. N. C. no. S. C. no. -Geo. absent.

Mr. GHORUM moved "that the Judges be nominated and appointed by the Executive by & with the advice & consent of the 2d. branch & every such nomination shall be made at least days prior to such appointment."...

Question on Mr. Ghorum's motion Mas. ay. Cont. no. Pa. ay. Del. no. Md. ay. Va. ay. N. C. no. S. C. no. Geo. absent.

Mr. MADISON moved that the Judges should be nominated by the Executive, & such nomination should become an appointment if not disagreed to within days by 2/3 of the 2d. branch...

By common consent the consideration of it was postponed till tomorrow.

Appointment by executive or Congress?, July 21, 1787

The motion made by Mr. Madison July 18 & then postponed, 'that the Judges shd. be nominated by the Executive & such nominations become appointments unless disagreed to by 2/3 of the 2d. branch of the Legislature,' was now resumed.

Mr. MADISON stated as his reasons for the motion. 1. that it secured the responsibility of the Executive who would in general be more capable & likely to select fit characters than the Legislature, or even the 2d. b. of it, who might hide their selfish motives under the number concerned in the appointment. -2. that in case of any flagrant partiality or error, in the nomination it might be fairly presumed that 2/3 of the 2d. branch would join in putting a negative on it...

Mr. PINKNEY was for placing the appointmt. in the 2d. b. exclusively. The Executive will possess neither the requisite knowledge of characters, nor confidence of the people for so high a trust... Mr. ELSEWORTH would prefer a negative in the Executive on a nomination by the 2d. branch, the negative to be overruled by a concurrence of 2/3 of the 2d. b. to the mode proposed by the motion; but preferred an absolute appointment by the 2d. branch to either. The Executive will be regarded by the people with a jealous eye. Every power for augmenting unnecessarily his influence will be disliked. As he will be stationary it was not to be supposed he could have a better knowledge of characters. He will be more open to caresses & intrigues than the Senate...

Col. MASON...He considered the appointment by the Executive as a dangerous prerogative. It might even give him an influence over the Judiciary department itself...

On the question, the motion now being that the executive should nominate, & such nominations should become appointments unless disagreed to by the Senate" Mas. ay. Ct. no. Pa. ay. Del. no. Md. no. Va. ay. N. C. no. S. C. no. Geo. no.

On question for agreeing to the clause as it stands by which the Judges are to be appointed by 2d. branch Mas. no. Ct. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. ay. Geo. ay.

Brearily Committee recommends shared appointment power, September 4, 1787

Mr. BREARLY from the Committee of eleven made a further partial Report as follows...

(7) 'Sect. 4. The President...shall nominate and by and with the advice and consent of the Senate shall appoint ambassadors, and other public Ministers, Judges of the Supreme Court, and all other Officers of the U. S., whose appointments are not otherwise herein provided for.'

Shared appointment power accepted, September 7, 1787

Mr. Govr. MORRIS said that as the President was to nominate, there would be responsibility, and as the Senate was to concur, there would be security. As Congress now make appointments there is no responsibility.

Mr. GERRY. The idea of responsibility in the nomination to offices is chimerical. The President can not know all characters, and can therefore always plead ignorance...

On the question on these words in the clause viz-"He shall nominate & by & with the advice and consent of the Senate, shall appoint ambassadors, and other public ministers (and Consuls) Judges of the Supreme Court." Agreed to nem: con...

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Civics Instructional Task: How Just Is the Constitution?¹³

Unit One: Foundations of US Government, Topic Three: Creating the Constitution

Description: Students answer the compelling question: How just is the Constitution?

Suggested Timeline: 8 class periods

Materials: [Excerpts from the Constitution: The Issue of Slavery](#), [Debates on Taxes for Importing Enslaved Persons](#), [“Individual Biographies of the Delegates to the Constitutional Convention,”](#) [Excerpts from Speech Promoting the Constitution](#), [“How James Madison Doctored the Story of the Constitutional Convention of 1787,”](#) [David McCoullough’s answer](#), [“Should We Judge People of Past Eras for Moral Failings?”](#), [Excerpts from the Constitution: Representation](#), [Excerpt from Federalist No. 43](#), [Excerpts from the English Bill of Rights](#), [Bill of Rights](#), [Excerpt from Debates in the First Congress](#), [Arguments Against a Bill of Rights](#), [Arguments in Favor of a Bill of Rights](#), [“Historical Analysis of Constitutional Amendments”](#) lesson, [“To Amend or Not to Amend: That’s Been the Question Many Times,”](#) [social studies extended response rubric](#)

Instructional Process:

1. Post and read aloud the compelling question for this task: “How just is the Constitution?”
2. Ask: “What does the Constitution say about slavery?” Gauge student recall from grade 7.
3. Provide students with copies of [Excerpts from the Constitution: The Issue of Slavery](#) and direct them to read independently. Ask: “How did the framers protect slavery in the Constitution?”
4. Provide students with copies of [Debates on Taxes for Importing Enslaved Persons](#) and direct them to read independently. Call on students to paraphrase the arguments made by the different framers. Project the [“Individual Biographies of the Delegates to the Constitutional Convention”](#) if students cannot recall which states the delegates represent.
5. Provide students with copies of [Excerpts from Speech Promoting the Constitution](#) by Benjamin Franklin. Direct them to read independently and then call on students to paraphrase Franklin’s main arguments. Discuss as a class. Ask: “Do you agree with Franklin? Why or why not?”
6. Provide students with access to [“How James Madison Doctored the Story of the Constitutional Convention of 1787”](#) by Fred Barbash of the *Washington Post*. Direct students to read independently and then discuss as a class. Ask:
 - a. How does Bilder’s argument change your understanding of Madison’s notes as a historical source?
 - b. What specific aspects of the notes does Bilder claim Madison revised? What does she speculate about Madison’s motivations?
 - c. How does this source connect to the compelling question for the task? How do understandings of “justness” change over time?
 - d. How do we judge the Founding Fathers? By the standards of our times or theirs?

¹³ This task is adapted from the [“Constitution”](#) inquiry developed for the New York State Social Studies Resource Toolkit and [“Creation of the Bill of Rights: Retouching the Canvas”](#) lesson by the National Endowment for the Humanities; both are licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for them to be shared and adapted as long as the user agrees to the terms of the license.

7. Project and discuss the following quotes:¹⁴
 - a. "...the historian is not a judge, still less a hanging judge." - David Knowles
 - b. "To pass moral judgements on the past is to fall into the fallacy of imagining that somewhere, behind the veil, the past is still happening ... as if [it is] now being enacted in the next room and we ought to break open the door and stop it. These things have been; they are over; there is nothing to be done about them." - R. G. Collingwood
8. Project and read aloud [David McCoullough's answer](#) to the following question: "Should we use today's standards to assess those leaders, or the standards of the time in which they lived?" Discuss as a class.
9. Provide students with access to "[Should We Judge People of Past Eras for Moral Failings?](#)" by the *BBC* and direct them to read independently. Discuss as a class in the context of the Founding Fathers.
10. Watch the first three minutes of "[Reconciling History: The Founding Fathers.](#)" Discuss briefly.
11. Provide students with copies of [Excerpts from the Constitution: Representation](#) and [Excerpt from Federalist No. 43](#) and direct them to read independently.
12. Conduct a class discussion. Ask: "How democratic was the Constitution as originally conceived?"
13. Provide students with copies of [Excerpts from the English Bill of Rights](#) and the [Bill of Rights](#) (Amendments 1-10) and direct students to read independently. Instruct students to work with a partner to identify similarities and differences.
14. Provide students with copies of [Excerpt from Debates in the First Congress](#) by James Madison. Direct them to read independently and answer the following questions with a partner:
 - a. What does Madison say is the main difference between the English Bill of Rights and what proponents of a US Bill of Rights propose?
 - b. What is Madison arguing in the last paragraph?
15. Discuss questions as a class.
16. Provide students with copies of [Arguments Against a Bill of Rights](#). Direct them to read independently and answer the following questions with a partner:
 - a. According to James Wilson, what difference between the national and state governments makes a bill of rights unnecessary in the proposed Federal Constitution?
 - b. Why does Wilson approve of the Constitution even though it is not perfect?
 - c. Why does Hamilton believe that a specific listing of rights "is far less applicable" to the federal Constitution than to state constitutions?
 - d. Why does Hamilton argue that a bill of rights might be dangerous to the liberties of citizens?
17. Provide students with copies of [Arguments in Favor of a Bill of Rights](#). Direct them to read independently and answer the following questions with a partner:
 - a. What reasons does Centinel give for the necessity of a bill of rights?
 - b. Why does Centinel believe that the "supremacy" clause in the Constitution especially makes a bill of rights necessary?
 - c. Why does Brutus believe a bill of rights is just as necessary in the federal Constitution as in state constitutions?
 - d. Why does Brutus believe the Federalists are really against a bill of rights in the Constitution?

¹⁴ From <http://www.historytoday.com/suzannah-lipscomb/matter-judgement>.

18. Read aloud each of the amendments in the Bill of Rights, one at a time. Call on students to explain the meaning of the amendment. Distinguish between personal, political, and economic rights.
19. Perform steps 1-8 of the "[Historical Analysis of Constitutional Amendments](#)" lesson provided by the [Center for Civic Education](#). Collect and grade the timelines for completion according to the instructions and content accuracy.
20. Read the text of the 17th Amendment aloud. Ask students to explain how the 17th Amendment made the Constitution more democratic.
21. Optional extension: Provide students with access to the following sources. Conduct a [jigsaw](#) reading and then discuss as a class.
 - a. "[The Seventeenth Amendment: Common Interpretation](#)," David N. Schleicher and Todd J. Zywicki
 - b. "[Levin & Huckabee Say Repeal the 17th Amendment. But What Is It?](#)," Logan Albright, *Conservative Review*
 - c. "[States' Wrongs](#)," David Schleicher, *Slate*
 - d. "[What Would the Senate Look Like in 2016 without the 17th Amendment?](#)," Scott Bomboy, *Constitution Daily*
22. Perform steps 1-12 of the "[To Amend or Not to Amend: That's Been the Question Many Times](#)" lesson provided by the [Center for Civic Education](#).
23. Discuss as a class. Ask:
 - a. "To what extent have amendments increased the justness of the Constitution over time?"
 - b. "Did the framers choose the ideal process for amending the Constitution? If not, should it be easier or more difficult to amend? Why?"
24. Instruct students to write a detailed outline (including a thesis statement) in response to the compelling question for the task: "How just is the Constitution?" Use the [social studies extended response rubric](#) to grade the outline. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Excerpts from the Constitution: The Issue of Slavery

Article I

Section 2

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons

Section 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Article IV

Section 2

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

This text is in the public domain.

**Debates on Taxes for Importing Enslaved Persons,
Madison's Notes, Constitutional Convention, August, 21, 1787**

Mr. L MARTIN proposed to vary Article 7, Section 4, to allow a prohibition or tax on the importation of slaves. In the first place, as five slaves are to be counted as three freemen, in the apportionment of Representatives, such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union, which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. And in the third place, it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution.

Mr. RUTLEDGE did not see how the importation of slaves could be encouraged by this section. ... Religion and humanity had nothing to do with this question. Interest alone is the governing principle with Nations. The true question at present is, whether the Southern States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the increase of Slaves, which will increase the commodities of which they will become the carriers.

Mr. ELLSWORTH was for leaving the clause as it stands. Let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old Confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

Mr. PINCKNEY. South Carolina can never receive the plan if it prohibits the slave-trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes.

This text is in the public domain.

A full-text version is available at <http://teachingamericanhistory.org/convention/debates/0821-2/>.

**Excerpts from Speech Promoting the Constitution, Benjamin Franklin,
Constitutional Convention, September 17, 1787**

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. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error....

In these sentiments, Sir, I agree to this Constitution, with all its faults,...I doubt, too, whether any other Convention we can obtain may be able to make a better Constitution. For, when you assemble a number of men to have the advantage of their joint wisdom you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does;...Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good....Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends, on opinion, — on the general opinion of the goodness of the government, as well as of the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

This text is in the public domain.

A full-text version is available online at <http://teachingamericanhistory.org/convention/debates/0917-2/>.

Excerpts from the Constitution: Representation

Article I

Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States....

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Article II

Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot....The Person having the greatest Number of Votes shall be the President

Section 2

[The President] shall have Power, by and with the Advice and Consent of the Senate, to...appoint...Judges of the supreme Court....

Article IV

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government....

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, Return to [Civics Social Studies: How to Navigate This Document](#)

when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

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Excerpt from Federalist No. 43, Publius (either James Madison or Alexander Hamilton), 1788

That useful alterations will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other.

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A full-text version is available online at http://thomas.loc.gov/home/histdox/fed_43.html.

Excerpts from English Bill of Rights, 1689

Whereas the late King James the Second, by the assistance of divers evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom...

[The] Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal...

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament...is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned...

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example...

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A full-text version is available at http://avalon.law.yale.edu/17th_century/england.asp.

Excerpt from Debates in the First Congress, James Madison, June 8, 1789:

In the declaration of rights which that country [Great Britain] has established, the truth is, they have gone no farther than to raise a barrier against the power of the Crown; the power of the Legislature is left altogether indefinite. Although I know whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, come in question in that body, the invasion of them is resisted by able advocates, yet their Magna Charta does not contain any one provision for the security of those rights, respecting which the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British Constitution.

But although the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many States have thought it necessary to raise barriers against power in all forms and departments of Government...

In our Government it is, perhaps, less necessary to guard against the abuse in the Executive Department than any other; because it is not the stronger branch of the system, but the weaker: It therefore must be levelled against the Legislative, for it is the most powerful, and most likely to be abused, because it is under the least control. Hence, so far as a declaration of rights can tend to prevent the exercise of undue power, it cannot be doubted but such declaration is proper. But I confess that I do conceive, that in a Government modified like this of the United States, the great danger lies rather in the abuse of the community than in the Legislative body. The prescriptions in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the Executive or Legislative departments of Government, but in the body of the people, operating by the majority against the minority.

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A full-text version is available at <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=001/llac001.db&recNum=228>.

Arguments Against a Bill of Rights

State House Speech, James Wilson, October 6, 1787

It will be proper, however, before I enter into the refutation of the charges that are alleged, to mark the leading discrimination between the state constitutions, and the constitution of the United States. When the people established the powers of legislation under their separate governments, they invested their representatives with every right and authority which they did not in explicit terms reserve...But in delegating federal powers, another criterion was necessarily introduced: and the congressional authority is to be collected, not from tacit implication, but from the positive grant, expressed in the instrument of the union. Hence, it is evident, that in the former case, everything which is not reserved, is given: but in the latter, the reverse of the proposition prevails, and everything which is not given, is reserved. This distinction being recognized, will furnish and answer to those who think the omission of a bill of rights, a defect in the proposed constitution: for it would have been superfluous and absurd, to have stipulated with a federal body of our own creation, that we should enjoy those privileges, of which we are not divested either by the intention of that act that has brought that body into existence. For instance, the liberty of the press, which has been a copious subject of declamation and opposition -- what control can proceed from the federal government, to shackle or destroy that sacred palladium of national freedom?

...I will confess, indeed, that I am not a blind admirer of this plan of government, and that there are some parts of it, which, if my wish had prevailed, would certainly have been altered. But...I am satisfied that anything nearer to perfection could not have been accomplished. If there are errors, it should be remembered, that...the concurrence of two thirds of the congress may at any time introduce alterations and amendments. Regarding it, then, in every point of view, with a candid and disinterested mind, I am bold to assert, that it is the BEST FORM OF GOVERNMENT WHICH HAS EVER BEEN OFFERED TO THE WORLD.

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A full-text version is available online at

http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=1670&chapter=1967&layout=html&Itemid=27.

Federalist No. 84, Alexander Hamilton

The most considerable of the remaining objections is that the plan of the convention contains no bill of rights...

To the first I answer that the Constitution proposed by the convention contains, as well as the constitution of this State, a number of such provisions. Independent of those which relate to the structure of the government, we find the following: Article 1, section 3, clause 7 — "Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law." Section 9, of the same article, clause 2 — "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." Clause 3 — "No bill of attainder or ex post facto law shall be passed." Clause 7 — "No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office,

or title of any kind whatever, from any king, prince, or foreign state." Article 3, section 2, clause 3 — "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed..."

But a minute detail of particular rights is certainly far less applicable to a Constitution like that under consideration, which is merely intended to regulate the general political interests of the nation, than to a constitution which has the regulation of every species of personal and private concerns...

I go further and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?...[I]t is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power....

There remains but one other view of this matter to conclude the point. The truth is, after all the declamations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS...And the proposed Constitution, if adopted, will be the bill of rights of the Union. Is it one object of a bill of rights to declare and specify the political privileges of the citizens in the structure and administration of the government? This is done in the most ample and precise manner in the plan of the convention; comprehending various precautions for the public security which are not to be found in any of the State constitutions. Is another object of a bill of rights to define certain immunities and modes of proceeding, which are relative to personal and private concerns? This we have seen has also been attended to in a variety of cases in the same plan. Adverting therefore to the substantial meaning of a bill of rights, it is absurd to allege that it is not to be found in the work of the convention...

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A full-text version is available online at http://avalon.law.yale.edu/18th_century/fed84.asp.

Arguments in Favor of a Bill of Rights

Centinel No. II, October 24, 1787

The reason assigned [by Federalists] for the omission of a bill of rights, securing the liberty of the press, and other invaluable personal rights, is an insult on the understanding of the people...

Mr. Wilson has recourse to the most flimsey sophistry in his attempt to refute the charge that the new plan of general government will supersede and render powerless the state governments...Mr. Wilson, asks, "What controul can proceed from the federal government to shackle or destroy that sacred palladium of national freedom, the liberty of the press?" What!—Cannot Congress, when possessed of the immense authority proposed to be devolved, restrain the printers, and put them under regulation.— Recollect that the omnipotence of the federal legislature over the State establishments is recognized by a special article, viz.—"that) this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitutions or laws of any State to the contrary notwithstanding."—After such a declaration, what security does the Constitutions of the several States afford for the liberty of the press and other invaluable personal rights, not provided for by the new plan?—Does not this sweeping clause subject every thing to the controul of Congress?...[T]he laws of Congress are to be "the supreme law of the land, any thing in the Constitutions or laws of any State to the contrary notwithstanding;" and consequently, would be paramount to all State authorities. The lust of power is so universal, that a speculative unascertained rule of construction would be a poor security for the liberties of the people.

Such a body as the intended Congress, unless particularly inhibited and restrained, must grasp at omnipotence, and before long swallow up the Legislative, the Executive, and the Judicial powers of the several States...From the foregoing illustration of the powers proposed to be devolved to Congress, it is evident, that the general government would necessarily annihilate the particular governments, and that the security of the personal rights of the people by the state constitutions is superseded and destroyed...

But Mr. Wilson, says, the new plan does not arrogate perfection, for it provides a mode of alteration and correction, if found necessary. This is one among the numerous deceptions attempted on this occasion. True, there is a mode prescribed for this purpose. But it is barely possible that amendments may be made...For to effect this (Art. 6.) it is provided, that if two thirds of both houses of the federal legislature shall propose them; or when two thirds of the several states by their legislatures, shall apply for them, the federal assembly shall call a convention for proposing amendments, which when ratified by three fourths of the state legislatures, or conventions, as Congress shall see best, shall controul and alter the proposed confederation...

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A full-text version is available online at <http://www.teachingamericanhistory.com/library/index.asp?document=1939>.

Brutus No. II, November 1, 1787

[I]n forming a constitution for such a country, great care should be taken to limit and definite its powers, adjust its parts, and guard against an abuse of authority...

[R]ulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed, as individuals in a state of nature are to injure and oppress one another. It is therefore as proper that bounds should be set to their authority, as that government should have at first been instituted to restrain private injuries. This principle, which seems so evidently founded in the reason and nature of things, is confirmed by universal experience. Those who have governed, have been found in all ages ever active to enlarge their powers and abridge the public liberty. This has induced the people in all countries, where any sense of freedom remained, to fix barriers against the encroachments of their rulers...It is therefore the more astonishing, that this grand security, to the rights of the people, is not to be found in this constitution.

It has been said, in answer to this objection, that such declaration[s] of rights, however requisite they might be in the constitutions of the states, are not necessary in the general constitution, because, "in the former case, every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given is reserved." It requires but little attention to discover, that this mode of reasoning is rather specious than solid. The powers, rights, and authority, granted to the general government by this constitution, are as complete, with respect to every object to which they extend, as that of any state government—It reaches to every thing which concerns human happiness— Life, liberty, and property, are under its controul. There is the same reason, therefore, that the exercise of power, in this case, should be restrained within proper limits, as in that of the state governments. To set this matter in a clear light, permit me to instance some of the articles of the bills of rights of the individual states, and apply them to the case in question.

For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared, that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse, or furnish evidence against himself— The witnesses against him shall be brought face to face, and he shall be fully heard by himself or counsel. That it is essential to the security of life and liberty, that trial of facts be in the vicinity where they happen. Are not provisions of this kind as necessary in the general government, as in that of a particular state?...

For the security of liberty it has been declared, "that excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted—That all warrants, without oath or affirmation, to search suspected places, or seize any person, his papers or property, are grievous and oppressive." These provisions are as necessary under the general government as under that of the individual states; for the power of the former is as complete to the purpose of requiring bail. imposing fines, inflicting punishments, granting search warrants, and seizing persons, papers, or property, in certain cases, as the other...

So far it is from being true, that a bill of rights is less necessary in the general constitution than in those of the states, the contrary is evidently the fact... This is expressed in positive and unequivocal terms, in the 6th article, "That this constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in

every state shall be bound thereby, any thing in the constitution, or laws of any state, to the contrary notwithstanding... It is therefore not only necessarily implied thereby, but positively expressed. that the different state constitutions are repealed and entirely done away, so far as they are inconsistent with this, with the laws which shall be made in pursuance thereof...[O]f what avail will the constitutions of the respective states be to preserve the rights of its citizens?...

Ought not a government, vested with such extensive and indefinite authority. to have been restricted by a declaration of rights? It certainly ought. So clear a point is this, that I cannot help suspecting, that persons who attempt to persuade people, that such reservations were less necessary under this constitution than under those of the states, are wilfully endeavouring to deceive, and to lead you into an absolute state of vassalage.

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Civics Instructional Task: Interpreting the Constitution¹⁵

Unit One: Foundations of US Government, Topic Three: Creating the Constitution

Description: Students answer the compelling question: How should the Constitution be interpreted?

Suggested Timeline: 4 class periods

Materials: [“Loose Interpretation versus Strict Interpretation”](#) video, reading from [“Supreme Court Nominations,”](#) “A Conversation on the Constitution: Judicial Interpretation, Part 1, [Volume 1](#) and [Volume 2](#)” videos, [Excerpts from Democracy in America](#), [“Constitutional Interpretation,”](#) [“Hamiltonian Constitutional Interpretation: In Defense of Energetic and Limited Government,”](#) [discussion tracker](#)

Instructional Process:

1. Post and read aloud the compelling question for the task: “How should the Constitution be interpreted?”
2. Remind students that disagreements about the meaning of the Constitution began during George Washington’s presidency. Note: This content is covered in grade 7. For teachers seeking additional resources, see the [“James Madison: The Second National Bank—Powers Not Specified in the Constitution”](#) lesson by the National Endowment for the Humanities, [“How the Rivalry Between Thomas Jefferson and Alexander Hamilton Changed History”](#) by John Ferling, and [“Jefferson versus Hamilton”](#).
3. Watch [“Loose Interpretation versus Strict Interpretation.”](#) Review key terms from the video and then explain that proponents of a stricter interpretation today generally refer to themselves as “originalists;” they do not self-identify as rigid strict constructionists.
4. Provide students with access to the reading (labeled Side A-C) from the [“Supreme Court Nominations”](#) lesson from iCivics.¹⁶
5. Watch “A Conversation on the Constitution: Judicial Interpretation, Part 1, [Volume 1](#)” with Justices Stephen Breyer and the late Antonin Scalia. Pause the video after each speaker concludes an argument and randomly call on students to recap.
6. Stop the video at 14:06. Say: “Justice Breyer referred to *tyranny of the majority*. What exactly does that mean?”
7. Provide students with copies of [Excerpts from Democracy in America](#). Direct them to read independently and [annotate](#) the text. Explain that the footnotes are part of the text and must be read carefully, as well.
8. Instruct students to answer the following questions with a partner or in small groups:
 - a. Why does Tocqueville consider it an “impious and detestable...maxim that in matters of government the majority of a people has the right to do anything”?
 - b. According to Tocqueville, why is omnipotence bad for individuals and governments?
 - c. What recourse does a minority have according to Tocqueville when it suffers from an injustice at the hand of the majority?
 - d. What alternative does he suggest?

¹⁵ Part of this task is adapted from the [“The Tyranny of the Majority”](#) lesson from the National Endowment for the Humanities; it is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

¹⁶ Note: Access to lessons and resources on [iCivics](#) requires a free registration on the site.

- e. Does the infrequency of examples of tyranny in America count against his thesis? Why or why not.
 - f. What do we learn about American democracy from the second footnote? How are the two examples different? How are they related or similar?
9. Discuss responses as a class as well as why *Democracy in America* is considered a seminal text. Then ask: “How significant of a concern is *tyranny of the majority* in the United States today? Examples?”
 10. Continue watching “A Conversation on the Constitution: Judicial Interpretation, Part 1, [Volume 1](#) and [Volume 2](#).” Pause the videos after each speaker concludes an argument and randomly call on students to recap. Note: Take the opportunity provided by the conclusion of the debate to discuss the importance of civil discourse.
 11. Ask: “Do you agree with Justice Breyer’s contention that the Supreme Court’s job is to “patrol the boundaries” to protect individuals and minorities from *tyranny of the majority*? Or with Justice Scalia that Supreme Court justices have no business acting like “kings”?”
 12. Demarcate one side of a classroom wall as “originalist” and one side as “advocate of a ‘living Constitution’” and ask students to form an opinion line based on where they fall in the debate. Divide the line in half. Assign the students who self-identified as *originalists* to research the *living Constitution* position and vice versa. Note: Do not inform students about your intentions beforehand, or they may misrepresent their views. The point of the following exercise is not to change minds but rather to ensure that students understand both sides of the argument.
 13. In larger classes, subdivide each side into smaller, mixed-ability groups of 4-5 students. Provide students with access to one of the following sources:
 - a. “[Constitutional Interpretation](#)” by Justice Brennan for students assigned the *living Constitution* position (direct students to begin reading at paragraph 5 to make the reading time for the texts more equivalent; excerpt further at teacher’s discretion)
 - b. “[The Originalist Perspective](#)” by David F. Forte for students assigned the *originalist* position
 14. Direct students to read independently and then work in groups to [summarize](#) the key arguments for their assigned side. Instruct each student to keep their own bulleted list as the group discusses.
 15. Conduct a debate of the compelling question for the task: How should the Constitution be interpreted?
 16. For the first half of the debate, require students to argue on their assigned side. For the second half, shift to a philosophical chairs format. Use a [discussion tracker](#) to assess student participation in the debate.
 17. Conclude the task with a class discussion. Read the following quote from Justice Brennan: “...the framers themselves did not agree about the application or meaning of particular constitutional provisions, and hid their differences in cloaks of generality.”
 18. Then ask:
 - a. Are differences in interpretation to be expected or reflective of a lack of clarity in the Constitution?
 - b. Did the framers leave the appropriate amount of “wiggle room” in the Constitution to allow it to be a document for the ages? Too much? Too little? Explain.”

Excerpts from *Democracy in America*, Alexis de Tocqueville, 1835

Volume 2, Part 2, Chapter 7: Of the Omnipotence of the Majority in the United States and Its Effects

Tyranny of the Majority

I regard as impious and detestable this maxim that in matters of government the majority of a people has the right to do anything, and yet I consider that the will of the majority is the origin of all powers. Do I contradict myself?

A general law exists that has been made, or at least adopted, not only by the majority of such or such people, but by the majority of all men. This law is justice.

So justice forms the limit of the right of each people [to command].

A nation is like a jury charged with representing universal society and with applying justice, which is its law. Should the jury, which represents society, have more power than the very society whose laws it applies?

So when I refuse to obey an unjust law, I am not denying the right of the majority to command; I am only appealing from the sovereignty of the people to the sovereignty of the human race.

There are men who are not afraid to say that, in objects that concern only itself, a people could not go entirely beyond the limits of justice and reason, and that we should not be afraid, therefore, to give all power to the majority that represents a people. But that is the language of a slave.

So what is a majority taken as a whole, if not an individual who has opinions and, most often, interests contrary to another individual called the minority. Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority? Have men, by gathering together, changed character? By becoming stronger, have they become more patient in the face of obstacles?¹⁷ As for me, I cannot believe it; and the power to do everything that I refuse to any one of my fellows, I will never grant to several....

So I think that a social power superior to all others must always be placed somewhere, but I believe liberty is in danger when this power encounters no obstacle that can check its course and give it time to moderate itself.

Omnipotence in itself seems to me something bad and dangerous. Its exercise seems to me beyond the power of man, whoever he may be; and I see only God who can, without danger, be all powerful, because his wisdom and his justice are always equal to his power. So there is no authority on earth so respectable in itself, or vested with a right so sacred, that I would want to allow it to act without control or to dominate without obstacles. So when I see the right and the ability to do everything granted to whatever power, whether called people or king, democracy or aristocracy, whether exercised in a monarchy or a republic, I say: the seed of tyranny is there and I try to go and live under other laws.

¹⁷ No one would want to maintain that a people is not able to abuse strength vis-à-vis another people. Now, parties are like small nations within a large one; in relation to each other, they are like foreigners.

If you agree that a nation can be tyrannical toward another nation, how can you deny that a party can be so toward another party?

What I most criticize about democratic government as it has been organized in the United States, is not its weaknesses as many people in Europe claim, but on the contrary, its irresistible strength. And what repels me the most in America is not the extreme liberty that reigns there; it is the slight guarantee against tyranny that is found.

When a man or a party suffers from an injustice in the United States, to whom do you want them to appeal? To public opinion? That is what forms the majority. To the legislative body? It represents the majority and blindly obeys it. To the executive power? It is named by the majority and serves it as a passive instrument. To the police? The police are nothing other than the majority under arms. To the jury? The jury is the majority vested with the right to deliver judgments. The judges themselves, in certain states, are elected by the majority. However iniquitous or unreasonable the measure that strikes you may be, you must therefore submit to it [or flee. <What is that if not the very soul of tyranny under the forms of liberty?>].¹⁸

Suppose, in contrast, a legislative body composed in such a way that it represents the majority, without necessarily being the slave of the majority's passions; an executive power that has a strength of its own; and a judicial power independent of the two other powers; you will still have a democratic government, but there will no longer be hardly any chances for tyranny.

[[If the effects of this tyranny are not felt more in America, it is because America is a new country where political passions are still not very deep and where so vast a field for human activity is presented that interests are rarely opposed to each other.]]

I am not saying that at the present time in America tyranny is frequently practiced; I am saying that no guarantee against tyranny is found there, and that the causes for the mildness of government must be sought in circumstances and in mores, rather than in laws.

¹⁸ In Baltimore, at the time of the War of 1812, a striking example was seen of the excesses to which the despotism of the majority can lead. At this time the war was very popular in Baltimore. A newspaper that was strongly against the war aroused the indignation of the inhabitants by its conduct. The people gathered, broke the presses, and attacked the newspaper office. Some wanted to call the militia, but it did not answer the call. In order to save the unfortunate journalists, who were threatened by the public furor, it was decided to put them in jail, like criminals. This precaution was useless; during the night, the people gathered again; the magistrates were unable to get the militia to come; the prison was forced open; one of the journalists was killed on the spot; the others were left for dead; the guilty, brought before a jury, were acquitted.

I said one day to an inhabitant of Pennsylvania: "Please explain to me why, in a state founded by Quakers and renowned for its tolerance, emancipated Negroes are not allowed to exercise the rights of citizens. They pay taxes; isn't it just that they vote?"—"Don't insult us, he answered, by thinking that our legislators have committed such a gross act of injustice and intolerance."—"So, among you, Blacks have the right to vote?"—"Undoubtedly."—"Then, how come at the polling place this morning, I did not see a single one in the crowd?"—"This is not the fault of the law," the American said to me; "Negroes, it is true, have the right to present themselves at elections, but they abstain voluntarily it seems."—"That is very modest of them."—"Oh! it isn't that they refuse to go, but they are afraid that they will be mistreated there. Among us, it sometimes happens that the law lacks force when the majority does not support it. Now, the majority is imbued with the greatest prejudices against Negroes, and magistrates do not feel they have the strength to guarantee to the latter the rights that the legislator has conferred."—"What! the majority which has the privilege of making the law, also wants to have that of disobeying the law?"

Source: Alexis de Tocqueville, *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*, ed. Eduardo Nolla, translated from the French by James T. Schleifer. A Bilingual French-English editions, (Indianapolis: Liberty Fund, 2010). Vol. 2. 8/9/2017. <<http://oll.libertyfund.org/titles/2286>>.

A full-text version is available at http://oll.libertyfund.org/titles/tocqueville-democracy-in-america-historical-critical-edition-vol-2#lf1532-02_footnote_nt414.

Unit One Assessment

Description: Students write an essay addressing the unit claim question: Did the Founding Fathers make the best choices for the United States?

Suggested Timeline: 1 class period

Student Directions: Evaluate the decisions made by the framers from the drafting of the Constitution through the ratification of the Bill of Rights. Consider the following as you construct your argument:

- Type of government chosen
- Major issues and compromises at the Constitutional Convention
- Amendment process and the Bill of Rights
- Differences in interpretation

Resources:

- [Social Studies Extended Response Checklist](#)

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.1.1-6, C.2.6, C.5.1, C.5.3. They also meet the expectations for [ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.3, RH.9-10.9, RH.9-10.10, WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10.

Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Unit Two Overview

Description: Students learn how government is organized to evaluate whether the government’s structure supports its ability to fulfill the purposes espoused in the Preamble of the Constitution.

Suggested Timeline: 5 weeks

Civics Content	Civics Claims
Structure of Government	Does the government’s structure help or hinder it from fulfilling the purposes espoused in the Preamble?

Topics (GLEs):

1. [Structure of Government](#) (C.1.1, C.2.1-C.2.5, C.2.7-8)

Unit Assessment: Students write an essay addressing the claims question.

Unit Two Instruction

Topic One: Structure of Government (C.1.1, C.2.1-5, C2.7, C.2.8)

Connections to the unit claim: In the previous unit, students learned about how the US Constitution was created and analyzed the choices made by the Founding Fathers. In Unit Two, students continue their evaluation of our government by analyzing the effectiveness of the government’s structure measured against the purposes defined in the Preamble. Students learn about separation of powers, checks and balances, and federalism to understand how government is organized at the national, state, and local levels. Then they draft bills and participate in a mock Congress to experience the legislative process firsthand. At the end of the unit, students will use this knowledge and applied understanding to analyze the extent to which the government’s structure supports the purposes it was designed to fulfill.

Suggested Timeline: 24 class periods

Use this sample task:

- [Thinking Like a Political Scientist](#)
- [Organization of Government](#)
- [Legislative Process](#)

To explore these key questions:

- What does it mean to *think like* a political scientist?
- How has each branch of government evolved over time?
- How effective is the system of checks and balances?
- What are the advantages and disadvantages of federalism for the United States?

That students answer through this assessment:

- Students work in groups to research the parts of government. Various work during the research process can be graded, such as notes taken from the sources, a list of sources used, using resources (including technology) appropriately during research, etc. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.4, RH.9-10.9, WHST.9-10.4, WHST.9-10.7, WHST.9-10.8, WHST.9-10.10)
- Students work in groups to write and deliver a presentation on their part of government. Grade the written presentation for accuracy and organization of information and the delivery of the presentation with a presentation rubric, focusing on the quality of the delivery. ([ELA/Literacy Standards](#): WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.6, WHST.9-10.7, WHST.9-10.8, WHST.9-10.9, WHST.9-10.10, SL.9-10.1a-d, SL.9-10.2, SL.9-10.4)
- Students participate in various class discussions. Use a [discussion tracker](#) to keep track of students’ contributions to the discussions and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.6)
- Students independently draft a bill and then participate in a mock session of the House of Representatives. Various work during the research process can be graded, such as notes taken from sources, a list of sources used, using resources (including technology) appropriately during research, etc. Grade the bills on format,

purpose, and feasibility/effectiveness of proposed solution. Track student participation and efforts to adhere to parliamentary procedure during the simulation. ([ELA/Literacy Standards](#): WHST.9-10.4, WHST.9-10.5, WHST.9-10.8, WHST.9-10.10, SL.9-10.1a-d, SL.9-10.4, SL.9-10.6)

Civics Instructional Task: *Thinking Like a Political Scientist* Unit Two: Structure of Government, Topic One: Structure of Government

Description: Students consider what it means to *think like* a political scientist.

Suggested Timeline: 1 class period

Materials: definition of *political science* (dictionary.com, en.oxforddictionary.com, and wikipedia.org), [table of contents](#) for *Thinking Like a Political Scientist: A Practical Guide to Research Methods*, "[Ten Things Political Scientists Know That You Don't](#)," [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Project and read aloud the following quote attributed to Max Weber, "The true function of social science is to render problematic that which is conventionally self-evident." Ask students to reflect briefly on the quote in writing. Then call on students to explain its meaning.
2. Say: "Our goal for this course is to investigate the United States of America- its government, economy, and society and the role of individuals in shaping our collective destiny. In Unit One, we considered the origins of the Constitution and approached our government from a primarily historical perspective. While at the end of the course our focus will shift to *economics*, for the next three units, we will primarily examine US society through the lens of *political science*. So what exactly is *political science*?"
3. Project and read aloud the following definitions of *political science*:
 - a. a social science dealing with political institutions and with the principles and conduct of government¹⁹
 - b. the branch of knowledge that deals with the state and systems of government; the scientific analysis of political activity and behaviour²⁰
 - c. is related to, and draws upon, the fields of economics, law, sociology, history, philosophy, geography, psychology, and anthropology²¹
4. Say: "As you have discovered, this course is designed as a series of inquiries or 'tasks.' In this unit and the two that follow, your job is to assume the perspective of- or *think like*- a political scientist. What do you think it means to *think like* a political scientist?"
5. Listen to student responses. Then project and read aloud the [table of contents](#) for *Thinking Like a Political Scientist: A Practical Guide to Research Methods* by Christopher Howard. Discuss each of the sub-questions under "Asking Good Questions" and why political scientists use documents and numbers for "Generating Good Answers."
6. Provide students with access to "[Ten Things Political Scientists Know That You Don't](#)" by Hans Noel. Read page 1 aloud, modeling [summarization](#) skills. Divide up the text on pages 2-15 (stopping before #10) and assign different sections to small groups. Direct students to read independently and then summarize in their groups. Have groups report out to the class. Correct major misunderstandings as the students share their summaries,

¹⁹ From <http://www.dictionary.com/browse/political-science>.

²⁰ From https://en.oxforddictionaries.com/definition/political_science.

²¹ From https://en.wikipedia.org/wiki/Political_science.

but do not be concerned if students do not fully grasp all of the content yet because several of the topics will be re-examined at various points throughout the course.

7. Direct all students to independently read pages 15-16.
8. Conduct a class discussion:
 - a. What items on the list surprised you?
 - b. What topics are you interested in learning more about?
 - c. What don't political scientists know, according to Noel?
 - d. What does it mean to *think like* a political scientist?
9. Encourage students to use the [conversation stems](#) during the discussion. Use a [discussion tracker](#) to track student participation.

Civics Instructional Task: Organization of Government

Unit Two: Structure of Government, Topic One: Structure of Government

Description: Students investigate the organization of government by analyzing the text of the Constitution and working in groups to research and create presentations about the parts of government.

Suggested Timeline: 11 class periods

Materials: online version of the Constitution at <http://constitutionus.com>, National Constitution Center's [Interactive Constitution](#), [Giving Meaning to the Preamble: Common Interpretation](#), [American Government's definitions of separation of powers and checks and balances](#), "The 'Federal' in Federalism" by [iCivics](#), [The Constitution of the United States](#), "US Constitution Power Grab Game"

Instructional Process:

1. Ask students to submit one or two problems they would like government to resolve. Responses should be brief, such as "fix streets." The teacher should compile responses into a spreadsheet, grouping similar answers and removing redundancies. The spreadsheet will be revisited at the end of the task.
2. Say, "In this unit, we will be examining the structure of our government to answer the question: Does the government's structure help or hinder it from fulfilling the purposes espoused in Preamble?"
3. Project and read aloud the Preamble to the US Constitution:
 - a. "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."
4. Reread the Preamble, stopping after each comma. Ask students to explain each phrase.
5. Provide students with access to [Giving Meaning to the Preamble: Common Interpretation](#) by Erwin Chemerinsky and Michael Stokes Paulsen available as part of the National Constitution Center's [Interactive Constitution](#). Direct students to read independently.
6. Briefly discuss as a class. Possible questions:
 - a. What is the relationship of the Preamble to the rest of the Constitution?
 - b. Why are we using the Preamble to evaluate how effectively the government does its job?
7. To activate prior learning, ask students to identify the three branches of government and briefly describe the role of each branch. Ask students to provide a definition for separation of powers and checks and balances.
8. Compare student explanations to the following definitions:²²
 - a. *separation of powers* - the sharing of powers among three separate branches of government
 - b. *checks and balances* - a system that allows one branch of government to limit the exercise of power by another branch; requires the different parts of government to work together
9. Provide students with access to the text from "The 'Federal' in Federalism" (labeled Reading p.1-3) by [iCivics](#).²³ Direct them to read independently. Review key terms (*federalism, reserved powers, concurrent powers,*

²² From <https://cnx.org/contents/W8wOWXNF@15.6:PfygSwbH@5/The-Development-of-the-Constit>

²³ Note: Access to lessons and resources on [iCivics](#) requires a free registration on the site.

expressed/enumerated powers, implied powers, supremacy clause, and necessary and proper clause) and briefly discuss as a class.

10. Say: “Your goal for this task is to work within a small group to perform research and develop a presentation about one of the following parts of government: Congress, the presidency, the courts, the bureaucracy, and state and local government. Your first source of information will be the [The Constitution of the United States](#), so let us begin by taking a close look at the text.”
11. Before assigning groups and topics, provide each student with a copy of the [Constitution of the United States](#) and direct them to independently read and [annotate](#) the document. Note: Instruct students to save their copies of the Constitution for use throughout the course.
12. Using different colored highlighters, pens, or sticky notes, have students identify which articles and sections deal with each of the presentation topics. Develop, explain, and project a system of annotations for students to use, such as Q=qualification for holding office, TO=term of office, EP=expressed power, RP=reserved power, CP=concurrent power, CB=example of checks and balances, etc. Also ask students to underline any terms or phrases they do not understand. Note: Later, during the research period, students should be provided access to the online version available at <http://constitutionus.com> that includes scroll-over definitions and the [Interactive Constitution](#) provided by the National Constitution Center that explains how amendments affected the original text.
13. Play the “[US Constitution Power Grab Game](#)” to reinforce understanding of the system of checks and balances.
14. Divide the class into mixed ability groups. Direct groups to create 20-25 minute presentations that address the following:
 - a. Roles and responsibilities
 - b. Structure/organization
 - c. Evolution over time
 - d. Issues and controversies
 - e. In the news now
15. Require students to use the text of the US Constitution including amendments and the relevant chapters (chapters 3 and 11-15) of [OpenStax American Government](#)²⁴ as well as their own textbooks. Then set expectations for additional research (e.g., What is the process for research? What are their deliverables? What are their due dates? How will you grade their research?). Note: For group assigned to state and local government, direct students to focus the “evolution over time” and “issues” portions of presentation on federalism. See Chapter 3 of [OpenStax American Government](#).
16. Provide time for students to consider the scope of the assignment, plan, and subdivide the work within their groups before allowing them to begin researching. Note: To improve collaboration, consider the use of small group contracts and peer and self-evaluation tools, such as the examples provided by [Carnegie Mellon University](#). Also consider developing roles for students to self-assign, such as leader/facilitator, recorder, proofreader/editor, fact-checker, etc.; however, “presenter” should not be one of the roles because all students should be required to speak during the presentation.
17. As needed, support students in developing research skills, including creating effective search questions for digital research, how to identify accurate and credible sources, the importance of reviewing multiple sources to

²⁴ This work is an online textbook by Rice University and is licensed under a [Creative Commons Attribution 4.0 International License](#).

corroborate information, how to engage in ethical use of information including creating a list of sources used, etc.

18. Direct students to conduct their research.
19. Review the presentations to ensure the information that will be presented is accurate, relevant, and thorough. Work with groups and individual students, as needed.
20. Provide class time for groups to present their information to the class. During the presentation, direct the audience to:
 - a. Record key terms and notes on the [Organization of Government](#) handout (one per presentation).
 - b. Write down questions and comments for the post-presentation discussion.
21. Following each presentation, conduct a class discussion. Use the discussions to focus student attention on the most significant concepts and areas of controversy. Fill in major content gaps, as necessary. Possible questions:
 - a. The framers intended the legislative branch to be the most important branch of government. In recent times, Congress has had low public approval ratings. Are extended periods of Congressional “gridlock” a reflection of the “deliberativeness” the framers intended or a structural/design failure of the legislative branch?
 - b. How and why has the power of the executive branch changed? Is the increase in executive power over time a necessary development or a cause for concern? How powerful is the president today?
 - c. US courts serve a dual purpose: protecting individual rights and protecting the sanctity of the Constitution. To what extent do the structure and procedures of the judiciary support each of those purposes?
 - d. Should the bureaucracy be considered the “fourth branch of government”? What are the strengths and weaknesses of the federal bureaucracy? How accurate are public perceptions of the bureaucracy?
 - e. What are the advantages and disadvantages of the federalist system for the United States? Do multiple levels of subnational governments serve the interests of citizens?
22. Project the spreadsheet created at the beginning of the task. Add a column titled, “Parts of Government Involved.” Discuss as a class and take notes on the spreadsheet. If time constraints prevent discussion of the entire list, focus on examples that illustrate the interrelationship between the parts of government and the complexity of resolving problems.

Organization of Government

Presentation Topic: _____

Key Terms	Definitions

Organization of Government

Presentation Topic: _____

Roles and responsibilities	
Structure/ organization	
Evolution over time	
Issues and controversies	

Organization of Government (Exemplar)
Presentation Topic: The Presidency

Key Terms	Definitions ²⁵
impeachment	the act of charging a government official with serious wrongdoing, which in some cases may lead to the removal of that official from office
cabinet	a group of advisors to the president, consisting of the most senior appointed officers of the executive branch who head the fifteen executive departments
executive privilege	the president’s right to withhold information from Congress, the judiciary, or the public
executive order	a rule or order issued by the president without the cooperation of Congress and having the force of law
executive agreement	an international agreement between the president and another country made by the executive branch and without formal consent by the Senate
bully pulpit	Theodore Roosevelt’s notion of the presidency as a platform from which the president could push an agenda
going public	a term for when the president delivers a major television address in the hope that public pressure will result in legislators supporting the president on a major piece of legislation
signing statements	a statement a president issues with the intent to influence the way a specific bill the president signs should be enforced

²⁵ From [OpenStax American Government](#).

Organization of Government (Exemplar)
Presentation Topic: The Presidency

Roles and responsibilities	<ul style="list-style-type: none"> ● must be US citizen, at least 35, and resident for 14 years ● execute the laws ● serve as commander-in-chief of the armed forces ● negotiate treaties (with the advice and consent of the Senate) ● nominate federal judges (including Supreme Court justices) and other federal officials ● make appointments to fill military and diplomatic posts ● receive representatives of foreign nations ● pardon federal offenses ● veto power (overridden by $\frac{2}{3}$ of both houses of Congress) ● provide information about state of the union to Congress ● make recommendations for legislation and policy
Structure/organization	<ul style="list-style-type: none"> ● replaced by vice-president in event of removal, death, resignation, or inability ● cabinet of advisors
Evolution over time	<ul style="list-style-type: none"> ● Twelfth Amendment created unified ticket of presidential candidate/running mate ● 22nd Amendment limited the presidency to two four-year terms ● formal and informal power of the presidency expanded, as power and size of US government increased and as various presidents set particular precedents over time <ul style="list-style-type: none"> ○ use of the veto as a policy tool (precedent set by Jackson) ○ waging undeclared wars ○ executive privilege ○ unilateral powers, such as executive orders and agreements (though executive orders not as common anymore because often overturned/reversed) ○ Budget and Accounting Act (1921) - president sets budget agenda ○ signing statements ● rise of the primary system changed presidential elections <ul style="list-style-type: none"> ○ campaign seasons longer and more costly ○ greater opportunity for party “outsiders” to rise ● trend toward vice-presidents and first ladies becoming more active ● bully pulpit - advances in media technology have increased reach of presidency
Issues and controversies	<ul style="list-style-type: none"> ● election by Electoral College means popular vote winner does not always become president ● “malign neglect” - when Senate refuses to hold hearing on presidential appointments (Merrick Garland for Supreme Court) ● Does going public help or hinder policy enactment? ● How powerful is the presidency? <ul style="list-style-type: none"> ○ “political time” - crisis or period of stability? ○ party in control of Congress? ● Who is more effective at achieving policy goals? Presidents perceived as “strong” (by engaging in public posturing) or those operating mostly behind-the-scenes?

Civics Instructional Task: Legislative Process

Unit Two: Structure of Government, Topic One: Structure of Government

Description: Students engage in a mock Congress simulation to experience how the legislative process works.

Suggested Timeline: 12 class periods

Materials: [“First Day of Congress,”](#) [“House Leadership,”](#) and [“Member Committees”](#) from the *Kids in the House* website, [National Model Congress’s Rules and Procedures](#), [Princeton Model Congress’s rules](#), [YMCA Louisiana Youth Legislature’s debate procedures](#), [“Minimum Wage Act \(‘For’ Side Only\) - AW Model Congress 2016,”](#) [“An Act to Reduce Government Subsidy Spending,”](#) digital access, [bill drafting instructions](#) and [research links](#) provided by Princeton Model Congress, [conversation stems](#), [discussion reflection](#)

Instructional Process:

1. Say, “Now that you have learned about how government is organized, we will take a closer look at the federal legislative process by simulating what it is like to be a member of the House of Representatives. Each of you will draft a bill addressing an issue that concerns you. Then you will attempt to shepherd your bill through committee. Bills that make it through committee will be debated on the floor of the House.” Note: Teachers with more than one section of the Civics course or teachers who collaborate together may elect to have some classes act as the Senate, so bills that make it through one chamber may be debated in the other chamber. If this option is chosen, be sure to have students follow rules and procedures appropriate for each chamber.
2. Provide students with access to [“First Day of Congress,”](#) [“House Leadership,”](#) and [“Member Committees”](#) from the *Kids in the House* website. Direct students to independently read [“First Day of Congress,”](#) [“House Leadership,”](#) and [“Member Committees”](#) to learn about the legislative process. Note: Teachers should review [“How Our Laws Are Made”](#) for a more-in depth look at the legislative process.
3. Optional: Watch some short clips from [C-SPAN](#) to see floor debate in the House or Senate.
4. Develop rules for the mock Congress. Use the [YMCA Louisiana Youth Legislature’s debate procedures](#) (designed for Louisiana model state legislature), [National Model Congress’s Rules and Procedures](#), and [Princeton Model Congress’s rules](#) as models.
5. Provide students with copies of the rules they will be following and direct them to read independently. Discuss the basics of parliamentary procedure.
6. Watch a few minutes of [“Minimum Wage Act \(‘For’ Side Only\) - AW Model Congress 2016”](#) for students to grasp the concept. Then forward to 23:00 to watch the vote at the end.
7. Using the established rules, practice debating a sample bill, such as [“An Act to Reduce Government Subsidy Spending”](#) from Princeton Model Congress. Project the bill, direct students to read independently, and then follow the rules established for floor debate.
8. Set expectations for research, bill content, and participation during the simulation. Explain to students how they should conduct their research (e.g., What is the process for research? What are their due dates? What are their deliverables? How will you grade their research?) and provide them with needed materials.
9. Divide the class into groups of 4-5 using an established classroom routine. Determine how many standing committees the size of your class can support. Assign students to committees.

10. Direct students to research and draft a bill of relevance to their committee. Provide students with access to the [bill drafting instructions](#) and [research links](#) provided by Princeton’s Model Congress. Early in the drafting process, check to ensure each student’s bill idea is appropriate for the student’s committee and the US Congress to consider.
11. As needed, support students in developing research skills, including answering a question (including a self-generated question) or solving a problem; narrowing or broadening the inquiry when appropriate; synthesizing multiple sources on the subject, demonstrating understanding of the subject under investigation; gathering relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assessing the usefulness of each source in answering the research question; integrating information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.
12. Have students submit completed bills in digital form. Make enough copies of student bills for each committee member to have a print copy. Allow students to choose committee chairs and to elect a Speaker of the House. The teacher will serve as Clerk. Set and announce time limits for debate.
13. Instruct students to consider bills in their committees. Committee chairs are responsible for setting the docket and acting as timekeeper. Circulate to ensure students use parliamentary procedure and adhere to timing guidelines.
14. Direct students to debate bills that are successfully passed out of committee with the full House. Allow the chosen Speaker to preside, intervening as little as possible. Project a digital version of the bill under consideration, so it can be amended in real time. Track student participation during the simulation and assign grades based on established criteria.
15. Then, as a class, conduct a discussion connecting the simulation back to the unit question: Does the government’s structure help or hinder it from fulfilling the purposes espoused in Preamble? Encourage students to use the [conversation stems](#) during the discussion and provide evidence from the sources or outside knowledge to support their answers. Possible questions
 - a. What would happen next to the bills the House passed?
 - b. How likely is a piece of legislation to survive all stages of the process?
 - c. Which aspects of the simulation were most and least realistic?
16. Conclude the discussion by asking students to reflect on the quality of the discussion by completing the [discussion reflection](#).

Unit Two Assessment

Description: Students write an essay addressing the unit claims question. Students write a one-page essay in response to the following question: Does the government’s structure help or hinder it from fulfilling the purposes espoused in the Preamble?

Suggested Timeline: 1 class period

Student Directions: Analyze the extent to which the government’s structure supports its ability to fulfill the purposes espoused in the Preamble. Write a multiparagraph essay in response to the question: Does the government’s structure help or hinder it from fulfilling the purposes espoused in the Preamble? Use evidence gathered throughout the unit and your knowledge of social studies to develop and support your explanation. Consider the following as you construct your argument:

- separation of powers and checks and balances
- federalism
- legislative process

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.2.1-C.2.5, C.2.7-8. They also meet the expectations for [ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.3, RH.9-10.9, RH.9-10.10, WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10.

Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Unit Three Overview

Description: Students explore a range of domestic and foreign policy issues to consider the implications of US policy decisions on global, national, regional, and individual levels.

Suggested Timeline: 6 weeks

Civics Content	Civics Claims
Functions of US Government	How do US policy decisions affect society and the diverse collection of individuals within it?

Topics (GLEs):

1. [Domestic Policy](#) (C.1.1, C.4.1-6)
2. [Foreign Policy](#) (C.3.1-C.3.4, C.7.4)

Unit Assessment: Students create an instructional guide to evaluate a proposed policy.

Unit Three Instruction

Topic One: Domestic Policy (C.1.1, C.4.1-6)

Connections to the unit claim: In the previous unit, students investigated how government works. In Unit Three, students explore the outputs of US government beginning with domestic policy. Students continue the exploration begun earlier into the purposes of government by considering how values influence perceptions about policy and the role of government in society. Students practice evaluating the media they consume by analyzing the values and limitations of sources of information about proposed policies. They investigate the foundation of all public policy - government taxation and spending - from multiple perspectives. Finally students research a chosen issue to develop a nonpartisan policy brief. Over the course of completing the tasks for this topic, students internalize the concept that all policies generate winners and losers. By explicitly identifying and analyzing benefits and costs on societal and individual levels, students learn to develop informed positions.

Suggested Timeline: 15 class periods

Use this sample task:

- [Wealth Inequality](#)
- [Fiscal Policy](#)
- [Domestic Policy Brief](#)

To explore these key questions:

- What is public policy?
- What role do values play in shaping policy?
- Why is the classification of public and private goods a fundamental question of public policy?
- How do policy decisions create winners and losers?
- What are the values and limitations of different sources of information about public policy?
- Should public policy attempt to address wealth inequality?
- What are the broader economic implications of fiscal policy decisions?
- How are policy recommendations formulated?

That students answer through this assessment:

- Students participate in a deliberation in response to the question, “Should public policy attempt to address wealth inequality?” Use a [discussion tracker](#) to keep track of students’ contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.2, SL.9-10.3, SL.9-10.4, SL.9-10.6)
- Students locate and analyze a recent news article about either a *supply-side* or *demand-side fiscal policy* and post a two paragraph summary and analysis of the article on a “Discussion Board.” Students then comment on other posts on the discussion board. Grade the posts for completion and understanding of key concepts. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.4, WHST.9-10.10)

- Students independently compose a policy brief on a domestic policy issue. Grade the policy briefs on demonstrated comprehension of the topic from multiple perspectives, viability of the proposed solution, analysis of costs and benefits, variety of sources used, analysis of sources in the annotated bibliography, and adherence to the objective of nonpartisanship. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.7, RH.9-10.10, WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.8, WHST.9-10.10)

Civics Instructional Task: Wealth Inequality

Unit Three: Functions of US Government, Topic One: Domestic Policy

Description: Students consider the role of government in society as they investigate the issue of wealth inequality. Students explore how policy decisions affect individuals and groups in society differently.

Suggested Timeline: 7 class periods

Materials: “[Values and Public Policy](#)” lesson, Public Goods graphic organizer ([blank](#) and [completed](#)), “[Public Goods](#),” podcast, “[Different Types of Goods](#),” “[Externalities](#)” video, “[Classic Types of Policy](#),” text from “[Taxation](#)” lesson, “[Government Spending and Taxes](#)” lesson, “[Income Inequality: It’s Not So Bad](#)” lesson, SOAPStone graphic organizer ([blank](#) and [completed](#)), “[The Many Ways to Measure Income Inequality](#),” “[20 Facts About US Inequality that Everyone Should Know](#),” “[Why People Are Rich and Poor: Republicans and Democrats Have Very Different Views](#),” “[Wealth Inequality in America](#)” infographic video, “[Building a Better America--One Wealth Quintile at a Time](#),” “[The Birth of a New American Aristocracy](#),” [OPVL method](#), “[Stop Coddling the Super Rich](#),” “[Would the Buffett Rule Help the US Economy?](#),” “[Is the US Tax System Fair?](#),” “[Guidelines for Deliberation](#),” [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Say, “In the previous unit, you learned about the organization of government and you experienced the legislative process through the mock Congress simulation. In this unit, we will explore the functions or outputs of US government by examining *public policy*. We will begin by defining *public policy*.”
2. Project and read aloud the following definition for *public policy*:²⁶
 - a. the broad strategy government uses to do its job; the relatively stable set of purposive governmental behaviors that address matters of concern to some part of society
 - b. public policy is a guide to legislative action that is more or less fixed for long periods of time, not just short-term fixes or single legislative acts. Policy also doesn’t happen by accident, and it is rarely formed simply as the result of the campaign promises of a single elected official, even the president. While elected officials are often important in shaping policy, most policy outcomes are the result of considerable debate, compromise, and refinement that happen over years and are finalized only after input from multiple institutions within government as well as from interest groups and the public.
3. To frame the task, use the “[Values and Public Policy](#)” lesson by the Choices Program. Conduct steps one through five. Direct students to record and submit their list of ordered values.
4. Say: “To understand *public policy*, first we need to differentiate between *private* and *public goods*.”
5. Distribute the [Public Goods](#) graphic organizer. Listen to the “[Public Goods](#),” episode of the [Economic Lowdown Podcast Series](#) by the Federal Reserve Bank of St. Louis as a class. Direct students to complete the graphic organizer by adding definitions and examples of key terms as they listen to the “[Public Goods](#)” episode. Note: Be prepared to pause the podcast at key points to allow students time to write. Review [completed](#) graphic organizers.
6. Provide students with a copy of “[Different Types of Goods](#)” from *OpenStax American Government*. Direct students to read “[Different Types of Goods](#)” independently.

²⁶ From <https://cnx.org/contents/W8wOWXNF@15.7:69GsbfM-@2/What-Is-Public-Policy#rf-2>

7. Conduct a brief discussion, revisiting the question: Why do societies institute governments? Ask students to integrate prior understandings from Unit One with the concepts and terminology from the podcast and the text. Possible questions:
 - a. Why was it necessary to differentiate between types of goods before investigating specific public policy issues?
 - b. Choose a current controversial issue. How does disagreement about the issue relate back to types of goods?
8. Watch "[Externalities](#)" video from the *Economic Lowdown* series by the Federal Reserve Bank of St. Louis.
9. Provide students with copies of "[Classic Types of Policy](#)." Direct students to independently read and [annotate](#) the text. Review key terms (*distributive, regulatory, and redistributive policy*) and examples provided in the text.
10. Say, "To pay for all of its policies, the government relies on revenue from taxes. There are various types of taxes which burden individuals and groups differently. Additionally, taxation levels affect the overall economy because taxes deprive consumers of money they might otherwise either spend on goods and services or invest. Therefore, taxation policy is itself a fundamental aspect of public policy."
11. Direct students to complete the reading portion of the "[Taxation](#)" lesson by [iCivics](#).
12. Conduct steps 1 through 13 of the "[Government Spending and Taxes](#)" lesson by the Federal Reserve Bank of St. Louis.
13. Conduct the "[Income Inequality: It's Not So Bad](#)" lesson by the Federal Reserve Bank of St. Louis. Skip the second step. Perform the rest of the lesson through step 22. Then direct students to read Handout 1 and independently answer the associated questions on Handout 2.
14. Tell students that *Inside the Vault* was an economic education newsletter for teachers that the Federal Reserve Bank of St. Louis published until 2015. Conduct a [SOAPSTone](#) of the article together as a class. See [SOAPSTone](#) for more information about this strategy.
15. Discuss responses to the questions from Handout 2. Note: The lesson associates the US tax code with progressive taxation and a flat tax with the removal of deductions in a way that may mislead some students. Ensure that students understand that US policymakers could decide to simplify the tax code by eliminating deductions and still retain a progressive tax system.
16. Provide students with access to "[The Many Ways to Measure Income Inequality](#)" by Drew Desilver from the Pew Research Center. Direct students to read independently. If students are unfamiliar with the Pew Research Center, provide them with access to the "[About](#)" page of the organization's website. Conduct a brief discussion. Possible questions:
 - a. Which points from "[Income Inequality: It's Not So Bad](#)" are echoed in "[The Many Ways to Measure Income Inequality](#)"?
 - b. What does the text say about consumption inequality? Why might the studies have contradictory or seemingly contradictory findings?
 - c. What is the difference between income and wealth inequality? Which measure do you think better captures conditions in the US?
 - d. The article presents a large variety of viewpoints. What are your takeaways and why?
17. Project "[20 Facts About US Inequality that Everyone Should Know](#)" from the Stanford Center on Poverty and Inequality website. Model how to perform an analysis of a graph. Read the title and the associated text aloud. Point out the axis labels and the source information. Conduct a brief discussion. Possible questions:
 - a. Why did the author separate out lower and upper-tail inequality?

- b. What conclusions can be drawn from the graph?
 - c. What are the limitations of the graph?
 - d. What does the source information tell us? (Share "[About](#)" page of the Economic Policy Institute's website with students as well as the "[Research](#)" page of the Stanford Center on Poverty and Inequality website.)
18. Depending on class size, assign each student one or two of the remaining graphs to analyze. Have them share their analysis with the rest of the class until each graph has been discussed.
 19. Provide students with access to "[Why People Are Rich and Poor: Republicans and Democrats Have Very Different Views](#)" by Samantha Smith from the Pew Research Center. Direct students to independently read and [summarize](#) the text.
 20. Watch "[Wealth Inequality in America](#)." Have students share their immediate reactions.
 21. Model how to "source" the video. Point out the author ("politizane") and publication information for the infographic video, including the references.
 22. The infographic video pulls facts from "[Building a Better America--One Wealth Quintile at a Time](#)," an academic study by Michael I. Norton and Dan Ariely. Project the first two pages of the article. Point out the author and publication information, including the university affiliations. Allow students time to read the abstract and scroll through the article, so they can see the charts the video references.
 23. View the video "[The Birth of a New American Aristocracy](#)."
 24. Analyze the video using the [OPVL method](#) as a class.
 25. Direct students to independently read Warren Buffett's *New York Times* op-ed, "[Stop Coddling the Super Rich](#)." Instruct them to answer the following questions with a partner or in small groups:
 - a. Why does Warren Buffett claim he and other mega-rich people pay such a low percentage of their taxable income in taxes?
 - b. What policy recommendation does Buffett make at the end of the op-ed?
 - c. Summarize the counterargument Buffett includes in the middle of the op-ed and how he refutes it.
 - d. What are the values of this source?
 - e. What are the limitations of this source?
 26. Listen to "[Would the Buffett Rule Help the US Economy?](#)" from NPR. Pause the story as necessary asking students to orally summarize key points. Project graph at the bottom of the story and analyze the graph as a class.
 27. Provide students with access to "[Is the US Tax System Fair?](#)" by Howard Gleckman. Direct students to independently read and [annotate](#) "[Is the US Tax System Fair?](#)" Instruct them to highlight the four categories of "fairness" discussed in the article. In small groups, have students briefly discuss their thoughts about whether each question is an appropriate way to think about fairness. Note: Students should aim to share ideas rather than reach consensus.
 28. Hold a class deliberation to answer the question, "Should public policy attempt to address wealth inequality?" Note: A deliberation differs from a debate. See the "[Guidelines for Deliberation](#)" produced by the Choices Program at Brown University. The goal for this deliberation is not to reach consensus but, rather, to draw on all of the evidence presented, share perspectives, and build collective understanding. Expect the conversation to be complex and meandering, but actively monitor to ensure it remains collaborative as opposed to competitive.
 29. Encourage students to use the [conversation stems](#) during the discussion and use a [discussion tracker](#) to assign a grade to students.

Public Goods

Key Term	Definition	Examples with Explanation
<i>private good</i>		Example: Explanation:
<i>public good</i>		Example: Explanation:
<i>non-excludable</i>		
<i>nonrival</i>		
<i>free rider problem</i>		Example: Explanation:
<i>market failure</i>		

Public Goods (Completed)

Key Term	Definition	Examples with Explanation
<i>private good</i>	excludable and rival	Example: newly purchased car Explanation: excludable - if you did not pay for it, the dealer would not give it to you rival - one person driving car keeps another person from driving it
<i>public good</i>	non-excludable and nonrival; may not necessarily be a physical good that you can hold in your hands	Example: national security Explanation: non-excludable - no way of withholding protection from those who don't pay taxes nonrival -as the population grows, more people benefit from national security, but the level of protection remains the same
<i>non-excludable</i>	when the supplier of the good cannot prevent those who don't pay it from consuming or using it	
<i>nonrival</i>	when one person's consumption does not hinder anyone else's consumption of the good	
<i>free rider problem</i>	since public goods are free, most consumers become free riders because they have no incentive to pay the supplier	Example: streetlights Explanation: private firms don't provide because there's no way to exclude people who don't pay for them
<i>market failure</i>	when a private market fails to produce a good at the level society wants	

Different Types of Goods²⁷

Economists use the term *goods* to describe the range of commodities, services, and systems that help us satisfy our wants or needs. This term can certainly apply to the food you eat or the home you live in, but it can also describe the systems of transportation or public safety used to protect them. Most of the goods you interact with in your daily life are *private goods*, which means that they can be owned by a particular person or group of people, and are excluded from use by others, typically by means of a price. For example, your home or apartment is a private good reserved for your own use because you pay rent or make mortgage payments for the privilege of living there. Further, private goods are finite and can run out if overused, even if only in the short term. The fact that private goods are excludable and finite makes them tradable. A farmer who grows corn, for instance, owns that corn, and since only a finite amount of corn exists, others may want to trade their goods for it if their own food supplies begin to dwindle.

Proponents of *free-market economics* believe that the market forces of supply and demand, working without any government involvement, are the most effective way for markets to operate. One of the basic principles of free-market economics is that for just about any good that can be privatized, the most efficient means for exchange is the marketplace. A well-functioning market will allow producers of goods to come together with consumers of goods to negotiate a trade. People facilitate trade by creating a currency—a common unit of exchange—so they do not need to carry around everything they may want to trade at all times. As long as there are several providers or sellers of the same good, consumers can negotiate with them to find a price they are willing to pay. As long as there are several buyers for a seller's goods, providers can negotiate with them to find a price buyers are willing to accept. And, the logic goes, if prices begin to rise too much, other sellers will enter the marketplace, offering lower prices.

A second basic principle of free-market economics is that it is largely unnecessary for the government to protect the value of private goods. Farmers who own land used for growing food have a vested interest in protecting their land to ensure its continued production. Business owners must protect the reputation of their business or no one will buy from them. And, to the degree that producers need to ensure the quality of their product or industry, they can accomplish that by creating a group or association that operates outside government control. In short, industries have an interest in self-regulating to protect their own value. According to free-market economics, as long as everything we could ever want or need is a private good, and so long as every member of society has some ability to provide for themselves and their families, public policy regulating the exchange of goods and services is really unnecessary.

Some people in the United States argue that the self-monitoring and self-regulating incentives provided by the existence of private goods mean that sound public policy requires very little government action. Known as *libertarians*, these individuals believe government almost always operates less efficiently than the private sector (the segment of the economy run for profit and not under government control), and that government actions should therefore be kept to a minimum.

²⁷ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

Different Types of Goods (cont.)²⁸

Even as many in the United States recognize the benefits provided by private goods, we have increasingly come to recognize problems with the idea that all social problems can be solved by exclusively private ownership. First, not all goods can be classified as strictly private. Can you really consider the air you breathe to be private? Air is a difficult good to privatize because it is not excludable—everyone can get access to it at all times—and no matter how much of it you breathe, there is still plenty to go around. Geographic regions like forests have environmental, social, recreational, and aesthetic value that cannot easily be reserved for private ownership. Resources like migrating birds or schools of fish may have value if hunted or fished, but they cannot be owned due to their migratory nature. Finally, national security provided by the armed forces protects all citizens and cannot reasonably be reserved for only a few.

These are all examples of what economists call *public goods*, sometimes referred to as collective goods. Unlike private property, they are not excludable and are essentially infinite. Forests, water, and fisheries, however, are a type of public good called *common goods*, which are not excludable but may be finite. The problem with both public and common goods is that since no one owns them, no one has a financial interest in protecting their long-term or future value. Without government regulation, a factory owner can feel free to pollute the air or water, since he or she will have no responsibility for the pollution once the winds or waves carry it somewhere else. Without government regulation, someone can hunt all the migratory birds or deplete a fishery by taking all the fish, eliminating future breeding stocks that would maintain the population. The situation in which individuals exhaust a common resource by acting in their own immediate self-interest is called the *tragedy of the commons*.

A second problem with strict adherence to free-market economics is that some goods are too large, or too expensive, for individuals to provide them for themselves. Consider the need for a marketplace: Where does the marketplace come from? How do we get the goods to market? Who provides the roads and bridges? Who patrols the waterways? Who provides security? Who ensures the regulation of the currency? No individual buyer or seller could accomplish this. The very nature of the exchange of private goods requires a system that has some of the openness of public or common goods, but is maintained by either groups of individuals or entire societies.

Economists consider goods like cable TV, cellphone service, and private schools to be toll goods. Toll goods are similar to public goods in that they are open to all and theoretically infinite if maintained, but they are paid for or provided by some outside (nongovernment) entity. Many people can make use of them, but only if they can pay the price. The name “toll goods” comes from the fact that, early on, many toll roads were in fact privately owned commodities. Even today, states from Virginia to California have allowed private companies to build public roads in exchange for the right to profit by charging tolls.²⁹

So long as land was plentiful, and most people in the United States lived a largely rural subsistence lifestyle, the difference between private, public, common, and toll goods was mostly academic. But as public lands increasingly became private through sale and settlement, and as industrialization and the rise of mass production allowed

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²⁹ David Miltenberg, “Private Toll Road Investors Shift Revenue Risk to States,” 26 November 2013. <http://www.bloomberg.com/news/articles/2013-11-27/private-toll-road-investors-shift-revenue-risk-to-states> (March 1, 2016).

monopolies and oligopolies to become more influential, support for public policies regulating private entities grew. By the beginning of the twentieth century, led by the Progressives, the United States had begun to search for ways to govern large businesses that had managed to distort market forces by monopolizing the supply of goods. And, largely as a result of the Great Depression, people wanted ways of developing and protecting public goods that were fairer and more equitable than had existed before. These forces and events led to the increased regulation of public and common goods, and a move for the public sector—the government—to take over of the provision of many toll goods.

Classic Types of Policy³⁰

Public policy, then, ultimately boils down to determining the distribution, allocation, and enjoyment of public, common, and toll goods within a society. While the specifics of policy often depend on the circumstances, two broad questions all policymakers must consider are a) who pays the costs of creating and maintaining the goods, and b) who receives the benefits of the goods? When private goods are bought and sold in a market place, the costs and benefits go to the participants in the transaction. Your landlord benefits from receipt of the rent you pay, and you benefit by having a place to live. But non-private goods like roads, waterways, and national parks are controlled and regulated by someone other than the owners, allowing policymakers to make decisions about who pays and who benefits.

In 1964, Theodore Lowi argued that it was possible to categorize policy based upon the degree to which costs and benefits were concentrated on the few or diffused across the many. One policy category, known as *distributive policy*, tends to collect payments or resources from many but concentrates direct benefits on relatively few. Highways are often developed through distributive policy. Distributive policy is also common when society feels there is a social benefit to individuals obtaining private goods such as higher education that offer long-term benefits, but the upfront cost may be too high for the average citizen.

One example of the way distributive policy works is the story of the Transcontinental Railroad. In the 1860s, the US government began to recognize the value of building a robust railroad system to move passengers and freight around the country. A particular goal was connecting California and the other western territories acquired during the 1840s war with Mexico to the rest of the country. The problem was that constructing a nationwide railroad system was a costly and risky proposition. To build and support continuous rail lines, private investors would need to gain access to tens of thousands of miles of land, some of which might be owned by private citizens. The solution was to charter two private corporations—the Central Pacific and Union Pacific Railroads—and provide them with resources and land grants to facilitate the construction of the railroads.³¹ Through these grants, publicly owned land was distributed to private citizens, who could then use it for their own gain. However, a broader public gain was simultaneously being provided in the form of a nationwide transportation network.

The same process operates in the agricultural sector, where various federal programs help farmers and food producers through price supports and crop insurance, among other forms of assistance. These programs help individual farmers and agriculture companies stay afloat and realize consistent profits. They also achieve the broader goal of providing plenty of sustenance for the people of the United States, so that few of us have to “live off the land.”

Other examples of distributive policy support citizens’ efforts to achieve “the American Dream.” American society recognizes the benefits of having citizens who are financially invested in the country’s future. Among the best ways to encourage this investment are to ensure that citizens are highly educated and have the ability to acquire high-cost private goods such as homes and businesses. However, very few people have the savings necessary to pay upfront for a

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³¹ <http://www.history.com/topics/inventions/transcontinental-railroad> (March 1, 2016).

Classic Types of Policy (cont.)³²

college education, a first home purchase, or the start-up costs of a business. To help out, the government has created a range of incentives that everyone in the country pays for through taxes but that directly benefit only the recipients. Examples include grants (such as Pell grants), tax credits and deductions, and subsidized or federally guaranteed loans. Each of these programs aims to achieve a policy outcome. Pell grants exist to help students graduate from college, whereas Federal Housing Administration mortgage loans lead to home ownership.

While distributive policy, according to Lowi, has diffuse costs and concentrated benefits, *regulatory policy* features the opposite arrangement, with concentrated costs and diffuse benefits. A relatively small number of groups or individuals bear the costs of regulatory policy, but its benefits are expected to be distributed broadly across society. As you might imagine, regulatory policy is most effective for controlling or protecting public or common resources. Among the best-known examples are policies designed to protect public health and safety, and the environment. These regulatory policies prevent manufacturers or businesses from maximizing their profits by excessively polluting the air or water, selling products they know to be harmful, or compromising the health of their employees during production.

In the United States, nationwide calls for a more robust regulatory policy first grew loud around the turn of the twentieth century and the dawn of the Industrial Age. Investigative journalists—called muckrakers by politicians and business leaders who were the focus of their investigations—began to expose many of the ways in which manufacturers were abusing the public trust. Although various forms of corruption topped the list of abuses, among the most famous muckraker exposés was *The Jungle*, a 1906 novel by Upton Sinclair that focused on unsanitary working conditions and unsavory business practices in the meat-packing industry.³³ This work and others like it helped to spur the passage of the Pure Food and Drug Act (1906) and ultimately led to the creation of government agencies such as the US Food and Drug Administration (FDA).³⁴ The nation’s experiences during the depression of 1896 and the Great Depression of the 1930s also led to more robust regulatory policies designed to improve the transparency of financial markets and prevent monopolies from forming.

A final type of policy is *redistributive policy*, so named because it redistributes resources in society from one group to another. That is, according to Lowi, the costs are concentrated and so are the benefits, but different groups bear the costs and enjoy the benefits. Most redistributive policies are intended to have a sort of “Robin Hood” effect; their goal is to transfer income and wealth from one group to another such that everyone enjoys at least a minimal standard of living. Typically, the wealthy and middle class pay into the federal tax base, which then funds need-based programs that support low-income individuals and families. A few examples of redistributive policies are Head Start (education), Medicaid (health care), Temporary Assistance for Needy Families (TANF, income support), and food programs like the Supplementary Nutritional Aid Program (SNAP). The government also uses redistribution to incentivize specific behaviors or aid small groups of people. Pell grants to encourage college attendance and tax credits to encourage home ownership are other examples of redistribution.

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³³ Upton Sinclair. 1906. *The Jungle*. New York: Grosset and Dunlap.

³⁴ <http://www.fda.gov/AboutFDA/WhatWeDo/History/> (March 1, 2016).

SOAPSTone (Blank)

As you read, look for these details...		How do you know? Cite specific evidence from the text.
S	Who is the Speaker ?	<ul style="list-style-type: none"> What can you tell or what do you know about the speaker that helps you understand the point of view expressed?
O	What is the Occasion ?	<ul style="list-style-type: none"> What is the time and place of the text? What caused this text to be written? Identify the context of the text.
A	Who is the Audience ?	<ul style="list-style-type: none"> To whom is this text addressed? Does the speaker specify an audience? What does the author assume about the intended audience?
P	What is the Purpose ?	<ul style="list-style-type: none"> What did the author want the audience to think or do as a result of reading this text? Why did the author write it? What is the message? How does the speaker convey this message?
S	What is the Subject ?	<ul style="list-style-type: none"> What topic, content, and ideas are included in the text? How does the author present the subject? Does he introduce it immediately or do you, the reader, have to make an inference?
To ne	What is the Tone ?	<ul style="list-style-type: none"> What is the author's attitude about the subject? Is the author emotional? Objective? Angry? How would you read the passage aloud if you were the author? What details "tell" the author's feelings about the topic? What words, phrases, imagery, examples, etc. reveal the tone?

SOAPSTone (Completed)

As you read, look for these details...		How do you know? Cite specific evidence from the text.
S	Who is the Speaker ?	<ul style="list-style-type: none"> Thomas Garrett, assistant vice president and economist at the Federal Reserve Bank of St. Louis
O	What is the Occasion ?	<ul style="list-style-type: none"> written for teachers to use with students published in 2010, after the Great Recession; people concerned about the economy and inequality
A	Who is the Audience ?	<ul style="list-style-type: none"> high school students assumes they may have heard about increases in income inequality in the media and be concerned about it
P	What is the Purpose ?	<ul style="list-style-type: none"> explain the problems associated with measures of income inequality persuade audience to stop perceiving income inequality as problematic discourage policies targeting income inequality; encourage policies focused on addressing poverty (through education and training) but not at the expense of higher income earners
S	What is the Subject ?	<ul style="list-style-type: none"> opens with Census Bureau statistics on income inequality then explains why the figures provide an “inaccurate picture” concludes with policy recommendations
To ne	What is the Tone ?	<ul style="list-style-type: none"> excluding the “Is Policy Needed?” section, uses authoritative, seemingly objective tone supported with ample data and rational explanations less observant readers may not realize that author is making a controversial argument, as opposed to just explaining established facts

Civics Instructional Task: Fiscal Policy

Unit Three: Functions of US Government, Topic One: Domestic Policy

Description: Students investigate the broader economic effects of fiscal policy decisions.

Suggested Timeline: 3 class periods

Materials: digital access, "[Government Budgets](#)" online course, "[Fiscal Policy](#)" online course, "[Approaches to the Economy](#)," Demand-Side vs. Supply-Side T-chart ([blank](#) and [completed](#)), "[On What Do Economists Agree and Disagree about the Effects of Taxes on Economic Growth](#)"

Instructional Process:

1. Say, "We began our exploration of public policy by examining multiple perspectives on the issue of wealth inequality. As you learned, *fiscal policy* - or government policies on taxation and spending - affect the personal finances of individuals and families. Next we will take a closer look at how fiscal policies impact the overall economy."
2. Provide students with access to the "[Government Budgets](#)" online course³⁵ by the Federal Reserve Bank of St. Louis. Direct them to complete the course independently.
3. As a class, debrief takeaways after students complete the simulation. Remind students of their experience participating in the mock Congress. Ask, "How did the budgeting simulation affect your understanding of the complexity of legislating and budgeting?"
4. Provide students with access to the "[Fiscal Policy](#)" online course³⁶ by the Federal Reserve Bank of St. Louis. Direct them to complete the course independently. Instruct them to stop after reading the "Course Conclusion." Note: Students should not complete the last step in the course, which involves researching current events and posting on the "Discussion Board."
5. Provide students with copies of "[Approaches to the Economy](#)" and the [Demand-Side vs. Supply-Side T-chart](#). Instruct students to complete the T-chart as they independently read the text. Review [completed](#) charts.
6. Provide students with access to "[On What Do Economists Agree and Disagree about the Effects of Taxes on Economic Growth](#)" by the Tax Policy Center. Direct students to read independently and then answer the following questions with a partner:
 - a. What are the limits of economic science?
 - b. What role do value judgements play?
 - c. How does the information in this article help you evaluate arguments made by economists?
7. Provide students with access to the "[Fiscal Policy](#)" online course again. Modify the provided instructions slightly. Direct students to locate a recent (within the previous month) news article about either a *supply-side* or *demand-side fiscal policy* and post a two paragraph summary and analysis of the article on the "Discussion Board." Remind students to include the title and a link. Require students to then read at least two additional articles posted by other students in the class and add responses (one paragraph each).

³⁵ Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

³⁶ Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

Approaches to the Economy³⁷

Until the 1930s, most policy advocates argued that the best way for the government to interact with the economy was through a hands-off approach formally known as *laissez-faire economics*. These policymakers believed the key to economic growth and development was the government's allowing private markets to operate efficiently. Proponents of this school of thought believed private investors were better equipped than governments to figure out which sectors of the economy were most likely to grow and which new products were most likely to be successful. They also tended to oppose government efforts to establish quality controls or health and safety standards, believing consumers themselves would punish bad behavior by not trading with poor corporate citizens. Finally, *laissez-faire* proponents felt that keeping government out of the business of business would create an automatic cycle of economic growth and contraction. Contraction phases in which there is no economic growth for two consecutive quarters, called *recessions*, would bring business failures and higher unemployment. But this condition, they believed, would correct itself on its own if the government simply allowed the system to operate.

The Great Depression challenged the *laissez-faire* view, however. When President Franklin Roosevelt came to office in 1933, the United States had already been in the depths of the Great Depression for several years, since the stock market crash of 1929. Roosevelt sought to implement a new approach to economic regulation known as Keynesianism. Named for its developer, the economist John Maynard Keynes, *Keynesian economics* argues that it is possible for a recession to become so deep, and last for so long, that the typical models of economic collapse and recovery may not work. Keynes suggested that economic growth was closely tied to the ability of individuals to consume goods. It didn't matter how or where investors wanted to invest their money if no one could afford to buy the products they wanted to make. And in periods of extremely high unemployment, wages for newly hired labor would be so low that new workers would be unable to afford the products they produced.

Keynesianism counters this problem by increasing government spending in ways that improve consumption. Some of the proposals Keynes suggested were payments or pension for the unemployed and retired, as well as tax incentives to encourage consumption in the middle class. His reasoning was that these individuals would be most likely to spend the money they received by purchasing more goods, which in turn would encourage production and investment. Keynes argued that the wealthy class of producers and employers had sufficient capital to meet the increased demand of consumers that government incentives would stimulate. Once consumption had increased and capital was flowing again, the government would reduce or eliminate its economic stimulus, and any money it had borrowed to create it could be repaid from higher tax revenues.

Keynesianism dominated U.S. fiscal or spending policy from the 1930s to the 1970s. By the 1970s, however, high inflation began to slow economic growth. There were a number of reasons, including higher oil prices and the costs of fighting the Vietnam War. However, some economists, such as Arthur Laffer, began to argue that the social welfare and high tax policies created in the name of Keynesianism were overstimulating the economy, creating a situation in which demand for products had outstripped investors' willingness to increase production.³⁸

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³⁸ Arthur B. Laffer, Stephen Moore and Peter J. Tanous. 2009. *The End of Prosperity: How Higher Taxes Will Doom the Economy*. New York: Simon & Schuster.

Approaches to the Economy (cont.)³⁹

They called for an approach known as *supply-side economics*, which argues that economic growth is largely a function of the productive capacity of a country. Supply-siders have argued that increased regulation and higher taxes reduce the incentive to invest new money into the economy, to the point where little growth can occur. They have advocated reducing taxes and regulations to spur economic growth....

As you would expect, Keynesians and supply-siders disagree about which forms of tax policy are best. Keynesians, with their concern about whether consumers can really stimulate demand, prefer progressive taxes systems that increase the effective tax rate as the taxpayer's income increases. This policy leaves those most likely to spend their money with more money to spend....

Supply-siders, on the other hand, prefer regressive tax systems, which lower the overall rate as individuals make more money. This does not automatically mean the wealthy pay less than the poor, simply that the percentage of their income they pay in taxes will be lower.

Consider, for example, the use of excise taxes on specific goods or services as a source of revenue.⁴⁰ Sometimes called "sin taxes" because they tend to be applied to goods like alcohol, tobacco, and gasoline, excise taxes have a regressive quality, since the amount of the good purchased by the consumer, and thus the tax paid, does not increase at the same rate as income. A person who makes \$250,000 per year is likely to purchase more gasoline than a person who makes \$50,000 per year. But the higher earner is not likely to purchase five times more gasoline, which means the proportion of his or her income paid out in gasoline taxes is less than the proportion for a lower-earning individual.

Another example of a regressive tax paid by most U.S. workers is the payroll tax that funds Social Security. While workers contribute 7.65 percent of their income to pay for Social Security and their employers pay a matching amount, in 2015, the payroll tax was applied to only the first \$118,500 of income. Individuals who earned more than that, or who made money from other sources like investments, saw their overall tax rate fall as their income increased.

In 2015, the United States raised about \$3.2 trillion in revenue. Income taxes (\$1.54 trillion), payroll taxes on Social Security and Medicare (\$1.07 trillion), and excise taxes (\$98 billion) make up three of the largest sources of revenue for the federal government. When combined with corporate income taxes (\$344 billion), these four tax streams make up about 95 percent of total government revenue.

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⁴⁰ "Excise tax," <https://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Excise-Tax> (March 1, 2016).

Demand-Side vs. Supply-Side Economic Policies

Demand-Side (Keynesian)	Supply-Side

Demand-Side vs. Supply-Side Economic Policies (Completed)

Demand-Side (Keynesian)	Supply-Side
<ul style="list-style-type: none"> ● origins in the Great Depression; based on the ideas of economist John Maynard Keynes ● increase government spending to boost consumption ● tax incentives to encourage consumption in the middle class; middle class most likely to spend the money they received by purchasing more goods, which in turn encourages production and investment ● government can reduce economic stimulus once consumption increases ● money government borrowed repaid with higher tax revenues coming from the expanding economy ● dominated fiscal policy from the 1930s to the 1970s ● favors progressive taxation 	<ul style="list-style-type: none"> ● origins during the high inflation of the 1970s; based on the ideas of Arthur Laffer ● social welfare and high tax policies since the 1930s had overstimulated the economy; demand for products had outstripped investors' willingness to increase production ● economic growth is largely a function of the productive capacity of a country; increased regulation and higher taxes reduce the incentive to invest new money into the economy, to the point where little growth can occur ● reduce taxes and regulations to spur economic growth ● favors regressive taxation

Civics Instructional Task: Domestic Policy Brief

Unit Three: Functions of US Government, Topic One: Domestic Policy

Description: Students research a domestic policy issue and compose a nonpartisan policy brief.

Suggested Timeline: 5 class periods

Materials: “[Policy Arenas](#),” digital access, list of [US think tanks](#)

Instructional Process:

1. Say, “Now it is your turn to assume the role of a policy analyst. You have landed a highly sought after internship at a prestigious, nonpartisan think tank. Your assignment is to select a domestic policy issue and write a well-researched policy brief.”
2. Say, “There are three major policy arenas: 1) social welfare 2) science, technology, and education, and 3) business stimulus and regulation.”
3. Provide students with copies of “[Policy Arenas](#).” Instruct them to highlight government programs as they read each section and make notes in the margins of possible policy issues members of the class may be interested in researching. Note: Students should not be limited to topics explicitly mentioned in the text. The text should be considered a springboard for ideas.
8. After students have finished reading, compile a list on the board of the issues students identified. Use this time to help steer students toward topics of appropriate scope. Dissuade students from choosing an issue that would be difficult to analyze from a nonpartisan perspective, such as abortion. Other highly controversial issues, however, may be appropriate, such as addressing gun violence. Explain that choosing an issue they already have strong, fixed opinions about may prove problematic.
9. Allow students to choose topics.
10. Set expectations for research (e.g., What is the process for research? What are their deliverables? What are their due dates? How will you grade their research?). Require students to complete an annotated bibliography. For each source, direct students to write one paragraph about the values of the source and one paragraph about its limitations.
11. Establish and share grading criteria for the finished products. The policy briefs should begin with a one to two page summary of the issue, including multiple viewpoints. Then students should develop a viable, researched-based proposal to address the problem. Students should conclude the brief by discussing the advantages and disadvantages of the proposal offered, as well as methods of mitigating the disadvantages, as appropriate.
12. Remind students they are working for a *nonpartisan* think tank. The goal is to provide as close to a neutral analysis as possible.
13. Provide students with digital access and direct students to conduct their research. Share the list of [US think tanks](#). Read the note aloud. Say, “This list contains *both* nonpartisan and ideologically-motivated think tanks. Research the think tank before using their work and note any ideological affiliations in the annotated bibliography.” Note: Students should use a variety of sources; they should not rely solely on the list.
14. As needed, support students in developing research skills, including creating effective search questions for digital research, how to identify accurate and credible sources, the importance of reviewing multiple sources to

corroborate information, how to engage in ethical use of information including creating a list of sources used, etc.

15. Direct students to write their policy briefs. Set a deadline for completion.

16. When the deadline arrives, divide students into mixed-ability groups of three. Also aim for topic diversity when grouping students.

17. Instruct students to complete a self-evaluation as well as to review and comment on two other policy briefs.

Their evaluations should address the following questions:

- a. How comprehensive is the overview? Does it provide enough background information for the reader to thoroughly understand the issue from multiple perspectives?
- b. Is the proposal offered viable? What are the monetary costs involved? Does the proposal include how to pay for any costs?
- c. Does the author identify advantages and disadvantages of the proposal offered? Does the author provide ways to mitigate disadvantages?
- d. How well-researched is the brief? Does the author include an annotated bibliography? Does the author appropriately identify the value and limitations of the sources used?
- e. How neutral/nonpartisan is the policy brief?

18. Allow students time to make adjustments based on the peer and self-evaluations before submitting final drafts for grading.

Policy Arenas⁴¹

Social Welfare Policy

The US government began developing a social welfare policy during the Great Depression of the 1930s. By the 1960s, social welfare had become a major function of the federal government—one to which most public policy funds are devoted—and had developed to serve several overlapping functions. First, social welfare policy is designed to ensure some level of equity in a democratic political system based on competitive, free-market economics. During the Great Depression, many politicians came to fear that the high unemployment and low-income levels plaguing society could threaten the stability of democracy, as was happening in European countries like Germany and Italy. The assumption in this thinking is that democratic systems work best when poverty is minimized. In societies operating in survival mode, in contrast, people tend to focus more on short-term problem-solving than on long-term planning. Second, social welfare policy creates an automatic stimulus for a society by building a safety net that can catch members of society who are suffering economic hardship through no fault of their own. For an individual family, this safety net makes the difference between eating and starving; for an entire economy, it could prevent an economic recession from sliding into a broader and more damaging depression.

One of the oldest and largest pieces of social welfare policy is Social Security, which cost the United States about \$845 billion in 2014 alone.⁴² These costs are offset by a 12.4 percent payroll tax on all wages up to \$118,500; employers and workers who are not self-employed split the bill for each worker, whereas the self-employed pay their entire share.⁴³

Social Security was conceived as a solution to several problems inherent to the Industrial Era economy. First, by the 1920s and 1930s, an increasing number of workers were earning their living through manual or day-wage labor that depended on their ability to engage in physical activity. As their bodies weakened with age or if they were injured, their ability to provide for themselves and their families was compromised. Second, and of particular concern, were urban widows. During their working years, most American women stayed home to raise children and maintain the household while their husbands provided income. Should their husbands die or become injured, these women had no wage-earning skills with which to support themselves or their families.

In 1930, when this Ford automotive plant opened in Long Beach, California, American workers had few economic protections to rely on if they were injured or could not maintain such physical activity as they aged.

Social Security addresses these concerns with three important tools. First and best known is the retirement benefit. After completing a minimum number of years of work, American workers may claim a form of pension upon reaching retirement age. It is often called an entitlement program since it guarantees benefits to a particular group, and virtually everyone will eventually qualify for the plan given the relatively low requirements for enrollment. The amount of money

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⁴² “An Update to the Budget and Economic Outlook: 2014 to 2024,” 27 August 2014. <https://www.cbo.gov/publication/45653> (March 1, 2016).

⁴³ “Update 2016,” <https://www.ssa.gov/pubs/EN-05-10003.pdf> (March 1, 2016).

Policy Arenas (cont.)⁴⁴

a worker receives is based loosely on his or her lifetime earnings. Full retirement age was originally set at sixty-five, although changes in legislation have increased it to sixty-seven for workers born after 1959.⁴⁵ A valuable added benefit is that, under certain circumstances, this income may also be claimed by the survivors of qualifying workers, such as spouses and minor children, even if they themselves did not have a wage income.

A second Social Security benefit is a disability payout, which the government distributes to workers who become unable to work due to physical or mental disability. To qualify, workers must demonstrate that the injury or incapacitation will last at least twelve months. A third and final benefit is Supplemental Security Income, which provides supplemental income to adults or children with considerable disability or to the elderly who fall below an income threshold.

During the George W. Bush administration, Social Security became a highly politicized topic as the Republican Party sought to find a way of preventing what experts predicted would be the impending collapse of the Social Security system. In 1950, the ratio of workers paying into the program to beneficiaries receiving payments was 16.5 to 1. By 2013, that number was 2.8 to 1 and falling. Most predictions in fact suggest that, due to continuing demographic changes including slower population growth and an aging population, by 2033, the amount of revenue generated from payroll taxes will no longer be sufficient to cover costs. The Bush administration proposed avoiding this by privatizing the program, in effect, taking it out of the government's hands and making individuals' benefits variable instead of defined. The effort ultimately failed, and Social Security's long-term viability continues to remain uncertain. Numerous other plans for saving the program have been proposed, including raising the retirement age, increasing payroll taxes (especially on the wealthy) by removing the \$118,500 income cap, and reducing payouts for wealthier retirees. None of these proposals have been able to gain traction, however.

While Social Security was designed to provide cash payments to sustain the aged and disabled, Medicare and Medicaid were intended to ensure that vulnerable populations have access to health care. Medicare, like Social Security, is an entitlement program funded through payroll taxes. Its purpose is to make sure that senior citizens and retirees have access to low-cost health care they might not otherwise have, because most US citizens get their health insurance through their employers. Medicare provides three major forms of coverage: a guaranteed insurance benefit that helps cover major hospitalization, fee-based supplemental coverage that retirees can use to lower costs for doctor visits and other health expenses, and a prescription drug benefit. Medicare faces many of the same long-term challenges as Social Security, due to the same demographic shifts. Medicare also faces the problem that health care costs are rising significantly faster than inflation. In 2014, Medicare cost the federal government almost \$597 billion.⁴⁶

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⁴⁵ <https://www.ssa.gov/planners/retire/ageincrease.html> (March 1, 2016).

⁴⁶ "The Facts on Medicare Spending and Financing," <http://kff.org/medicare/fact-sheet/medicare-spending-and-financing-fact-sheet/> (March 1, 2016); "National Health Expenditure Fact Sheet," <https://www.cms.gov/research-statistics-data-and-systems/statistics-trends-and-reports/nationalhealthexpenddata/nhe-fact-sheet.html> (March 1, 2016).

Policy Arenas (cont.)⁴⁷

Medicaid is a formula-based, health insurance program, which means beneficiaries must demonstrate they fall within a particular income category. Individuals in the Medicaid program receive a fairly comprehensive set of health benefits, although access to health care may be limited because fewer providers accept payments from the program (it pays them less for services than does Medicare). Medicaid differs dramatically from Medicare in that it is partially funded by states, many of which have reduced access to the program by setting the income threshold so low that few people qualify. The ACA (2010) sought to change that by providing more federal money to the states if they agreed to raise minimum income requirements. Many states have refused, which has helped to keep the overall costs of Medicaid lower, even though it has also left many people without health coverage they might receive if they lived elsewhere. Total costs for Medicaid in 2014 were about \$492 billion, about \$305 billion of which was paid by the federal government.⁴⁸

Collectively, Social Security, Medicare, and Medicaid make up the lion's share of total federal government spending, almost 50 percent in 2014 and more than 50 percent in 2015. Several other smaller programs also provide income support to families. Most of these are formula-based, or means-tested, requiring citizens to meet certain maximum income requirements in order to qualify. A few examples are TANF, SNAP (also called food stamps), the unemployment insurance program, and various housing assistance programs. Collectively, these programs add up to a little over \$480 billion.

Science, Technology, and Education

After World War II ended, the United States quickly realized that it had to address two problems to secure its fiscal and national security future. The first was that more than ten million servicemen and women needed to be reintegrated into the workforce, and many lacked appreciable work skills. The second problem was that the United States' success in its new conflict with the Soviet Union depended on the rapid development of a new, highly technical military-industrial complex. To confront these challenges, the US government passed several important pieces of legislation to provide education assistance to workers and research dollars to industry. As the needs of American workers and industry have changed, many of these programs have evolved from their original purposes, but they still remain important pieces of the public policy debate.

Much of the nation's science and technology policy benefits its military, for instance, in the form of research and development funding for a range of defense projects. The federal government still promotes research for civilian uses, mostly through the National Science Foundation, the National Institutes of Health, the National Aeronautics and Space Administration (NASA), and the National Oceanic and Atmospheric Administration. Recent debate over these agencies has focused on whether government funding is necessary or if private entities would be better suited. For example, although NASA continues to develop a replacement for the now-defunct US space shuttle program, much of

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⁴⁸ "National Health Expenditure Fact Sheet," <https://www.cms.gov/research-statistics-data-and-systems/statistics-trends-and-reports/nationalhealthexpenddata/nhe-fact-sheet.html> (March 1, 2016).

Policy Arenas (cont.)⁴⁹

its workload is currently being performed by private companies working to develop their own space launch, resupply, and tourism programs.

The problem of trying to direct and fund the education of a modern US workforce is familiar to many students of American government. Historically, education has largely been the job of the states. While they have provided a very robust K–12 public education system, the national government has never moved to create an equivalent system of national higher education academies or universities as many other countries have done. As the need to keep the nation competitive with others became more pressing, however, the US government did step in to direct its education dollars toward creating greater equity and ease of access to the existing public and private systems.

The overwhelming portion of the government’s education money is spent on student loans, grants, and work-study programs. Resources are set aside to cover job-retraining programs for individuals who lack private-sector skills or who need to be retrained to meet changes in the economy’s demands for the labor force. National policy toward elementary and secondary education programs has typically focused on increasing resources available to school districts for nontraditional programs (such as preschool and special needs), or helping poorer schools stay competitive with wealthier institutions.

Business Stimulus and Regulation

A final key aspect of domestic policy is the growth and regulation of business. The size and strength of the economy is very important to politicians whose jobs depend on citizens’ believing in their own future prosperity. At the same time, people in the United States want to live in a world where they feel safe from unfair or environmentally damaging business practices. These desires have forced the government to perform a delicate balancing act between programs that help grow the economy by providing benefits to the business sector and those that protect consumers, often by curtailing or regulating the business sector.

Two of the largest recipients of government aid to business are agriculture and energy. Both are multi-billion dollar industries concentrated in rural and/or electorally influential states. Because voters are affected by the health of these sectors every time they pay their grocery or utility bill, the US government has chosen to provide significant agriculture and energy subsidies to cover the risks inherent in the unpredictability of the weather and oil exploration. Government subsidies also protect these industries’ profitability. These two purposes have even overlapped in the government’s controversial decision to subsidize the production of ethanol, a fuel source similar to gasoline but generated from corn.

When it comes to regulation, the federal government has created several agencies responsible for providing for everything from worker safety (OSHA, the Occupational Safety and Health Administration), to food safety (FDA), to consumer protection, where the recently created Bureau of Consumer Protection ensures that businesses do not mislead consumers with deceptive or manipulative practices. Another prominent federal agency, the EPA, is charged

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Policy Arenas (cont.)⁵⁰

with ensuring that businesses do not excessively pollute the nation's air or waterways. A complex array of additional regulatory agencies governs specific industries such as banking and finance....

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US Think Tanks: Domestic Policy Brief⁵¹

Note: This list contains both nonpartisan and ideologically-motivated think tanks. Research the think tank before using their work and note any ideological affiliations in the annotated bibliography.

Political and Economic

- [Acton Institute](#)
- [Allegheny Institute for Public Policy](#)
- [American Action Forum](#)
- [American Civil Rights Union](#)
- [American Enterprise Institute](#)
- [American Institute for Economic Research](#)
- [Analysis Group](#)
- [Atlas Economic Research Foundation](#)
- [Beacon Hill Institute](#)
- [Berggruen Institute](#)
- [Bipartisan Policy Center](#)
- [Brookings Institution](#)
- [Buckeye Institute](#)
- [Carnegie Endowment for International Peace](#)
- [Cascade Policy Institute](#)
- [Cato Institute](#)
- [Center for American Progress](#)
- [Center for Automotive Research](#)
- [Center for Development and Strategy](#)
- [Center for Economic and Policy Research](#)
- [Center for Freedom and Prosperity](#)
- [Center for Governmental Research](#)
- [Center for Media and Democracy](#)
- [Center for National Policy](#)
- [Center for Public Integrity](#)
- [Center for Public Justice](#)
- [Center for Strategic and Budgetary Assessments](#)
- [Center on Budget and Policy Priorities](#)
- [The Century Foundation](#)
- [Claremont Institute](#)
- [Committee for Economic Development](#)
- [Committee for a Responsible Federal Budget](#)
- [Competitive Enterprise Institute](#)

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- [Concord Coalition](#)
- [The Conference Board](#)
- [Constitution Project](#)
- [Corporation for Enterprise Development](#)
- [Council on Competitiveness](#)
- [Demos](#)
- [Drum Major Institute](#)
- [Economic Opportunity Institute](#)
- [Economic Policy Institute](#)
- [Employment Policies Institute](#)
- [Florida Institute for Sustainable Energy](#)
- [Foundation for Economic Education](#)
- [Future of American Democracy Foundation](#)
- [Goldwater Institute](#)
- [Group of Thirty](#)
- [Guttmacher Institute](#)
- [The Hampton Institute](#)
- [The Heartland Institute](#)
- [The Heritage Foundation](#)
- [Hoover Institution](#)
- [Hudson Institute](#)
- [Independence Institute](#)
- [The Independent Institute](#)
- [Institute for Policy Studies](#)
- [Institute for Women's Policy Research](#)
- [Institute on Taxation and Economic Policy](#)
- [James A. Baker III Institute for Public Policy](#)
- [James Madison Institute](#)
- [John S. Watson Institute for Public Policy](#)
- [Joint Center for Political and Economic Studies](#)
- [Justice Research Association](#)
- [Kansas Policy Institute](#)
- [Levy Economics Institute](#)
- [Lexington Institute](#)
- [Lincoln Institute of Land Policy](#)
- [Ludwig von Mises Institute](#)
- [Mackinac Center for Public Policy](#)
- [Manhattan Institute for Policy Research](#)
- [MassINC](#)
- [Mercatus Center](#) at George Mason University
- [Migration Policy Institute](#)
- [Milken Institute](#)

- [National Bureau of Asian Research](#)
- [National Bureau of Economic Research](#)
- [National Center for Policy Analysis](#)
- [National Endowment for Democracy](#)
- [National Policy Institute](#)
- [New America Foundation](#)
- [New Democrat Network](#)
- [Niskanen Center](#)
- [Oklahoma Policy Institute](#)
- [Oregon Center for Public Policy](#)
- [Pacific Research Institute](#)
- [Peterson Institute for International Economics](#)
- [Pew Research Center](#)
- [Philadelphia Society](#)
- [Pioneer Institute](#)
- [Policy Matters Ohio](#)
- [Population Research Institute \(PRI\)](#)
- [Potomac Institute for Policy Studies](#)
- [Progressive Policy Institute](#)
- [Public Citizen](#)
- [RAND Corporation](#)
- [Reason Foundation](#)
- [The Reform Institute](#)
- [Ripon Society](#)
- [Rockefeller Institute of Government](#)
- [Rockford Institute](#)
- [Rockridge Institute](#)
- [Rocky Mountain Institute](#)
- [Roosevelt Institute Campus Network](#)
- [Seven Pillars Institute](#)
- [Show-Me Institute](#)
- [Social Science Research Council](#)
- [SRI International](#)
- [Taos Institute](#)
- [Tax Foundation](#)
- [Texas Public Policy Foundation](#)
- [Third Way](#)
- [Thomas B. Fordham Institute](#)
- [W. E. Upjohn Institute for Employment Research](#)
- [World Sindhi Institute](#)

Environment, Science and Technology

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- [Battelle Memorial Institute](#)
- [Center for Ethical Solutions](#)
- [Discovery Institute](#)
- [General Electric EdgeLab](#)
- [Fusion Energy Foundation](#)
- [Global Development and Environment Institute](#)
- [GTRI Office of Policy Analysis and Research](#)
- [Hastings Center](#)
- [Information Technology and Innovation Foundation](#)
- [Keck Institute for Space Studies](#)
- [New England Complex Systems Institute \(NECSI\)](#)
- [Pacific Institute](#)
- [Resources for the Future](#)
- [RTI International](#) (Research Triangle Institute)
- [Santa Fe Institute](#)

Arts and Humanities

- [Americans for the Arts](#)
- [Catholic Family and Human Rights Institute](#)
- [Center for Excellence in Higher Education](#)
- [Center for Muslim-Jewish Engagement](#)
- [Foundation for Excellence in Education](#)
- [Foundation for Rational Economics and Education](#)
- [International Center for Research on Women](#)
- [International Intellectual Property Institute](#)
- [New Teacher Center](#)
- [Urban Institute](#)
- [Urban Land Institute](#)
- [WestEd](#)

Unit Three Instruction

Topic Two: Foreign Policy (C.3.1-C.3.4, C.7.4)

Connections to the unit claim: Students investigate the goals and implementation of US foreign policy by examining key issues, including trade, foreign aid, the role of international organizations, and the use of hard versus soft power. Students continue applying the cost-benefit analysis techniques practiced during investigations into domestic policy. Students analyze the impact US foreign policy decisions have on other nations, domestic society, and individuals as well as how decisions by other nations impact the United States. As with the tasks about domestic policy, the tasks for this topic are designed to teach students to critically evaluate policy proposals and develop informed positions.

Suggested Timeline: 14 class periods

Use this sample task:

- [Free Trade](#)
- [Foreign Aid](#)
- [United Nations Simulation](#)

Note: This task contains an optional extension that extends the unit length by two days. Conduct step eight of the task regardless of whether the extension is performed.

- [Approaches to Foreign Policy](#)

To explore these key questions:

- What are the costs and benefits of trade agreements?
- How should the US government approach foreign aid?
- How do international organizations contribute to cooperation among nations?
- What are the limitations international organizations face as they attempt to resolve global issues?
- What are the different approaches to foreign policy?
- Under what circumstances is it necessary to use hard power?

That students answer through this assessment:

- Students write an essay analyzing the costs and benefits of trade agreement. Grade the essay using the [social studies extended response rubric](#). Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.7, RH.9-10.10, WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)
- Students engage in a class deliberation on the topic of foreign aid. Use a [discussion tracker](#) to keep track of students' contributions and use this information to assign grades to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.2, SL.9-10.3, SL.9-10.6)
- Students participate in a Model United Nations [mini-simulation](#). Collect and grade the Speech Worksheet and the Listening Worksheet.

- Students participate in a role play about US intervention in Syria. Collect the completed [Options: Graphic Organizer](#) for a grade. Use a [discussion tracker](#) to keep track of students' contributions and use this information to assign grades to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.-9-10.2, SL.9-10.4, SL.9-10.6)

Civics Instructional Task: Free Trade

Unit Three: Functions of US Government, Topic Two: Foreign Policy

Description: Students investigate the costs and benefits of preferential trade agreements.

Suggested Timeline: 5 class periods

Materials: [“Foreign Policy Goals,”](#) [“Types of Foreign Policy,”](#) [“The Global Economy: ‘It’s a Small World After All’,”](#) Trade Agreements T-chart ([blank](#) and [completed](#)), “International Trade: Making Sense of the Trade Deficit” [student version](#) and [teacher version](#), [“Coming and Going: Truth and Myth about the Effects of Openness to Trade,”](#) [“Trade Show,”](#) [“How Preferential Trade Agreements Affect the US Economy”](#)

Instructional Process:

1. Say: “For the previous topic, we considered a variety of domestic policy issues. Next we will begin investigating *foreign policy*.”
2. Project and read aloud the following definitions for *foreign policy*:
 - a. policy pursued by a nation in its dealings with other nations, designed to achieve national objectives⁵²
 - b. the goals that a state’s officials seek to attain abroad, the values that give rise to those objectives, and the means or instruments used to pursue them⁵³
3. Say: “Both definitions focus on a state’s objectives or goals.” Ask: “What goals does the US seek to achieve when it interacts with other states?” Record student responses on the board.
4. Provide students with copies of [“Foreign Policy Goals.”](#) Direct them to independently read and [annotate](#) the text.
5. Compare student responses recorded on the board to goals identified in the text.
6. Ask: “How does the United States pursue its foreign policy?” Record student responses on the board.
7. Provide students with copies of [“Types of Foreign Policy.”](#) Direct them to independently read and [annotate](#) the text.
8. Ask students to use the information from the text to add to the list on the board.
9. Say: “First we will consider the issue of trade. Though it is classified as foreign policy because the US government makes trade agreements with foreign nations, policy decisions about trade have domestic implications for the overall economy, affected businesses and industries, individual workers, and consumers.”
10. Say: “Trade agreements are designed to increase trade by reducing barriers to trade. Before we examine trade agreements, we will explore why countries trade.” Provide students with access to [“The Global Economy: ‘It’s a Small World After All’”](#) by Erin A. Yetter of the Federal Reserve Bank of St. Louis. Direct students to independently read [“The Global Economy: ‘It’s a Small World After All’”](#) and answer the associated questions on page 4. Review terminology (*trade, absolute advantage, comparative advantage, opportunity cost, balance of trade, imports, exports, specialization*) and the correct answers.

⁵² From <http://www.dictionary.com/browse/foreign-policy>.

⁵³ From Eugene R. Wittkopf, Christopher M. Jones, and Charles W. Kegley, Jr. 2007. *American Foreign Policy: Pattern and Process*, 7th ed. Belmont, CA: Thomson Wadsworth.

11. Provide students with copies of the [Trade Agreements](#) T-chart. Instruct them to add arguments about the benefits of increased trade to the left side of the chart.
12. Provide students with access to “[International Trade: Making Sense of the Trade Deficit](#)” by Scott A. Wolla of the Federal Reserve Bank of St. Louis. Direct students to independently read “[International Trade: Making Sense of the Trade Deficit](#)” and answer associated questions on page 5. Review key terminology (*trade deficit, trade surplus, balance of payments*) and [correct answers](#). Instruct students to add arguments from the text about the benefits of increased trade to the left side of their [Trade Agreements](#) T-chart.
13. Provide students with access to “[Coming and Going: Truth and Myth about the Effects of Openness to Trade](#)” from *The Economist* and direct them to read independently. Divide students into small groups and have them work collaboratively to add information to both sides of their [Trade Agreements](#) T-charts.
14. Play the “[Trade Show](#)” produced by *Planet Money*. Direct students to continue filling out their [Trade Agreements](#) T-chart as they listen.
15. Provide students with access to “[How Preferential Trade Agreements Affect the US Economy](#)” by the Congressional Budget Office (first two pages stopping at the heading, “The Economic Effects of Trade on the United States”). Direct students to independently read the “Summary” section.
16. Divide the rest of the text into sections and facilitate a [jigsaw](#) reading of the remaining sections of the text. Instruct students to add information to their [Trade Agreements](#) T-chart as they work in groups.
17. Conduct a class discussion. Possible questions:
 - a. How do trade agreements affect the US overall?
 - b. How do trade agreements affect individuals within the US?
 - c. What role should the government play in mitigating the costs of trade agreements?
18. Direct students to write an essay in response to the prompt, “Analyze the benefits and costs of preferential trade agreements.”
19. Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Foreign Policy Goals⁵⁴

While the goals of a nation's foreign policy are always open to debate and revision, there are nonetheless four main goals to which we can attribute much of what the US government does in the foreign policy realm: (1) the protection of the US and its citizens, (2) the maintenance of access to key resources and markets, (3) the preservation of a balance of power in the world, and (4) the protection of human rights and democracy.

The first goal is the protection of the United States and the lives of its citizens, both while they are in the United States and when they travel abroad. Related to this security goal is the aim of protecting the country's allies, or countries with which the United States is friendly and mutually supportive. In the international sphere, threats and dangers can take several forms, including military threats from other nations or terrorist groups and economic threats from boycotts and high tariffs on trade....

The second main goal of US foreign policy is to ensure the nation maintains access to key resources and markets across the world. Resources include natural resources, such as oil, and economic resources, including the infusion of foreign capital investment for US domestic infrastructure projects like buildings, bridges, and weapons systems. Of course, access to the international marketplace also means access to goods that American consumers might want, such as Swiss chocolate and Australian wine. US foreign policy also seeks to advance the interests of US business, to both sell domestic products in the international marketplace and support general economic development around the globe (especially in developing countries).

A third main goal is the preservation of a balance of power in the world. A balance of power means no one nation or region is much more powerful militarily than are the countries of the rest of the world. The achievement of a perfect balance of power is probably not possible, but general stability, or predictability in the operation of governments, strong institutions, and the absence of violence within and between nations may be. For much of US history, leaders viewed world stability through the lens of Europe. If the European continent was stable, so too was the world. During the Cold War era that followed World War II, stability was achieved by the existence of dual superpowers, the United States and the Soviet Union, and by the real fear of the nuclear annihilation of which both were capable. Until approximately 1989–1990, many nations aligned themselves behind one of these two superpowers.

Today, in the post–Cold War era, many parts of Europe are politically more free than they were during the years of the Soviet bloc, and there is less fear of nuclear war than when the United States and the Soviet Union had missiles pointed at each other for four straight decades. However, despite the mostly stabilizing presence of the European Union (EU),... several wars have been fought in Eastern Europe and the former Soviet Union....

Carefully planned acts of terrorism in the United States, Asia, and Europe have introduced a new type of enemy into the balance of power equation—nonstate or nongovernmental organizations, such as al-Qaeda and ISIS (or ISIL), consisting of various terrorist cells located in many different countries and across all continents.

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Foreign Policy Goals (cont.)⁵⁵

The fourth main goal of US foreign policy is the protection of human rights and democracy. The payoff of stability that comes from other US foreign policy goals is peace and tranquility. While certainly looking out for its own strategic interests in considering foreign policy strategy, the United States nonetheless attempts to support international peace through many aspects of its foreign policy, such as foreign aid, and through its support of and participation in international organizations such as the United Nations, the North Atlantic Treaty Organization (NATO), and the Organization of American States.

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Types of Foreign Policy⁵⁶

The United States pursues its four main foreign policy goals through several different foreign policy types, or distinct substantive areas of foreign policy in which the United States is engaged. These types are trade, diplomacy, sanctions, military/defense, intelligence, foreign aid, and global environmental policy.

Trade policy is the way the United States interacts with other countries to ease the flow of commerce and goods and services between countries. A country is said to be engaging in *protectionism* when it does not permit other countries to sell goods and services within its borders, or when it charges them very high tariffs (or import taxes) to do so. At the other end of the spectrum is a *free trade* approach, in which a country allows the unfettered flow of goods and services between itself and other countries. At times the United States has been free trade-oriented, while at other times it has been protectionist. Perhaps its most free trade-oriented move was the 1991 implementation of the North American Free Trade Agreement (NAFTA). This pact removed trade barriers and other transaction costs levied on goods moving between the United States, Mexico, and Canada....

For many, foreign policy is synonymous with diplomacy. *Diplomacy* is the establishment and maintenance of a formal relationship between countries that governs their interactions on matters as diverse as tourism, the taxation of goods they trade, and the landing of planes on each other's runways. While diplomatic relations are not always rosy, when they are operating it does suggest that things are going well between the countries. Diplomatic relations are formalized through the sharing of ambassadors. Ambassadors are country representatives who live and maintain an office (known as an embassy) in the other country. Just as exchanging ambassadors formalizes the bilateral relationship between countries, calling them home signifies the end of the relationship. Diplomacy tends to be the US government's first step when it tries to resolve a conflict with another country.

To illustrate how international relations play out when countries come into conflict, consider what has become known as the Hainan Island incident. In 2001, a US spy plane collided with a Chinese jet fighter near Chinese airspace, where US planes were not authorized to be. The Chinese jet fighter crashed and the pilot died. The US plane made an emergency landing on the island of Hainan. China retrieved the aircraft and captured the US pilots. US ambassadors then attempted to negotiate for their return. These negotiations were slow and ended up involving officials of the president's cabinet, but they ultimately worked. Had they not succeeded, an escalating set of options likely would have included diplomatic sanctions (removal of ambassadors), economic sanctions (such as an embargo on trade and the flow of money between the countries), minor military options (such as establishment of a no-fly zone just outside Chinese airspace), or more significant military options (such as a focused campaign to enter China and get the pilots back). Nonmilitary tools to influence another country, like economic sanctions, are referred to as *soft power*, while the use of military power is termed *hard power*.⁵⁷

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⁵⁷ Joseph S. Nye, Jr. 2005. *Soft Power: The Means to Success in World Politics*. Washington, DC: Public Affairs.

Types of Foreign Policy (continued)⁵⁸

At the more serious end of the foreign policy decision-making spectrum, and usually as a last resort when diplomacy fails, the US military and defense establishment exists to provide the United States the ability to wage war against other state and nonstate actors. Such war can be offensive, as were the Iraq War in 2003 and the 1989 removal of Panamanian leader Manuel Noriega. Or it can be defensive, as a means to respond to aggression from others, such as the Persian Gulf War in 1991, also known as Operation Desert Storm. The potential for military engagement, and indeed the scattering about the globe of hundreds of US military installations, can also be a potential source of foreign policy strength for the United States. On the other hand, in the world of diplomacy, such an approach can be seen as imperialistic by other world nations.

Intelligence policy is related to defense and includes the overt and covert gathering of information from foreign sources that might be of strategic interest to the United States. The intelligence world, perhaps more than any other area of foreign policy, captures the imagination of the general public. Many books, television shows, and movies entertain us (with varying degrees of accuracy) through stories about US intelligence operations and people.

Foreign aid and global environmental policy are the final two foreign policy types. With both, as with the other types, the United States operates as a strategic actor with its own interests in mind, but here it also acts as an international steward trying to serve the common good. With foreign aid, the United States provides material and economic aid to other countries, especially developing countries, in order to improve their stability and their citizens' quality of life. This type of aid is sometimes called humanitarian aid.... Military aid is classified under military/defense or national security policy.

Global environmental policy addresses world-level environmental matters such as climate change and global warming, the thinning of the ozone layer, rainforest depletion in areas along the Equator, and ocean pollution and species extinction. The United States' commitment to such issues has varied considerably over the years. For example, the United States was the largest country not to sign the 1997 Kyoto Protocol on greenhouse gas emissions. However, few would argue that the US government has not been a leader on global environmental matters.

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Trade Agreements

<i>Arguments in Favor</i>	<i>Arguments Opposed</i>

Trade Agreements (Completed)

<i>Arguments in Favor</i>	<i>Arguments Opposed</i>
<p>(of free trade generally)</p> <ul style="list-style-type: none"> ● trade allows consumers to enjoy a wider variety of goods ● lowers prices of consumer goods ● low-income consumers benefit more from trade because they spend a larger portion of their income on imported goods like food and clothing (which are cheaper because of trade) ● total production worldwide increases when each country specializes in making the goods for which they have comparative advantage; higher production means economic growth for both countries engaged in trading (trade “lifts all boats”) ● trade deficit is not a cause for concern because US economy benefits from both <ul style="list-style-type: none"> ○ foreign purchase of US goods and services (which creates revenue for businesses and jobs for workers) ○ foreign investment (which allows businesses to grow and finances the national debt) ● in a closed economy, domestic investment is limited to domestic saving; US needs foreign investment for the economy to grow and to pay for government programs ● promotes world peace - countries trading with one another have a vested interest in preserving peace ● most productive businesses and industries are the ones to expand and take advantage of new opportunities; raises the average productivity of the United States ● higher productivity contributes to higher real wages ● highly skilled and more-educated workers in particular may receive higher wages as demand for their services increases ● trade encourages US businesses to invest more to stay innovative and competitive <p>(PTAs specifically)</p>	<ul style="list-style-type: none"> ● popular perception (which economists say is misinformed) that trade deficit means US is “losing” ● job losses in specific manufacturing industries unable to compete with low-cost imports ● factory workers that lose jobs have difficulty finding other work and often either remain unemployed or have to take lower-paying jobs; this unemployment, in turn, hurts the regional economy ● US spends far less on programs to help the unemployed re-enter the labor market than other advanced countries ● trade agreements are not just about free trade; they contain rules that can hurt US interests ● benefits of trade agreements are unevenly distributed; the costs are concentrated ● effects of PTAs difficult to measure ● costs of compliance with PTA provisions can restrict trade ● PTAs can create trade diversions; while trade may increase with trading partner in PTA, it may decrease with other trading partners

- decline in US manufacturing sector predates NAFTA and other recent trade deals
- PTAs reduce barriers to trade
- PTAs can help level the playing field for US businesses by harmonizing laws in an effort to even out the costs of operation among member countries
- PTAs may be used to achieve foreign policy goals, such as supporting the economies of US allies and promoting policies in other countries
- PTAs slightly increase foreign direct investment

Civics Instructional Task: Foreign Aid

Unit Three: Functions of US Government, Topic Two: Foreign Policy

Description: Students evaluate US foreign aid policies.

Suggested Timeline: 3 class periods

Materials: “[Looking at Foreign Aid](#)” lesson, <http://foreignassistance.gov>, “[What is US Government Foreign Assistance?](#)”, “[The US Foreign Aid Budget Visualized](#),” “[US Foreign Aid: A Waste of Money or a Boost to World Stability?](#),” “[How Does the US Spend Its Foreign Aid?](#),” “[Some Answers to the Perpetual Question: Does US Foreign Aid Work—and How Should the US Government Move Forward with What We Know?](#),” “[Cutting Foreign Aid Makes America Less Safe](#),” [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Complete step one of the “[Looking at Foreign Aid](#)” lesson developed by the Choices Program by exploring <http://foreignassistance.gov> as a class.
2. Project the website: <http://foreignassistance.gov>. Have students take turns reading aloud, “[What is US Government Foreign Assistance?](#)”
3. Continue exploring the website as a class until the questions in step one have been addressed.
4. Conduct steps two and three of the “[Looking at Foreign Aid](#)” lesson developed by the Choices Program. Compile the list of student questions generated during step three on the board.
5. Divide the class into small groups using an established classroom routine. Conduct a [jigsaw](#) reading of the following sources:
 - a. “[The US Foreign Aid Budget Visualized](#),” *Washington Post*, Max Bearack and Lazaro Gamio
 - b. “[US Foreign Aid: A Waste of Money or a Boost to World Stability?](#),” *Los Angeles Times*, Ann M. Simmons
 - c. “[How Does the US Spend Its Foreign Aid?](#),” *Council on Foreign Relations*, James McBride
 - d. “[Some Answers to the Perpetual Question: Does US Foreign Aid Work—and How Should the US Government Move Forward with What We Know?](#),” Center for Global Development, Sarah Rose
 - e. “[Cutting Foreign Aid Makes America Less Safe](#),” *Time*, Bill Gates
6. As a class, answer any questions from the board that may have been addressed in the sources. For any remaining questions, discuss how to investigate and find answers.
7. Hold a class deliberation in response to the question, “How should the US government approach foreign aid?”
Note: A deliberation differs from a debate. See the “[Guidelines for Deliberation](#)” produced by the Choices Program at Brown University. The goal for this deliberation is not to reach consensus but, rather, to draw on all of the evidence presented, share perspectives, and build collective understanding. Expect the conversation to be complex and meandering, but actively monitor to ensure it remains collaborative as opposed to competitive. Encourage students to use the [conversation stems](#) during the discussion and use a [discussion tracker](#).

What is US Government Foreign Assistance?⁵⁹

Foreign assistance is aid given by the United States to other countries to support global peace, security, and development efforts, and provide humanitarian relief during times of crisis. It is a strategic, economic, and moral imperative for the United States and vital to US national security.

The first US aid program took shape after World War II when then Secretary of State George Marshall acted to provide significant aid to Europe after the war to assist the continent in rebuilding its infrastructure, strengthening its economy, and stabilizing the region. This led to the creation of several foreign assistance programs in subsequent years to build off the success of the Marshall Plan. The next milestone for foreign assistance occurred in 1961, when President Kennedy signed the Foreign Assistance Act into law and created the United States Agency for International Development (USAID). This marked a significant increase in US foreign assistance efforts and USAID became the first US foreign assistance agency whose primary focus was long-term global development to include economic and social progress.

Today, the US manages foreign assistance programs in more than 100 countries around the world through the efforts of over 20 different US government agencies. These investments further America's foreign policy interests on issues ranging from expanding free markets, combating extremism, ensuring stable democracies, and addressing the root causes of poverty, while simultaneously fostering global good will.

⁵⁹ This webpage is created by the Department of State and USAID under the policy guidance of the National Security Council. It is available online at <http://foreignassistance.gov/>.

Civics Instructional Task: United Nations Simulation

Unit Three: Functions of US Government, Topic Two: Foreign Policy

Description: Students participate in a United Nations simulation.

Suggested Timeline: 2 class periods

Materials: [“2014 Model UN Simulation: The Economics of Globalization,”](#) [globalization placards](#)

Optional Materials: [“2015 Model UN Simulation: Climate Change,”](#) [climate change placards](#)

Instructional Process:

1. Say, “For this task, we will examine the role of international organizations in facilitating cooperation among nations. First you will assume the role of a delegate to the United Nations and consider the issue of globalization from the perspective of your assigned country.”
2. Provide students with access to the [“2014 Model UN Simulation: The Economics of Globalization”](#) available on the [US Department of State website](#). Direct students to independently read the “Globalization Mini-Simulation Background Guide” from [“2014 Model UN Simulation: The Economics of Globalization.”](#)
3. Distribute [placards](#). Perform steps one through six of the “Instructional Procedures” from the “Globalization Mini-Simulation Lesson Plan” from [“2014 Model UN Simulation: The Economics of Globalization.”](#)
4. Collect the Speech Worksheets and the Globalization Listening Worksheet for a grade.
5. Optional extension: Say, “Next we will consider the issue of climate change.”
6. Provide students with access to the [“2015 Model UN Simulation: Climate Change”](#) available on the [US Department of State website](#). Direct students to independently read the “Climate Change Mini-Simulation Background Guide” from [“2015 Model UN Simulation: Climate Change.”](#)
7. Distribute [placards](#). Note: “Instructional Procedures” and worksheets are not provided; teachers should adapt based on those used in the [“Globalization Mini-Simulation.”](#)
8. Conclude the task with a brief class discussion. Possible questions:
 - a. How do international organizations contribute to cooperation among nations?
 - b. What are the limitations international organizations face as they attempt to resolve global issues?

Civics Instructional Task: Approaches to Foreign Policy

Unit Three: Functions of US Government, Topic Two: Foreign Policy

Description: Students consider different approaches to foreign policy and weigh which circumstances warrant the use of hard power.

Suggested Timeline: 4 class periods

Materials: [“Approaches to Foreign Policy,”](#) [“Cuba and the United States: A New Chapter”](#) lesson, digital access, [“Debating the US Response to Syria”](#) lesson, [conversation stems](#), [discussion tracker](#), [Options: Graphic Organizer](#), [“Values and Public Policy”](#) activity

Instructional Process:

1. Provide students with a copy of [“Approaches to Foreign Policy”](#) from *OpenStax American Government*. Direct students to read independently and take notes on the text using the [Cornell](#) method.
2. Discuss briefly as a class. Possible questions:
 - a. With which approach do you most agree? Why?
 - b. Under what circumstances would a different approach be more appropriate?
3. Conduct steps one through three of the [“Cuba and the United States: A New Chapter”](#) lesson by the Choices Program. Note: In lieu of the fourth step, the teacher should provide one or more sources with up-to-date information about diplomatic relations with Cuba. Briefly discuss the sources and how the situation has changed over time.
4. Divide the class into small groups using an established classroom routine. Assign each group a country that has received significant recent news coverage for its relationship with the United States. Note: Aim for a diverse selection to illustrate a variety of diplomatic relationships (strained, evolving/uncertain, positive/productive).
5. Provide students with digital access to look for news articles about interactions between their assigned country and the United States.
6. Direct students to answer the following questions in their groups:
 - a. How would you describe your country’s relationship with the United States?
 - b. What significant events have occurred recently?
 - c. How is the situation evolving?
 - d. What do you expect to happen in the future?
7. Have groups briefly report out their findings to the rest of the class.
8. Conduct a class discussion. Possible questions:
 - a. How is diplomacy used to solve problems?
 - b. What are the limits of diplomacy?
9. Conduct the first step of the [“Debating the US Response to Syria”](#) lesson by the Choices Program. Note: To save instructional time, teacher should research recent developments in Syria to supplement the provided sources, as necessary, rather than having students perform additional research.
10. Conduct steps two and three. Encourage students to use the [conversation stems](#) and use a [discussion tracker](#) to assign a grade. Collect the completed [Options: Graphic Organizer](#) for a grade.

11. Transition out of the role play with a broader discussion of the use of hard power. Ask: “Under what circumstances is it appropriate for the US to intervene militarily?”
12. To conclude, ask students to perform the “[Values and Public Policy](#)” ranking activity from the beginning of the unit again. Then return each student’s original ranked list. Have students compare the two lists and write a brief reflection. Did the ranking change or remain the same? Why?

Approaches to Foreign Policy⁶⁰

Frameworks and theories help us make sense of the environment of governance in a complex area like foreign policy. A variety of schools of thought exist about how to approach foreign policy, each with different ideas about what “should” be done. These approaches also vary in terms of what they assume about human nature, how many other countries ought to be involved in US foreign policy, and what the tenor of foreign policymaking ought to be. They help us situate the current US approach to many foreign policy challenges around the world.

Classic Approaches

A variety of traditional concepts of foreign policy remain helpful today as we consider the proper role of the United States in, and its approach to, foreign affairs. These include isolationism, the idealism versus realism debate, liberal internationalism, hard versus soft power, and the grand strategy of US foreign policy.

From the end of the Revolutionary War in the late eighteenth century until the early twentieth century, *isolationism*—whereby a country stays out of foreign entanglements and keeps to itself—was a popular stance in US foreign policy. Among the founders, Thomas Jefferson especially was an advocate of isolationism or non-involvement. He thought that by keeping to itself, the United States stood a better chance of becoming a truly free nation. This fact is full of irony, because Jefferson later served as ambassador to France and president of the United States, both roles that required at least some attention to foreign policy. Still, Jefferson’s ideas had broad support. After all, Europe was where volatile changes were occurring. The new nation was tired of war, and there was no reason for it to be entangled militarily with anyone. Indeed, in his farewell address, President George Washington famously warned against the creation of “entangling alliances.”⁶¹

Despite this legacy, the United States was pulled squarely into world affairs with its entry into World War I. But between the Armistice in 1918 that ended that war and US entry into World War II in 1941, isolationist sentiment returned, based on the idea that Europe should learn to govern its own affairs. Then, after World War II, the United States engaged the world stage as one of two superpowers and the military leader of Europe and the Pacific. Isolationism never completely went away, but now it operated in the background. Again, Europe seemed to be the center of the problem, while political life in the United States seemed calmer somehow.

The end of the Cold War opened up old wounds as a variety of smaller European countries sought independence and old ethnic conflicts reappeared. Some in the United States felt the country should again be isolationist as the world settled into a new political arrangement, including a vocal senator, Jesse Helms (R-NC), who was against the United States continuing to be the military “policeman” of the world. Helms was famous for opposing nearly all treaties brought to the Senate during his tenure. Congressman Ron Paul (R-TX) and his son, Senator Rand Paul (R-KY), were both isolationist candidates for the presidency (in 2008 and 2016, respectively); both thought the United States should retreat from foreign entanglements, spend far less on military and foreign policy, and focus more on domestic issues.

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⁶¹ “George Washington’s Farewell Address.” 1796. New Haven, CT: School Avalon Project, Yale Law Library.

http://avalon.law.yale.edu/18th_century/washing.asp (May 12, 2016).

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Approaches to Foreign Policy (cont.)⁶²

At the other end of the spectrum is liberal internationalism. *Liberal internationalism* advocates a foreign policy approach in which the United States becomes proactively engaged in world affairs. Its adherents assume that liberal democracies must take the lead in creating a peaceful world by cooperating as a community of nations and creating effective world structures such as the United Nations. To fully understand liberal internationalism, it is helpful to understand the *idealist versus realist debate* in international relations. Idealists assume the best in others and see it as possible for countries to run the world together, with open diplomacy, freedom of the seas, free trade, and no militaries. Everyone will take care of each other. There is an element of idealism in liberal internationalism, because the United States assumes other countries will also put their best foot forward. A classic example of a liberal internationalist is President Woodrow Wilson, who sought a League of Nations to voluntarily save the world after World War I.

Realists assume that others will act in their own self-interest and hence cannot necessarily be trusted. They want a healthy military and contracts between countries in case others want to wiggle out of their commitments. Realism also has a place in liberal internationalism, because the United States approaches foreign relationships with open eyes and an emphasis on self-preservation.

Soft power, or diplomacy, with which the United States often begins a foreign policy relationship or entanglement, is in line with liberal internationalism and idealism, while hard power, which allows the potential for military force, is the stuff of realism. For example, at first the United States was rather isolationist in its approach to China, assuming it was a developing country of little impact that could safely be ignored. Then President Nixon opened up China as an area for US investment, and an era of open diplomatic relations began in the early 1970s. As China modernized and began to dominate the trade relationship with the United States, many came to see it through a realist lens and to consider whether China's behavior really warranted its beneficial most-favored-nation trading status.

The final classic idea of foreign policy is the so-called grand strategy—employing all available diplomatic, economic, and military resources to advance the national interest. The grand strategy invokes the possibility of hard power, because it relies on developing clear strategic directions for US foreign policy and the methods to achieve those goals, often with military capability attached. The US foreign policy plan in Europe and Asia after World War II reflects a grand strategy approach. In order to stabilize the world, the United States built military bases in Italy, Germany, Spain, England, Belgium, Japan, Guam, and Korea. It still operates nearly all these, though often under a multinational arrangement such as NATO. These bases help preserve stability on the one hand, and US influence on the other.

More Recent Schools of Thought

Two particular events in foreign policy caused many to change their views about the proper approach to US involvement in world affairs. First, the debacle of US involvement in the civil war in Vietnam in the years leading up to 1973 caused many to rethink the country's traditional containment approach to the Cold War. Containment was the US foreign policy goal of limiting the spread of communism. In Vietnam the United States supported one governing faction within the country (democratic South Vietnam), whereas the Soviet Union supported the opposing governing

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Approaches to Foreign Policy (cont.)⁶³

faction (communist North Vietnam). The US military approach of battlefield engagement did not translate well to the jungles of Vietnam, where “guerilla warfare” predominated.

Skeptics became particularly pessimistic about liberal internationalism given how poorly the conflict in Vietnam had played out. US military forces withdrew from South Vietnam in 1973, and Saigon, its capital, fell to North Vietnam and the communists eighteen months later. Many of those pessimists then became neoconservatives on foreign policy.

Neoconservatives believe that rather than exercising restraint and always using international organizations as the path to international outcomes, the United States should aggressively use its might to promote its values and ideals around the world. The aggressive use (or threat) of hard power is the core value of neoconservatism. Acting unilaterally is acceptable in this view, as is adopting a preemptive strategy in which the United States intervenes militarily before the enemy can make its move. Preemption is a new idea; the United States has tended to be retaliatory in its use of military force, as in the case of Pearl Harbor at the start of World War II. Examples of neoconservatism in action are the 1980s US campaigns in Central American countries to turn back communism under President Ronald Reagan, the Iraq War of 2003 led by President George W. Bush and his vice president, Dick Cheney, and the use of drones as counterterrorism weapons during the Obama administration.

Neo-isolationism, like earlier isolationism, advocates keeping free of foreign entanglements. Yet no advanced industrial democracy completely separates itself from the rest of the world. Foreign markets beckon, tourism helps spur economic development at home and abroad, and global environmental challenges require cross-national conversation. In the twenty-first century, neo-isolationism means distancing the United States from the United Nations and other international organizations that get in the way. The strategy of selective engagement—retaining a strong military presence and remaining engaged across the world through alliances and formal installations—is used to protect the national security interests of the United States. However, this strategy also seeks to avoid being the world’s policeman.

The second factor that changed minds about twenty-first century foreign policy is the rise of elusive new enemies who defy traditional designations. Rather than countries, these enemies are terrorist groups such as al-Qaeda and ISIS (or ISIL) that spread across national boundaries. A hybrid approach to US foreign policy that uses multiple schools of thought as circumstances warrant may thus be the wave of the future. President Obama often took a hybrid approach. In some respects, he was a liberal internationalist seeking to put together broad coalitions to carry out world business. At the same time, his sending teams of troops and drones to take out terrorist targets in other legitimate nation-states without those states’ approval fits with a neoconservative approach. Finally, his desire to not be the “world’s policeman” led him to follow a practice of selective engagement.

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Unit Three Assessment

Description: Students create an instructional guide explaining how to evaluate a given policy proposal.

1. Provide a brief, neutral news article about a policy proposal (domestic or foreign) that has received extensive recent media attention. Excerpt the article to exclude information about pros and cons of the proposed policy. Include only enough information to generally orient students who may be unfamiliar.
2. Instruct students to write a “how-to guide” for evaluating the proposed policy. The instructional guide may take the form of an essay or a step-by-step manual.
3. Remind students to focus on the process for evaluating the proposed policy rather than expressing their own opinions about the issue.

Suggested Timeline: 1 class period

Student Directions:

1. Read the article about <insert summary> proposed policy.
2. Develop a “how-to guide” for evaluating the proposed policy. The instructional guide may take the form of an essay or a step-by-step manual.
3. The guide should not include your own opinions about the issue; rather, you should focus on the process an individual should use to analyze the proposal and develop an informed position.

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.3.1-C.3.4, C.4.1-6. Note: GLEs will vary based on proposal selected. They also meet the expectations for [ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.4, RH.9-10.5, RH.9-10.8, RH.9-10.10, WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10.

Consider the following questions when grading the instructional guides:

- Does the student include a well-developed plan for conducting research, including how to evaluate the values and limitations of sources?
- Does the student discuss how to identify advantages and disadvantages, including how to identify winners and losers?
- Does the student recognize that the policy proposal needs to be analyzed at multiple levels to gauge the impact on society, groups within society, and individuals?
- If a person performed each of the steps in the guide, how likely would they be to arrive at a well-informed position?

Note: Sharing the grading questions with students in advance would result in an over-simplification of the assessment.

Unit Four Overview

Description: Students examine the roles of the citizen in a complex political landscape.

Suggested Timeline: 6.5 weeks

Civics Content	Civics Claims
Politics and the Citizen	To what extent are individual citizens able to influence public policy?

Topics (GLEs):

1. [Interplay between Individual Agency and Mediating Institutions](#) (C.5.1-7)

Unit Assessment: Students write an essay in response to the unit claims question.

Unit Four Instruction

Topic One: Interplay between Individual Agency and Mediating Institutions (C.5.1-7)

Connections to the unit claim: Students examine the role of the citizen in a democratic government. The unit begins with an exploration of rights, duties, and responsibilities. Then the focus shifts to politics. Students investigate each of the key players: political parties, campaign donors, the media, lobbyists, and special interest groups. Through a series of interrelated tasks, students gradually build understanding of the complex world of political deal making to analyze the extent to which individuals have the power to influence their government.

Suggested Timeline: 32 class periods

Use this sample task:

- [Civil Rights and Voting](#)
- [Political Parties](#)
- [Campaign Ads](#)
- [Internet](#)
- [Campaign Finance](#)
- [Election of 2016](#)
- [Lobbyists and Special Interest Groups](#)

To explore these key questions:

- What are the rights, responsibilities, and duties of citizens?
 - How have civil rights evolved over time for different groups?
 - How important is voting in a democracy?
- How do political parties function as intermediaries between citizens and the government?
- How well do the major political parties represent the views of citizens?
- How do political parties evolve over time?
- How effectively do campaign advertisements employ propaganda techniques?
- How has the internet changed politics?
- What are the arguments in favor and against campaign finance reform?
- What role does the media play in politics?
- What should the standard for objective journalism be?
- What are the arguments for and against the Electoral College?
- What role do lobbyists and special interest groups play in the political process?

That students answer through this assessment:

- Students participate in a discussion about civil rights issues.
- Students write an essay in response to the compelling question: “How important is voting in a democracy?”
- Students work in groups to create a timeline of events to explain the party realignment of the 20th century.

- Students engage in a class discussion about political parties. Use a [discussion tracker](#) to keep track of students' contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards: SL.9-10.1a-d, SL.9-10.6](#))
- Students contribute to a Town Hall Wall about campaign advertising. Grade students on participation and thoughtfulness of contributions.
- Students develop a compelling question about the internet and politics and construct a written argument in response. Grade the essay using the [social studies extended response rubric](#). Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written. ([ELA/Literacy Standards: RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10](#))
- Students write two paragraphs defining what a super PAC is and what role they play in political campaigns. Grade for content accuracy.
- Students work in small groups to write a sketch for a satirical news program about campaign finance reform. Collect and grade the written sketches for demonstrated comprehension of key arguments on each side.
- Students engage in a philosophical chairs debate about the Electoral College. Use a [discussion tracker](#) to keep track of students' contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards: SL.9-10.1a-d, SL.9-10.3, SL.9-10.4, SL.9-10.6](#))

Civics Instructional Task: Civil Rights and Voting

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students consider issues of civil rights and examine voting as a right and responsibility of citizenship.

Suggested Timeline: 9 class periods

Materials: [Eleanor Roosevelt's Four Basic Rights, 1944](#), Eleanor Roosevelt's Four Basic Rights graphic organizer ([blank](#) and [completed](#)), "[The African American Struggle for Equality](#)" from *Openstax American Government*, [Montgomery Bus Boycott](#) lesson, [The Return of School Segregation in Eight Charts](#), [Overall Gender Pay Gap](#), [Racial Wage Gap](#), [Voting Rights Act](#) lesson, [Louisiana's Profile from the Prison Policy Institute](#) "[Citizenship and the US Constitution](#)" lesson, [Table 5](#) and [Figure 7](#) from "[Who Votes and Who Doesn't?](#)", [Voting in America: A Look at the 2016 Presidential Election](#), [The Fight for the Right to Vote in the United States](#) from TED-Ed, Suffrage Timeline ([blank](#) and [completed](#)), "[Between the Lines of the Voting Rights Act Opinion](#)," "[Supreme Court: Congress Has to Fix Broken Voting Rights Act](#)," Jesse Jackson Jr.'s [proposed amendment, US Constitution](#), "[Voting: Right or Privilege?](#)," "[How States Moved Toward Stricter Voter ID Laws](#)," "[Everything You've Ever Wanted to Know About Voter ID Laws](#)," "[Voting Is Speech](#)," "[10 Reasons Why You Should Vote as a College Student](#)," "[7 Reasons You Should Vote in This Year's Elections](#)," "[Your Vote Doesn't Count. So What?](#)," "[The Lesser Evil](#)," [social studies extended response rubric](#)

Instructional Process:

1. Project and read aloud the following definitions for *civil rights*:⁶⁴
 - a. civil rights are, at the most fundamental level, guarantees by the government that it will treat people equally, particularly people belonging to groups that have historically been denied the same rights and opportunities as others
2. Ask students to find the *equal protection clause* of the 14th Amendment in their copies of the [Constitution](#). Call on a student to read it aloud. Ask students to draw on prior learning to briefly explain the historical context for the passage of the 14th Amendment.
3. Provide students with a copy of [Four Basic Rights](#) by Eleanor Roosevelt and a copy of [Eleanor Roosevelt's Four Basic Rights graphic organizer](#). Direct them to read the document independently and complete the organizer by writing, in their own words, the four basic rights outlined by Eleanor Roosevelt.
4. Conduct a discussion. Possible questions:
 - a. Who wrote this document? When was it written? For what purpose?
 - b. Explain the historical context. How were each of these rights being denied on the basis of race at the time this letter was written? Note: If students need additional information about conditions in the Jim Crow era, direct them to read the appropriate section of their textbook or "[The African American Struggle for Equality](#)" from *Openstax American Government*.
5. Conduct steps 1-5 of the [Montgomery Bus Boycott](#) lesson from Stanford History Education Group.⁶⁵

⁶⁴ From <https://cnx.org/contents/W8wOWXNF@15.8:dbrZVrpi@2/What-Are-Civil-Rights-and-How->.

⁶⁵ Free registration on the site is required to access the full lesson plan. Access the full lesson plan by clicking on "Download Materials."

6. Provide students access to [The Return of School Segregation in Eight Charts](#) from *Frontline* and have students read independently. Then, lead a brief discussion using the following discussion questions:
 - a. What was the intent of the Supreme Court’s decision in *Brown v. Board of Education*?
 - b. Did the decision in *Brown v. Board of Education* achieve its goal? Why or why not?
7. Provide students access to [Overall Gender Pay Gap](#) and [Racial Wage Gap](#) by *Payscale* and instruct them to read independently.
8. Conduct steps 1-7 of [Voting Rights Act](#) lesson from PBS Learning Media.⁶⁶
9. Provide students access to [Louisiana's Profile from the Prison Policy Institute](#) and direct them to read independently and study the charts.
10. Instruct students to pair up using an established classroom routine, and do a Think-Pair-Share around the following questions:
 - a. How does Louisiana’s incarceration rate compare to the United States’ incarceration rate?
 - b. How does the racial makeup of Louisiana’s prison population compare to the total population of the state?
11. Conduct a class discussion around the questions “What progress has been made since 1944 in relation to each of the four rights? What inequalities still exist? Why do inequalities still persist?” Note: Ask students to analyze each right discussed by Eleanor Roosevelt separately before making generalizations.
 - equal education
 - equal pay
 - voting
 - justice under the law
12. Project and read aloud the following definition for *political power*:⁶⁷
 - a. influence over a government’s institutions, leadership, or policies
13. Say: “While this definition may seem obvious, *political power* is necessary to achieve policy goals. So who holds political power in the United States?”
14. Take notes of student responses on the board. Ask provocative questions to encourage a lively discussion but do not insert judgment on the relative power of different groups and individuals in society.
15. Conclude the discussion while students are still actively disagreeing with one another by saying, “This is the question we will be considering throughout the course of this unit.”
16. Project and read aloud the definition for *citizenship* found in step two of the [Citizenship and the US Constitution](#) lesson by the Center for Civic Education.
17. Say: “According to this definition, all power in a democracy ultimately resides with citizens. Sounds good in theory...”
18. Allow a few students to express ideas but interrupt the discussion while the class is still very actively engaged. At an opportune time, say, “Well maybe we need to step back and take a closer look at what it means to be a citizen before we can assess how much relative power an ordinary citizen wields.”
19. Direct students to read Student Handout 1 from the [Citizenship and the US Constitution](#) lesson.
20. Say: “Voting is listed twice, as both a right and a responsibility. Explain.”

⁶⁶ Click “Download” to access full lesson.

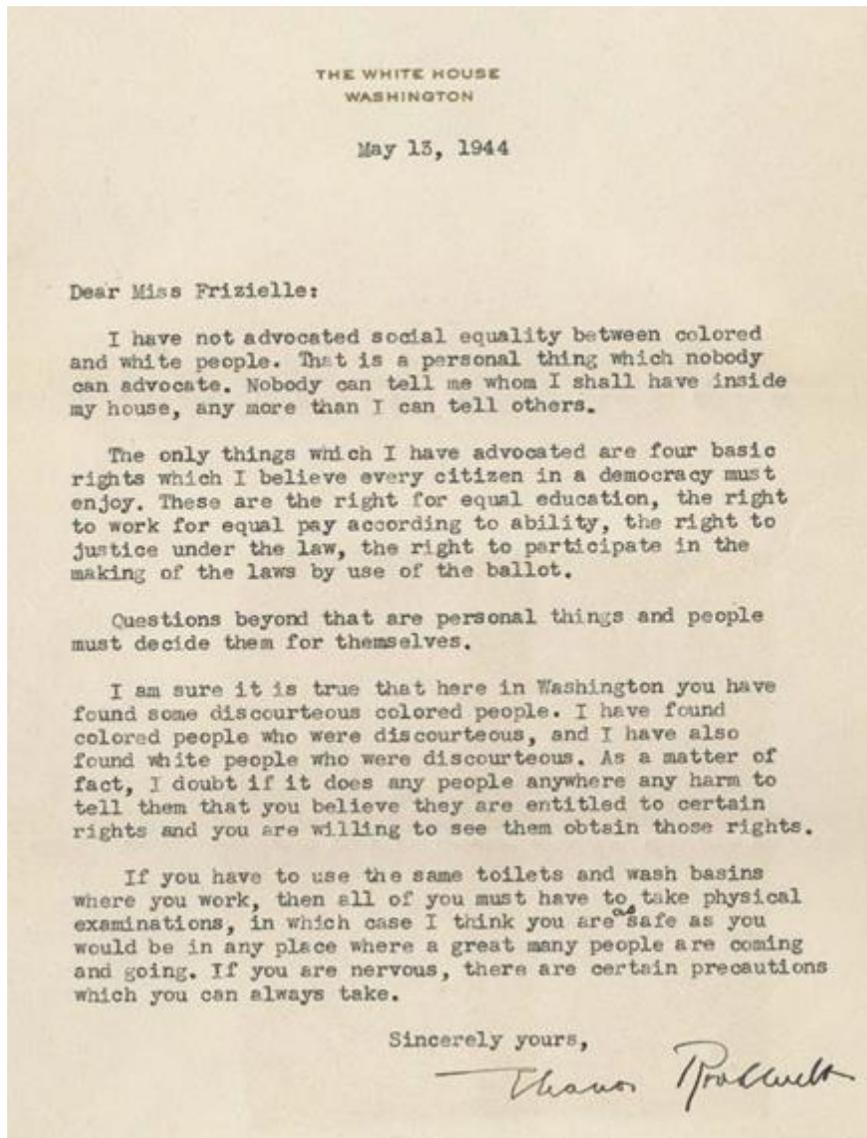
⁶⁷ From <https://cnx.org/contents/W8wOWXNF@15.7:SausD7cO@3/What-is-Government>.

21. Post and read aloud the compelling question for this task: “How important is voting in a democracy?” Allow students to react to and comment on the question.
22. Post and read aloud the first supporting question for the task: “Who votes?”
23. Provide students with access to [Table 5](#) and [Figure 7](#) from “[Who Votes and Who Doesn’t?](#)” (pages 13-15) from *Fault Lines in Our Democracy Civic Knowledge, Voting Behavior, and Civic Engagement in the United States* by Richard J. Coley.
24. Instruct students to read and analyze each table independently and record their answers to following questions:
 - a. [Table 5](#):
 - In the November 2010 election, which reason for not voting was the highest?
 - Of all those who did not vote, what percentage made up the ones who were high school dropouts with no GED?
 - b. [Figure 7](#):
 - What total percentage of the population voted in 2008?
 - Which ethnicity had the highest percentage of voter turnout?
 - Which age group had the highest percentage of voter turnout?
 - Which degree level had the highest percentage of voter turnout?
 - Which total family income had the highest percentage of voter turnout?
 - What are the implications of these voting patterns in terms of political power?
25. Project [Voting in America: A Look at the 2016 Presidential Election](#). Discuss the graphs briefly. Call on students to explain voting trends over time.
26. Direct each student to create a bulleted list of three suggestions for increasing voter turnout. Compile suggestions on the board. Conduct a brief class discussion about the likely effectiveness and feasibility of the proposed suggestions.
27. Post and read aloud the next supporting question: “How well should we protect right to vote?”
28. Provide the students with a copy of the [Suffrage Timeline](#).
29. Project and direct students to view [The Fight for the Right to Vote in the United States](#) from TED-Ed as a class. Instruct students to record and describe important suffrage information at each date on the [Suffrage Timeline](#).
30. Provide students with “[Between the Lines of the Voting Rights Act Opinion](#).” by John Schwartz of the *New York Times*. Read the introduction aloud. Ask: “What does the fact that *Shelby County v. Holder* was a 5-4 decision suggest?”
31. Direct students to read the “Opinion of the Court” and “Concurring Opinion” sections independently. Call on students to paraphrase. Repeat process for the “Dissenting Opinion” section.
32. Discuss briefly as a class. Ask:
 - a. “Who do you think was pleased/disappointed with the decision?”
 - b. “Do you agree or disagree with the Supreme Court decision? Why?”
33. Project and read aloud the text of Jesse Jackson Jr.’s [proposed amendment](#) to establish a constitutional right to vote. Ask (rhetorically): “Doesn’t the Constitution already protect the right to vote?”
34. Divide the class into groups according to an established classroom routine. Direct groups to search their copies of the [US Constitution](#) (including amendments) for references to voting rights.
35. Provide students with access to “[Voting: Right or Privilege?](#)” by Garrett Epps of *The Atlantic*. Direct them to read the article independently and create a bulleted summary of key points.

36. Discuss as a class. Possible questions:
- Is voting treated (by state legislatures, the courts, and the public) more like a right or a privilege in the United States?
 - Are Epps' concerns about contractions in voting rights legitimate or overblown?
37. Project the map from "[How States Moved Toward Stricter Voter ID Laws](#)" for students to refer to as they read the next source.
38. Provide students with access to "[Everything You've Ever Wanted to Know About Voter ID Laws](#)" by Suevon Lee and Sarah Smith of *ProPublica*. Direct them to read independently.
39. Conduct a class discussion. Ask:
- How well protected is the right to vote?
 - Is a constitutional amendment protecting the right to vote necessary?
 - How likely is such an amendment to be enacted?"
40. Provide students with access to the abstract of "[Voting Is Speech](#)" by Armand Derfner & J. Gerald Hebert from the *Yale Law and Policy Review*. Direct them to read the abstract independently.
41. Ask: "Is voting a form of speech? Should it be protected by the First Amendment?"
42. Say: "We've examined voting as a right; next let's consider it as a responsibility."
43. Post and read aloud the final supporting question for the task: "What is your responsibility as a voter?"
44. Project the "[10 Reasons Why You Should Vote as a College Student](#)" from the UNC Charlotte website. Call on students to take turns reading aloud. Allow students to comment in between reasons.
45. Provide students with access to "[7 Reasons You Should Vote in This Year's Elections](#)" by Daniel Marans and Kim Bellware on *Huffington Post* and direct them to read independently. Discuss briefly as a class. Ask:
- "Which of the seven reasons did you find most/least compelling? Why?"
 - "What do the authors say about voting for third-party candidates?"
46. Provide students with access to "[Your Vote Doesn't Count. So What?](#)" by Jonathan Bernstein on *Bloomberg*. Direct students to read the op-ed independently.
47. Discuss as a class. Possible questions:
- How much political power does voting confer to an individual?
 - Bernstein calls voting "democracy with training wheels." Explain.
 - How can you increase your personal political power as a citizen?
 - At which levels of government are most of the decisions that affect your life made?
 - Where is your civic energy most likely to pay off in terms of political power?
48. Listen to "[The Lesser Evil](#)," Bob Garfield's interview of Nathan J. Robinson from *On the Media*. Acknowledge the political ideology of the interviewee but focus discussion on his philosophy about voting. Explain that a commentator with the opposite political ideology could be making the same argument. Possible questions:
- Do you consider voting an expression of your identity? If so, what are the implications of worrying about what your vote "says about you"?
 - Why does Robinson consider "choosing the lesser evil" a more pragmatic decision than not voting or voting for a protest candidate with no possibility of winning? Is Robinson correct in his assertion that voting should just be about weighing consequences?
 - Like Bernstein, Robinson also criticizes the emphasis we place on presidential elections at the expense of local and state politics. How does he implicate the media in this situation?

49. Direct students to write an essay in response to the compelling question for the task: How important is voting in a democracy?
50. Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Eleanor Roosevelt's Four Basic Rights, 1944



Transcript

Eleanor Roosevelt to Addie Frizelle, May 13, 1944.

May 13, 1944

Dear Miss Frizelle:

I have not advocated social equality between colored and white people. That is a personal thing which nobody can advocate. Nobody can tell me whom I shall have inside my house, any more than I can tell others.

The only things which I have advocated are four basic rights which I believe every citizen in a democracy must enjoy. These are the right for equal education, the right to work for equal pay according to ability, the right to justice under the law, the right to participate in the making of the laws by use of the ballot.

Questions beyond that are personal things and people must decide them for themselves.

I am sure it is true that here in Washington you have found some discourteous colored people. I have found colored people who were discourteous, and I have also found white people who were discourteous. As a matter of fact, I doubt if it does any people anywhere any harm to tell them that you believe they are entitled to certain rights and you are willing to see them obtain those rights.

If you have to use the same toilets and wash basins where you work, then all of you must have to take physical examinations, in which case I think you are as safe as you would be in any place where a great many people are coming and going. If you are nervous, there are certain precautions which you can always take.

Sincerely yours,

Eleanor Roosevelt

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Eleanor Roosevelt's Four Basic Rights Graphic Organizer

Eleanor Roosevelt's Four Basic Rights, 1944	
1	
2	
3	
4	

Eleanor Roosevelt's Four Basic Rights Graphic Organizer (Completed)

Eleanor Roosevelt's Four Basic Rights, 1944	
1	equality in education
2	working for equal pay
3	equality and fairness under the laws
4	right to vote so people can have a say in laws being made

Suffrage Timeline

1789	
1820	
1850	
1861	
1892	
1920	
1965	
1971	

Suffrage Timeline (Completed)

1789	<ul style="list-style-type: none">• Only white, males landowners had voting rights (6% of adult population).
1820	<ul style="list-style-type: none">• They got rid of the property requirement so all white males could vote.
1850	<ul style="list-style-type: none">• About 55% of the adult population was eligible to vote.
1861	<ul style="list-style-type: none">• 15th Amendment is established to give black men the right to vote.
1892	<ul style="list-style-type: none">• Literacy tests, poll taxes, etc. still kept black men from voting.
1920	<ul style="list-style-type: none">• White women got the right to vote with the 19th Amendment.
1965	<ul style="list-style-type: none">• Voting Rights Act got rid of literacy tests, poll taxes, etc. and allowed any citizen over the age of 21 to vote.
1971	<ul style="list-style-type: none">• After Vietnam War, the voting age changed to 18 with the 26th Amendment.

Table 5 from “Who Votes and Doesn't?”

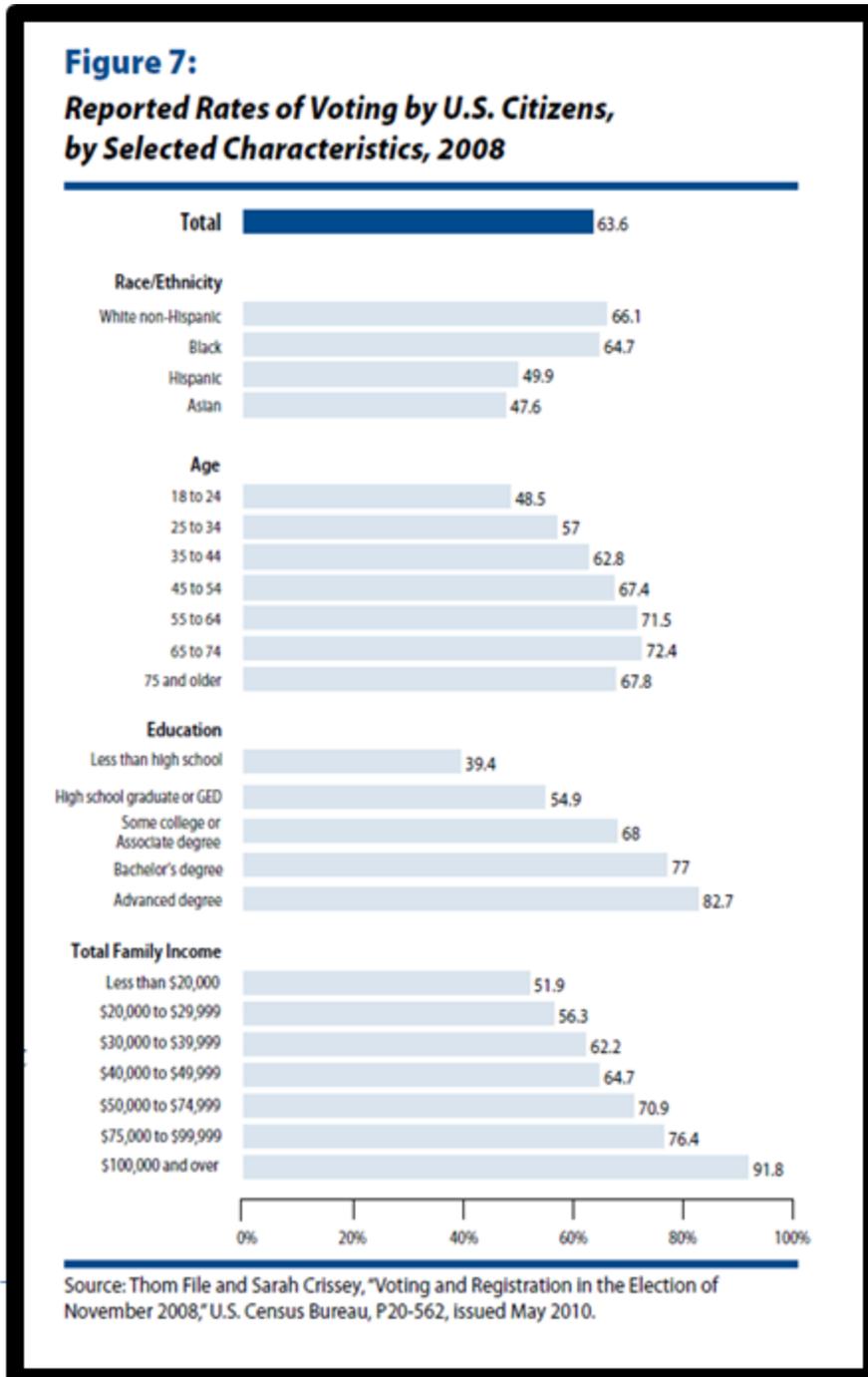
Table 5:

Reasons for Not Voting in the November 2010 Elections, All Eligible Voters and Those in Selected Age and Educational Attainment Groups

Reasons for Not Voting	All	18–24 Years Old	25–29 Years Old	H.S. Drop-outs, No GED	H.S. Diploma or GED, No Completed Years of College
Not Interested/ Vote Would Not Matter/Don't Like Candidates	25	20.2	24.3	25.9	29
Forgot to Vote/ Too Busy/ Conflicting Schedule	34.6	40.4	43.5	23.2	32.1
Total	59.6	60.6	67.8	49.1	61.1

Source: November 2010 CPS, Supplement on Voting Behavior, public use files, tabulations by authors.

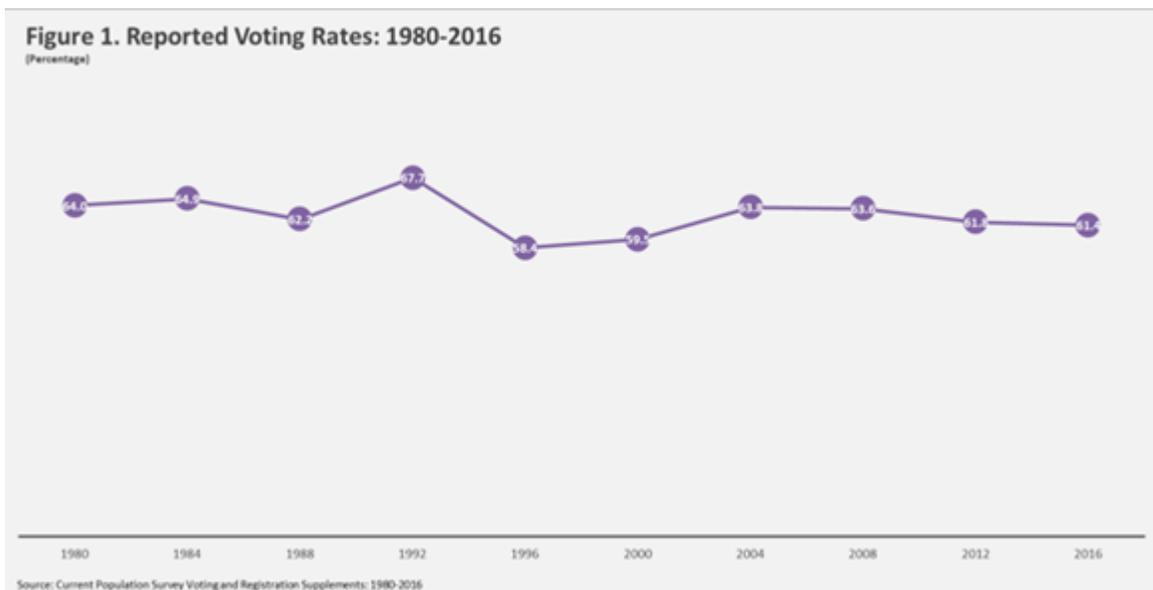
Figure 7 from “Who Votes and Who Doesn’t?”



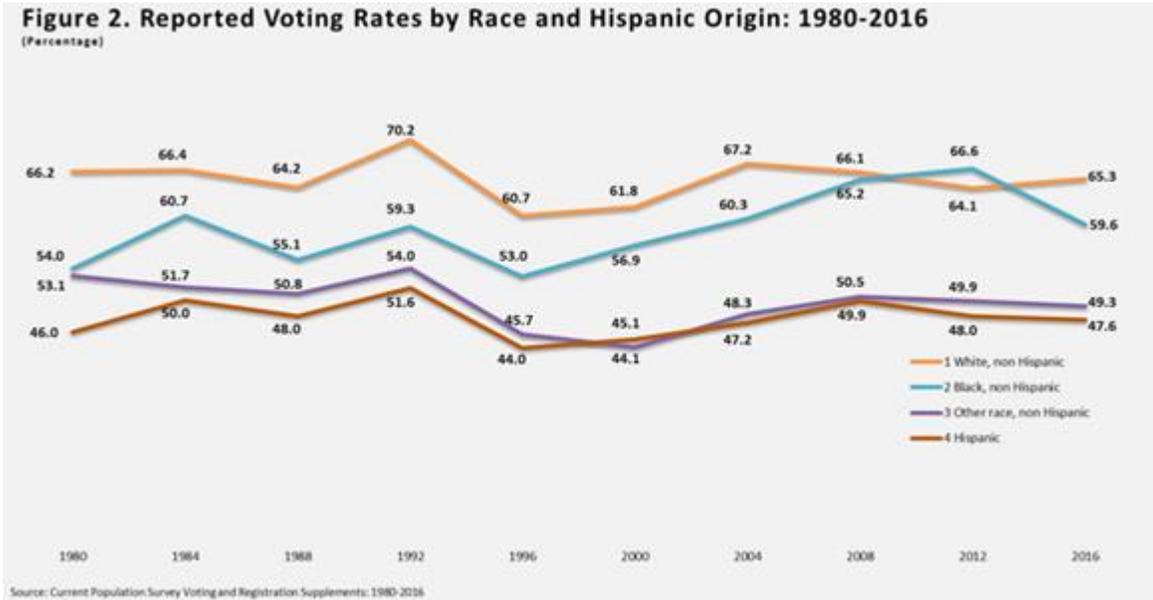
Voting in America: A Look at the 2016 Presidential Election, Thom File, US Census Bureau, May 10, 2017

Since 1964, the US Census Bureau has fielded the [Voting and Registration Supplement](#) to the Current Population Survey every two years. Today, the Census Bureau released a series of tabulations and data products alongside a public use data file for the November 2016 presidential election.

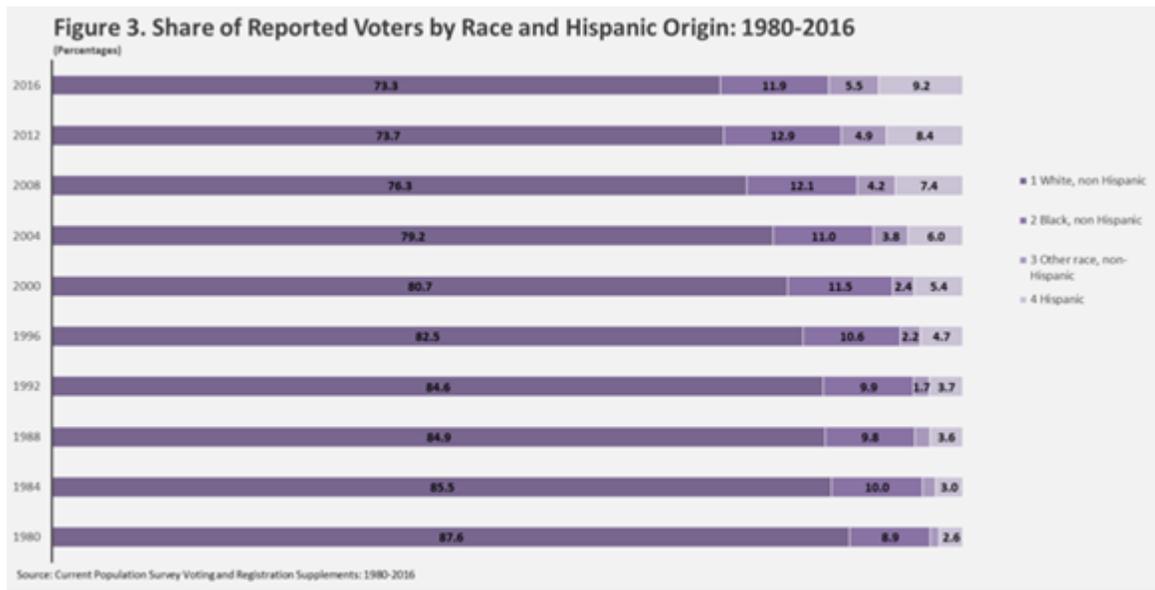
In addition to the requirement that individuals be at least 18 years old, voters in national elections must also be US citizens. Although the Census Bureau has collected voting and registration data since 1964, the Current Population Survey has gathered citizenship data since 1978. Figure 1 presents voting rates for the citizen voting-age population for each presidential election since 1980. In 2016, 61.4 percent of the citizen voting-age population reported voting, a number not statistically different from the 61.8 percent who reported voting in 2012.



Voting rates have historically varied by race and Hispanic origin (Figure 2). In 2012, voting rates for non-Hispanic blacks (66.6 percent) were higher than non-Hispanic whites (64.1 percent) for the first time in this series. In 2016, turnout increased to 65.3 percent for non-Hispanic whites, but decreased to 59.6 percent for non-Hispanic blacks.



For the most part, from 1980 to 2012, the share of reported voters who were non-Hispanic white decreased from one presidential election cycle to the next (Figure 3).⁶⁸ In 1980, 87.6 percent of reported voters were non-Hispanic white, but by 2012, this number decreased to 73.7 percent. Over this same period, the distribution of voters who reported being either non-white or Hispanic increased in most elections.⁶⁹ However, in 2016, for only the second time in this series, the percentage of voters who were non-Hispanic white (73.3) was not statistically different from the previous presidential election, meaning that the consistently observed year-to-year decrease did not occur in this most recent cycle. Additionally, 2016 was only the second election in this series where the share of non-Hispanic black voters decreased, from 12.9 percent in 2012 to 11.9 percent in 2016.⁷⁰

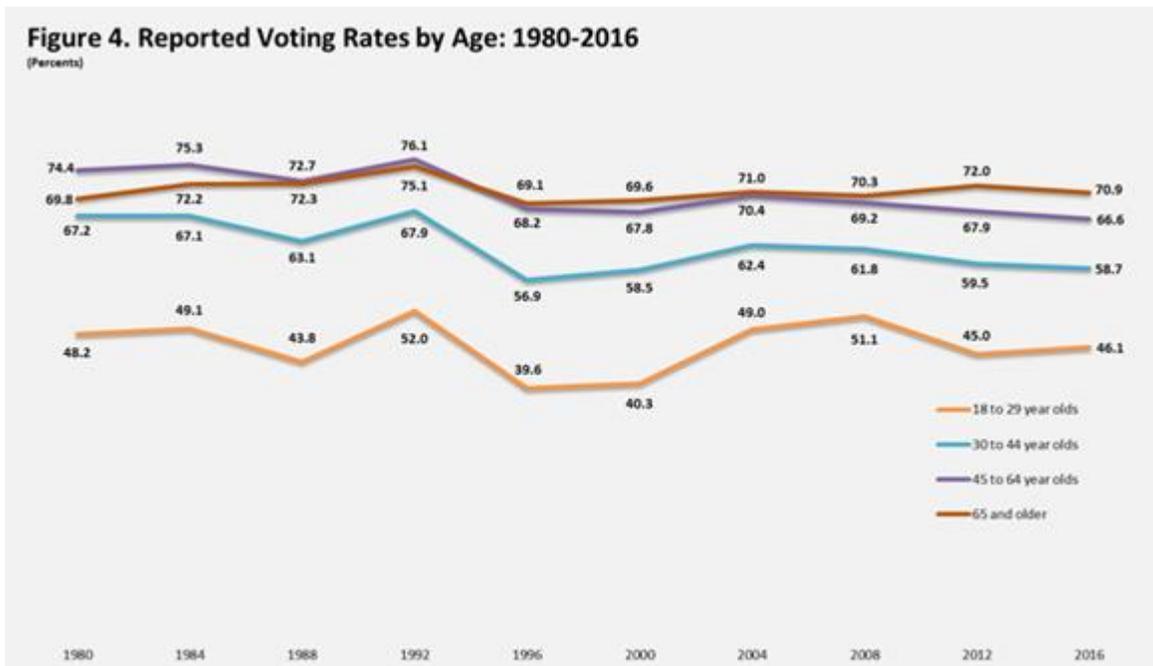


⁶⁸ Between 1988 and 1992, the share of voters who were non-Hispanic white were not statistically different.

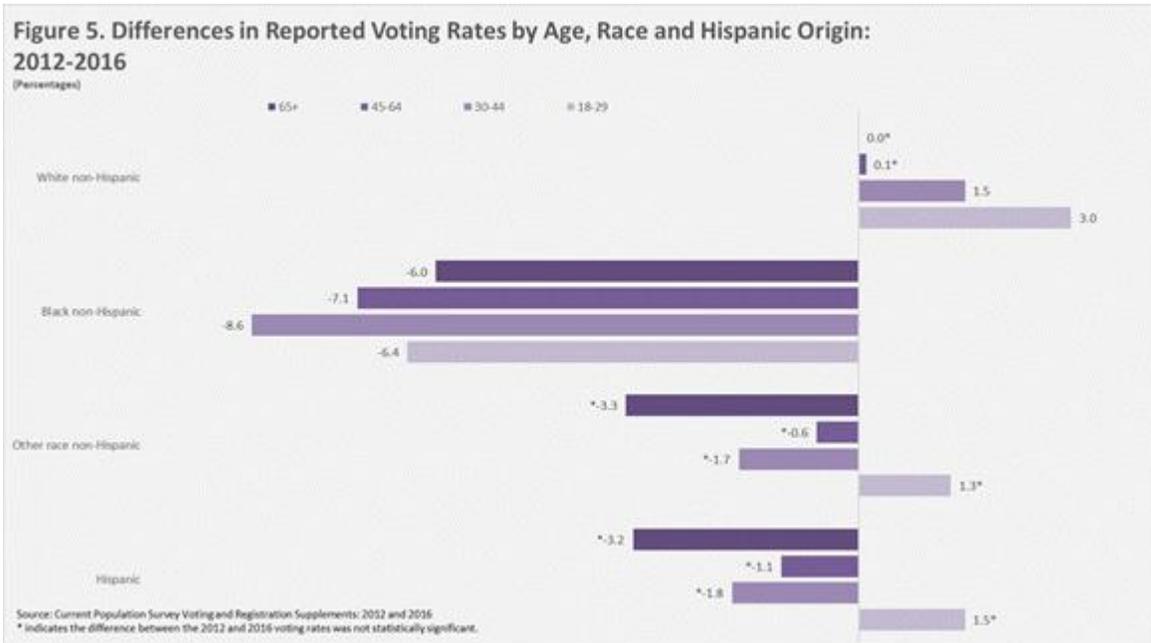
⁶⁹ Between 1988 and 1992, the share of voters who were either other race non-Hispanic or Hispanic of any race were not statistically different. Between 1996 and 2000, the share of voters who were other race non-Hispanic were not statistically different. Additionally, between 1984 and 1988, and 1988 and 1992, the share of voters who were non-Hispanic black were not statistically different.

⁷⁰ Between 2000 and 2004, the share of voters who were black also decreased.

Voting rates have also historically varied according to age, with older Americans generally voting at higher rates than younger Americans (Figure 4). In 2016, this was once again the case, as citizens 65 years and older reported higher turnout (70.9 percent) than 45- to 64-year-olds (66.6 percent), 30- to 44-year-olds (58.7 percent) and 18- to 29-year-olds (46.1 percent). However, in 2016, young voters ages 18 to 29 were the only age group to report increased turnout compared to 2012, with a reported turnout increase of 1.1 percent. All older age groups either reported small yet statistically significant turnout decreases (45- to 64-year-olds and those age 65 and older) or turnout rates not statistically different from 2012 (30- to 44-year-olds).



When analyzed together, reported turnout by age, race and Hispanic origin differed in 2016 as well. In comparison to 2012, younger non-Hispanic whites between the ages of 18 to 29 and between the ages of 30 to 44 reported higher turnout in 2016, while voting rates for the two oldest groups of non-Hispanic whites were not statistically different (Figure 5). Meanwhile, for non-Hispanic blacks, turnout rates decreased in 2016 for every age group. For other race non-Hispanics and Hispanics of any race, voting rates between 2012 and 2016 were not statistically different for any age groups.



In any given presidential election, the number of reported voters typically increases relative to the previous presidential election, largely as a product of increases in the size of the citizen voting-age population. Table 1 shows changes in both the number of reported voters and the citizen voting-age population between 2012 and 2016. Overall, in 2016, there were about 4.6 million more reported voters than in 2012. A majority of these additional voters (3.7 million) were 65 years and older. Remember, despite these additional reported voters, the overall voting rate was not statistically different between the two elections.

When analyzed alongside race and Hispanic origin, in 2016 a large portion of the additional reported voters (2.8 million) were non-Hispanic whites who were also 65 years of age and older.

Table 1. Change in Reported Voting Totals, by Age, Race and Hispanic-Origin: 2012-2016

(In thousands)

Race and Hispanic-Origin	Change in reported voters	Change in citizen voting-age population
All ages		
Total Individuals	4,589	8,978
White non-Hispanic	2,808	1,588
Black non-Hispanic	-765	1,773
Other race non-Hispanic	1,051	2,284
Hispanic	1,494	3,333
18-29 year olds		
Total Individuals	1,081	1,267
White non-Hispanic	695	*-301
Black non-Hispanic	*-211	422
Other race non-Hispanic	196	384
Hispanic	402	761
30-44 year olds		
Total Individuals	*177	982
White non-Hispanic	*142	*-628
Black non-Hispanic	-413	*292
Other race non-Hispanic	*199	533
Hispanic	*251	783
45-64 year olds		
Total Individuals	*-345	*905
White non-Hispanic	-857	-1,314
Black non-Hispanic	-398	*374
Other race non-Hispanic	366	724
Hispanic	544	1,119
65 years and older		
Total Individuals	3,673	5,824
White non-Hispanic	2,828	3,829
Black non-Hispanic	*258	686
Other race non-Hispanic	290	641
Hispanic	298	669

Source: Current Population Survey Voting and Registration Supplements: 2012 and 2016

* Indicates that the 2012 and 2016 estimates were not statistically different from each other.

In addition to race, Hispanic origin and age, reported voting rates varied according to a variety of other social, demographic and economic factors as well. Readers are invited to explore the Census Bureau’s additional voting and registration resources for the 2016 election and beyond.

Voting estimates from the Current Population Survey and other sample surveys have historically differed from those based on administrative data, such as the official results reported by each state and disseminated collectively by the Clerk of U.S. House of Representatives and the Federal Election Commission. In general, voting rates from the sample surveys such as the Current Population Survey are higher than official results. Potential explanations for this difference include item nonresponse, vote misreporting, problems with memory or knowledge of others’ voting behavior, and methodological issues related to question wording and survey administration. Despite these issues, the Census Bureau’s November supplement to the Current Population Survey remains the most comprehensive data source available for examining the social and demographic composition of the electorate in federal elections, particularly when examining broad historical trends for subpopulations.

This text is in the public domain.

It is available online at https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html.

Civics Instructional Task: Voting

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description:

Suggested Timeline:

Materials:

Instructional Process:

Civics Instructional Task: Political Parties

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students investigate how political parties act as a mediating institution between citizens and the government.

Suggested Timeline: 5 class periods

Materials: [“The Party in the Electorate,”](#) [“The Party Organization,”](#) [“The Party in Government,”](#) digital access, [“Political Ideological Survey,”](#) <https://www.isidewith.com/polls>, [political party platforms](#), [“Americans’ Opinions of a Need for a Third US Political Party,”](#) [“Election Rules and the Two-Party System,”](#) [“Party Realignment,”](#) [“Periods of Party Dominance,”](#) [“How the Republican Majority Emerged,”](#) [“Demise of the Southern Democrat Is Now Nearly Complete,”](#) [“Party Realignment and the New Deal,”](#) [Why Did Black Voters Flee the Republican Party in the 1960s?,”](#) [“Case Study of a Party Realignment,”](#) [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Say: “Next we will explore how political parties act as the middleman between voters and elected leaders.”
2. Project and read aloud the following definition for *political party*:⁷¹
 - a. groups of people with similar interests who work together to create and implement policies
3. Say: “Sounds innocent enough, right? But how does it *really* work?”
4. To maintain a high level of engagement, allow one or two students to comment but end discussion before everyone who wants to speak has had an opportunity.
5. Read aloud the following text:⁷²
 - a. “If the purpose of political parties is to work together to create and implement policies by winning elections, how do they accomplish this task, and who actually participates in the process? The answer was fairly straightforward in the early days of the republic when parties were little more than electoral coalitions of like-minded, elite politicians. But improvements in strategy and changes in the electorate forced the parties to become far more complex organizations that operate on several levels in the US

⁷¹ From <https://cnx.org/contents/W8wOWXNF@15.7:mCQjXp6Y@2/What-Are-Parties-and-How-Did-T>.

⁷² This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](#). Download for free at <https://cnx.org/contents/nHH00Nbf@3/The-Shape-of-Modern-Political->.

political arena. Modern political parties consist of three components identified by political scientist V. O. Key: the party in the electorate (the voters); the party organization (which helps to coordinate everything the party does in its quest for office); and the party in office (the office holders). To understand how these various elements work together, we begin by thinking about a key first step in influencing policy in any democracy: winning elections.”

6. On the board, write:
 - a. party in the electorate
 - b. party organization
 - c. party in office
7. Provide students with a copy of “[The Party in the Electorate](#)” from *OpenStax American Government*. Direct students to read the article independently.
8. Conduct a brief discussion. Possible questions:
 - a. What are the benefits of becoming a member of the party in the electorate?
 - b. Why do people choose to identify as independents?
9. Provide students with a copy of “[The Party Organization](#)” from *OpenStax American Government*. Direct students to read the article independently and highlight functions at each level of the party structure (local, state, national).
10. Discuss briefly as a class. Possible questions:
 - a. How do the different levels of the party organization interact and work together?
 - b. Why do voters pay more attention to the national level of the party organization?
 - c. What role do citizens play in the party organization?
 - d. How could citizen volunteers use the party organization system to gain political influence?
11. Provide students with a copy of “[The Party in Government](#)” from *OpenStax American Government*. Direct students to read the article independently and then answer the following questions with a partner:
 - a. How does the party in government select its leadership?
 - b. How does the party in government attempt to keep its member in line?
 - c. Why do challenges to party unity occur?
12. Direct students’ attention to the three components of political parties written on the board. Discuss the role of the citizen in each of the components. Ask: “Which component is most impenetrable to the ordinary citizen?”
13. Write on the board or project the next supporting question: “How well do political parties represent the views of citizens?”
14. Ask: “Do you consider yourself a party identifier or an independent?” Instruct students to write down how they self-identify politically with a brief reflection on why. Note: Assure students concerned about privacy that you will not be collecting their responses. For this task, allow students to keep their contributions to discussions generalized if they so choose.
15. Provide students with digital access to complete the “[Political Ideological Survey](#)” created by the Youth Leadership Initiative. Note: The Pew Research Center also offers a “[Political Party Quiz](#),” which is shorter. Results are mapped on an ideological spectrum.
16. Have students compare their results with how they self-identified earlier. Ask: “Did your results match your expectations? Why or why not?”
17. Provide students with digital access to <https://www.isidewith.com/polls>. Direct students to read the list of questions, and record the ten issues of greatest importance to them, personally, in ranked order.

18. Instruct students to review the most recent major [political party platforms](#) and take notes on what the platforms say about the issues of greatest importance they identified previously.
19. Conduct a class discussion. Ask, “How well do the major political parties reflect your personal beliefs?”
20. Project and discuss the graph, “[Americans’ Opinions of a Need for a Third US Political Party](#)” by *Gallup*.
21. Provide students with a copy of “[Election Rules and the Two-Party System](#).” Direct them to independently read and [annotate](#) the text and then answer the following questions with a partner:
 - a. Why does a winner-take-all system make it harder for third parties to compete?
 - b. In a winner-take-all system, why does plurality voting, as opposed to majoritarian voting, make it even more difficult for third parties to compete?
 - c. How do proportional electoral systems differ from winner-take-all systems?
 - d. What are the advantages and disadvantages of a proportional electoral system?
 - e. Besides the winner-take-all system, what other factors contribute to the dominance of two political parties in the United States?
22. Discuss the following quote from the text as a class: “Given the obstacles to the formation of third parties, it is unlikely that serious challenges to the US two-party system will emerge.” Say: “Evaluate this claim given the current political climate.”
23. Provide students with copies of “[Party Realignment](#).” Direct them to read independently.
24. Conduct a brief discussion. Ask, “Is the United States due for a party realignment?”
25. Project and provide students with copies of “[Periods of Party Dominance](#).” Read the chart aloud, stopping to gauge student recall of political parties studied in grade 7. Then say: “Next we will investigate the major party realignment of the 20th century.”
26. Divide the class into groups of four using an established classroom routine. Assign each member of the group one of the following sources and direct them to independently read the source. Sources are ordered from most to least complex:
 - a. Excerpt from “[How the Republican Majority Emerged](#),” Ian Haney-Lopez, *Salon* (Section entitled “The Rise of Racially Identified Parties) Note: Other sections of the article contain sensitive language.
 - b. Excerpt from “[Demise of the Southern Democrat Is Now Nearly Complete](#),” Nate Cohn, *New York Times* (first 13 paragraphs)
 - c. “[Party Realignment and the New Deal](#),” from United States House of Representatives History, Art, & Archives, and “[Why Did Black Voters Flee the Republican Party in the 1960s?](#)” Karen Grigsby Bates, NPR.
 - d. [Case Study of a Party Realignment](#)”
27. Direct all students to take notes on the following questions as they read:
 - a. Why did a major party realignment occur during the 20th century?
 - b. What were the critical turning points in the realignment?
28. Instruct students to take turns sharing information from their sources and then to compile a timeline of key events with group members.
29. Conclude the task with a class discussion. Possible questions:
 - a. How effectively do political parties in the United States mediate between citizens and the government?
 - b. Make predictions about the future of the party system in the United States.
30. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).

The Party in the Electorate⁷³

A key fact about the US political party system is that it's all about the votes. If voters do not show up to vote for a party's candidates on Election Day, the party has no chance of gaining office and implementing its preferred policies. As we have seen, for much of their history, the two parties have been adapting to changes in the size, composition, and preferences of the US electorate. It only makes sense, then, that parties have found it in their interest to build a permanent and stable presence among the voters. By fostering a sense of loyalty, a party can insulate itself from changes in the system and improve its odds of winning elections. The *party-in-the-electorate* are those members of the voting public who consider themselves to be part of a political party and/or who consistently prefer the candidates of one party over the other.

What it means to be part of a party depends on where a voter lives and how much he or she chooses to participate in politics. At its most basic level, being a member of the party-in-the-electorate simply means a voter is more likely to voice support for a party. These voters are often called party identifiers, since they usually represent themselves in public as being members of a party, and they may attend some party events or functions. Party identifiers are also more likely to provide financial support for the candidates of their party during election season. This does not mean self-identified Democrats will support all the party's positions or candidates, but it does mean that, on the whole, they feel their wants or needs are more likely to be met if the Democratic Party is successful.

Party identifiers make up the majority of the voting public. Gallup, the polling agency, has been collecting data on voter preferences for the past several decades. Its research suggests that historically, over half of American adults have called themselves "Republican" or "Democrat" when asked how they identify themselves politically. Even among self-proclaimed independents, the overwhelming majority claim to lean in the direction of one party or the other, suggesting they behave as if they identified with a party during elections even if they preferred not to publicly pick a side. Partisan support is so strong that, in a poll conducted from August 5 to August 9, 2015, about 88 percent of respondents said they either identified with or, if they were independents, at least leaned toward one of the major political parties.⁷⁴ Thus, in a poll conducted in January 2016, even though about 42 percent of respondents said they were independent, this does not mean that they are not, in fact, more likely to favor one party over the other.⁷⁵

⁷³ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

⁷⁴ "Party Affiliation," <http://www.gallup.com/poll/15370/party-affiliation.aspx> (March 1, 2016).

⁷⁵ Jeffrey L. Jones, "Democratic, Republican Identification New Historical Lows," <http://www.gallup.com/poll/188096/democratic-republican-identification-near-historical-lows.aspx> (March 14, 2016).

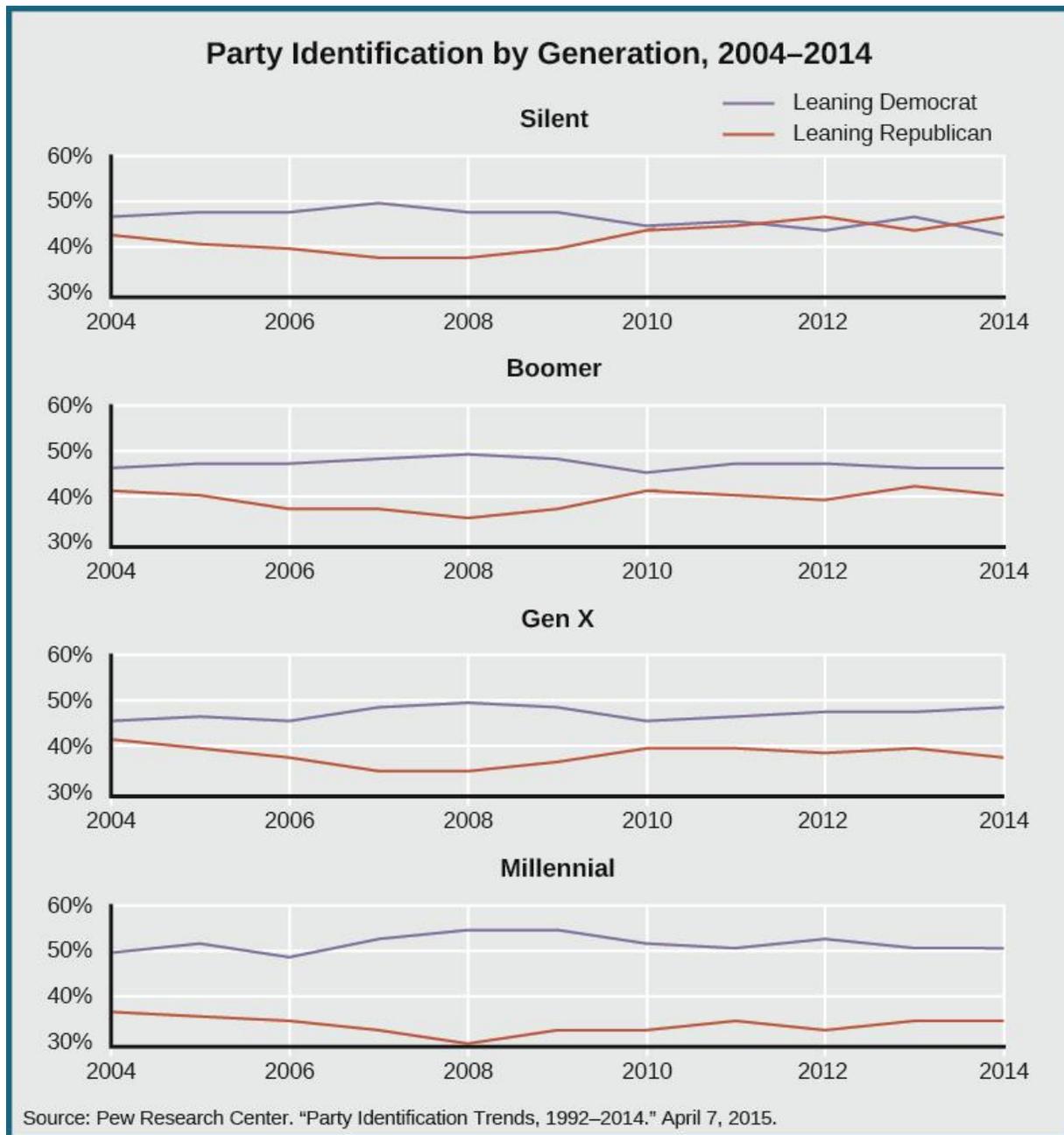


Figure 1. As the chart reveals, generation affects party identification. Millennials (ages 18–34) are more likely to identify as or lean towards the Democratic Party and less likely to favor Republicans than are their baby boomer parents and grandparents (born between 1946 and 1964).

Strictly speaking, party identification is not quite the same thing as party membership. People may call themselves Republicans or Democrats without being registered as a member of the party, and the Republican and Democratic parties do not require individuals to join their formal organization in the same way that parties in some other countries do. Many states require voters to declare a party affiliation before participating in primaries, but primary participation is

irregular and infrequent, and a voter may change his or her identity long before changing party registration. For most voters, party identification is informal at best and often matters only in the weeks before an election. It does matter, however, because party identification guides some voters, who may know little about a particular issue or candidate, in casting their ballots. If, for example, someone thinks of him- or herself as a Republican and always votes Republican, he or she will not be confused when faced with a candidate, perhaps in a local or county election, whose name is unfamiliar. If the candidate is a Republican, the voter will likely cast a ballot for him or her.

Party ties can manifest in other ways as well. The actual act of registering to vote and selecting a party reinforces party loyalty. Moreover, while pundits and scholars often deride voters who blindly vote their party, the selection of a party in the first place can be based on issue positions and ideology. In that regard, voting your party on Election Day is not a blind act—it is a shortcut based on issue positions.

The Party Organization⁷⁶

A significant subset of American voters views their party identification as something far beyond simply a shortcut to voting. These individuals get more energized by the political process and have chosen to become more active in the life of political parties. They are part of what is known as the party organization. The party organization is the formal structure of the political party, and its active members are responsible for coordinating party behavior and supporting party candidates. It is a vital component of any successful party because it bears most of the responsibility for building and maintaining the party “brand.” It also plays a key role in helping select, and elect, candidates for public office.

Local Organizations

Since winning elections is the first goal of the political party, it makes sense that the formal party organization mirrors the local-state-federal structure of the US political system. While the lowest level of party organization is technically the precinct, many of the operational responsibilities for local elections fall upon the county-level organization. The county-level organization is in many ways the workhorse of the party system, especially around election time. This level of organization frequently takes on many of the most basic responsibilities of a democratic system, including identifying and mobilizing potential voters and donors, identifying and training potential candidates for public office, and recruiting new members for the party. County organizations are also often responsible for finding rank and file members to serve as volunteers on Election Day, either as officials responsible for operating the polls or as monitors responsible for ensuring that elections are conducted honestly and fairly. They may also hold regular meetings to provide members the opportunity to meet potential candidates and coordinate strategy. Of course, all this is voluntary and relies on dedicated party members being willing to pitch in to run the party.

Political parties are bottom-up structures, with lower levels often responsible for selecting delegates to higher-level offices or conventions.

State Organizations

Most of the county organizations’ formal efforts are devoted to supporting party candidates running for county and city offices. But a fair amount of political power is held by individuals in statewide office or in state-level legislative or judicial

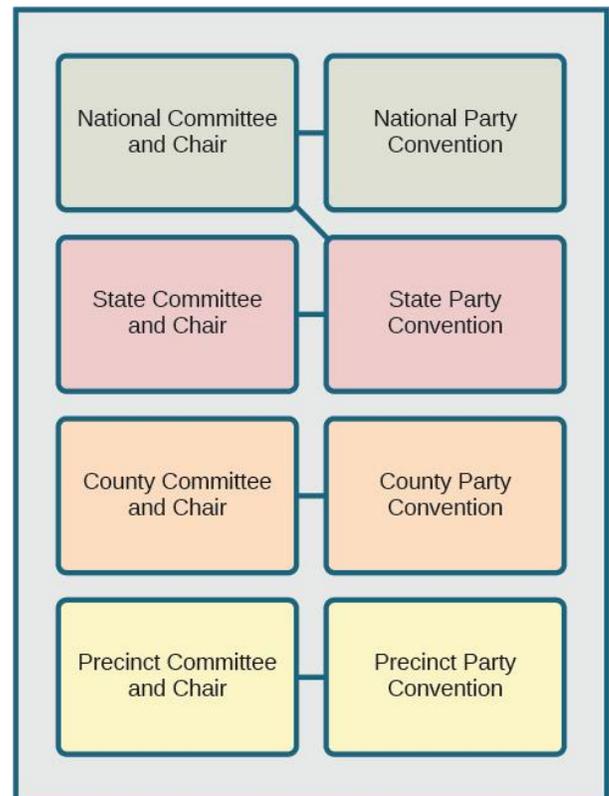


Figure 2. Political parties are bottom-up structures, with lower levels often responsible for selecting delegates to higher-level offices or conventions.

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bodies. While the county-level offices may be active in these local competitions, most of the coordination for them will take place in the state-level organizations. Like their more local counterparts, state-level organizations are responsible for key party functions, such as statewide candidate recruitment and campaign mobilization. Most of their efforts focus on electing high-ranking officials such as the governor or occupants of other statewide offices (e.g., the state's treasurer or attorney general) as well as candidates to represent the state and its residents in the US Senate and the US House of Representatives. The greater value of state- and national-level offices requires state organizations to take on several key responsibilities in the life of the party.

First, state-level organizations usually accept greater fundraising responsibilities than do their local counterparts. Statewide races and races for national office have become increasingly expensive in recent years. While individual candidates are responsible for funding and running their own races, it is typically up to the state-level organization to coordinate giving across multiple races and to develop the staffing expertise that these candidates will draw upon at election time.

State organizations are also responsible for creating a sense of unity among members of the state party. Building unity can be very important as the party transitions from sometimes-contentious nomination battles to the all-important general election. The state organization uses several key tools to get its members working together towards a common goal. First, it helps the party's candidates prepare for state primary elections or caucuses that allow voters to choose a nominee to run for public office at either the state or national level. Caucuses are a form of town hall meeting at which voters in a precinct get together to voice their preferences, rather than voting individually throughout the day.



Figure 3. Caucus-goers gather at a Democratic precinct caucus on January 3, 2008, in Iowa City, Iowa. Caucuses are held every two years in more than 1650 Iowa precincts.

Second, the state organization is also responsible for drafting a state platform that serves as a policy guide for partisans who are eventually selected to public office. These platforms are usually the result of a negotiation between the various coalitions within the party and are designed to ensure that everyone in the party will receive some benefits if their candidates win the election. Finally, state organizations hold a statewide convention at which delegates from the various county organizations come together to discuss the needs of their areas. The state conventions are also responsible for selecting delegates to the national convention.

National Party Organization

The local and state-level party organizations are the workhorses of the political process. They take on most of the responsibility for party activities and are easily the most active participants in the party formation and electoral processes. They are also largely invisible to most voters. The average citizen knows very little of the local party's behavior unless there is a phone call or a knock on the door in the days or weeks before an election. The same is largely true of the activities of the state-level party. Typically, the only people who notice are those who are already actively engaged in politics or are being targeted for donations.

But most people are aware of the presence and activity of the national party organizations for several reasons. First, many Americans, especially young people, are more interested in the topics discussed at the national level than at the state or local level. According to John Green of the Ray C. Bliss Institute of Applied Politics, "Local elections tend to be about things like sewers, and roads and police protection—which are not as dramatic an issue as same-sex marriage or global warming or international affairs."⁷⁷

Presidential elections and the behavior of the US Congress are also far more likely to make the news broadcasts than the activities of county commissioners, and the national-level party organization is mostly responsible for coordinating the activities of participants at this level. The national party is a fundraising army for presidential candidates and also serves a key role in trying to coordinate and direct the efforts of the House and Senate. For this reason, its leadership is far more likely to become visible to media consumers, whether they intend to vote or not.

A second reason for the prominence of the national organization is that it usually coordinates the grandest spectacles in the life of a political party. Most voters are never aware of the numerous county-level meetings or coordinating activities. Primary elections, one of the most important events to take place at the state level, have a much lower turnout than the nationwide general election. In 2012, for example, only one-third of the eligible voters in New Hampshire voted in the state's primary, one of the earliest and thus most important in the nation; however, 70 percent of eligible voters in the state voted in the general election in November 2012.⁷⁸

People may see or read an occasional story about the meetings of the state committees or convention but pay little attention. But the national conventions, organized and sponsored by the national-level party, can dominate the national discussion for several weeks in late summer, a time when the major media outlets are often searching for news. These conventions are the definition of a media circus at which high-ranking politicians, party elites, and sometimes

⁷⁷ Elizabeth Lehman, "Trend Shows Generation Focuses Mostly on Social, National Issues," <http://www.thenewsoutlet.org/survey-local-millennials-more-interested-in-big-issues/> (March 15, 2016).

⁷⁸ "Voter Turnout," <http://www.electproject.org/home/voter-turnout/voter-turnout-data> (March 14, 2016).

celebrities... along with individuals many consider to be the future leaders of the party are brought before the public so the party can make its best case for being the one to direct the future of the country.⁷⁹

National party conventions culminate in the formal nomination of the party nominees for the offices of president and vice president, and they mark the official beginning of the presidential competition between the two parties. In the past, national conventions were often the sites of high drama and political intrigue. As late as 1968, the identities of the presidential and/or vice-presidential nominees were still unknown to the general public when the convention opened. It was also common for groups protesting key events and issues of the day to try to raise their profile by using the conventions to gain the media spotlight. National media outlets would provide “gavel to gavel” coverage of the conventions, and the relatively limited number of national broadcast channels meant most viewers were essentially forced to choose between following the conventions or checking out of the media altogether. Much has changed since the 1960s, however, and between 1960 and 2004, viewership of both the Democratic National Convention and the Republican National Convention had declined by half.⁸⁰

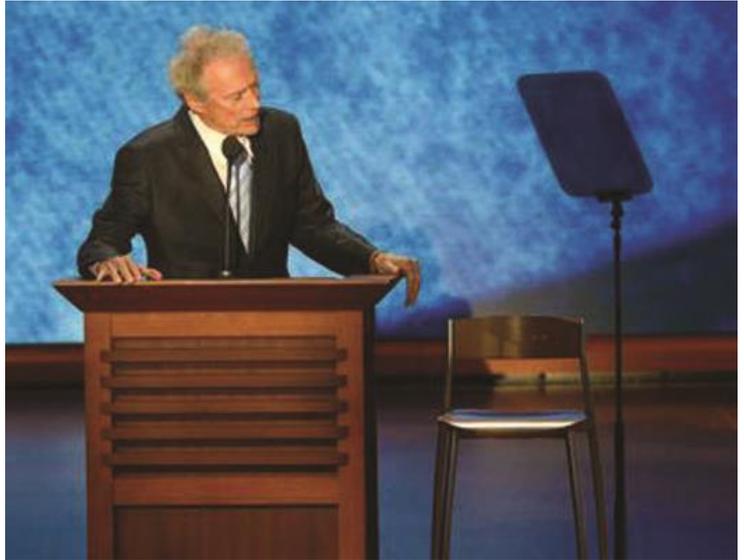


Figure 4. In August 2012, Clint Eastwood—actor, director, and former mayor of Carmel-by-the-Sea, California—spoke at the Republican National Convention accompanied by an empty chair representing the Democratic incumbent president Barack Obama.

National conventions are not the spectacles they once were, and this fact is almost certainly having an impact on the profile of the national party organization. Both parties have come to recognize the value of the convention as a medium through which they can communicate to the average viewer. To ensure that they are viewed in the best possible light, the parties have worked hard to turn the public face of the convention into a highly sanitized, highly orchestrated media event. Speakers are often required to have their speeches prescreened to ensure that they do not deviate from the party line or run the risk of embarrassing the eventual nominee—whose name has often been known by all for several months. And while protests still happen, party organizations have become increasingly adept at keeping protesters away from the convention sites, arguing that safety and security are more important than First Amendment rights to speech and peaceable assembly. For example, protestors were kept behind concrete barriers and fences at the Democratic National Convention in 2004.⁸¹

With the advent of cable TV news and the growth of internet blogging, the major news outlets have found it unnecessary to provide the same level of coverage they once did. Between 1976 and 1996, *ABC* and *CBS* cut their

⁷⁹ Abdullah Halimah, “Eastwood, the Empty Chair, and the Speech Everyone’s Talking About,” 31 August 2012, <http://www.cnn.com/2012/08/31/politics/eastwood-speech/> (March 14, 2016).

⁸⁰ “Influence of Democratic and Republican Conventions on Opinions of the Presidential Candidates,” <http://journalistsresource.org/studies/politics/elections/personal-individual-effects-presidential-conventions-candidate-evaluations> (March 14, 2016).

⁸¹ Timothy Zick, “Speech and Spatial Tactics,” *Texas Law Review* February (2006): 581.

coverage of the nominating conventions from more than fifty hours to only five. *NBC* cut its coverage to fewer than five hours.⁸²

One reason may be that the outcome of nominating conventions are also typically known in advance, meaning there is no drama. Today, the nominee's acceptance speech is expected to be no longer than an hour, so it will not take up more than one block of prime-time TV programming.

This is not to say the national conventions are no longer important, or that the national party organizations are becoming less relevant. The conventions, and the organizations that run them, still contribute heavily to a wide range of key decisions in the life of both parties. The national party platform is formally adopted at the convention, as are the key elements of the strategy for contesting the national campaign. And even though the media is paying less attention, key insiders and major donors often use the convention as a way of gauging the strength of the party and its ability to effectively organize and coordinate its members. They are also paying close attention to the rising stars who are given time at the convention's podium, to see which are able to connect with the party faithful. Most observers credit Barack Obama's speech at the 2004 Democratic National Convention with bringing him to national prominence.⁸³

⁸² Thomas E. Patterson, "Is There a Future for On-the-Air Televised Conventions?" http://journalistsresource.org/wp-content/uploads/2012/08/vv_conv_paper1.pdf (March 14, 2016).

⁸³ Todd Leopold, "The Day America Met Barack Obama,"

<http://www.cnn.com/2008/POLITICS/11/05/obama.meeting/index.html?iref=werecommend> (March 14, 2016).

The Party in Government⁸⁴

One of the first challenges facing the party-in-government, or the party identifiers who have been elected or appointed to hold public office, is to achieve their policy goals. The means to do this is chosen in meetings of the two major parties; Republican meetings are called party conferences and Democrat meetings are called party caucuses. Members of each party meet in these closed sessions and discuss what items to place on the legislative agenda and make decisions about which party members should serve on the committees that draft proposed laws. Party members also elect the leaders of their respective parties in the House and the Senate, and their party whips. Leaders serve as party managers and are the highest-ranking members of the party in each chamber of Congress. The party whip ensures that members are present when a piece of legislation is to be voted on and directs them how to vote. The whip is the second-highest ranking member of the party in each chamber. Thus, both the Republicans and the Democrats have a leader and a whip in the House, and a leader and a whip in the Senate. The leader and whip of the party that holds the majority of seats in each house are known as the majority leader and the majority whip. The leader and whip of the party with fewer seats are called the minority leader and the minority whip. The party that controls the majority of seats in the House of Representatives also elects someone to serve as Speaker of the House. People elected to Congress as independents (that is, not members of either the Republican or Democratic parties) must choose a party to conference or caucus with. For example, Senator Bernie Sanders of Vermont, who originally ran for Senate as an independent candidate, caucuses with the Democrats and ran for the presidency as a Democrat. He returned to the Senate in 2017 as an independent.⁸⁵

The political parties in government must represent their parties and the entire country at the same time. One way they do this is by creating separate governing and party structures in the legislature, even though these are run by the same people.

One problem facing the party-in-government relates to the design of the country's political system. The US government is based on a complex principle of separation of powers, with power divided among the executive, legislative, and judiciary branches. The system is further complicated by federalism, which relegates some powers to the states, which also have separation of powers. This complexity creates a number of problems for maintaining party unity. The biggest is that each level and unit of government has different constituencies that the office holder must satisfy. The person elected to the White House is more beholden to the national party organization than are members of the House or Senate, because members of Congress must be re-elected by voters in very different states, each with its own state-level and county-level parties.

Some of this complexity is eased for the party that holds the executive branch of government. Executive offices are typically more visible to the voters than the legislature, in no small part because a single person holds the office. Voters are more likely to show up at the polls and vote if they feel strongly about the candidate running for president or governor, but they are also more likely to hold that person accountable for the government's failures.⁸⁶

⁸⁴ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

⁸⁵ Peter Nicholas. 26 July 2016. "Bernie Sanders to Return to Senate as an Independent," <http://blogs.wsj.com/washwire/2016/07/26/bernie-sanders-to-return-to-senate-as-an-independent/> (November 9, 2016).

⁸⁶ Sidney R. Waldman. 2007. *America and the Limits of the Politics of Selfishness*. New York: Lexington Books, 27.

The Party in Government (cont.)⁸⁷

Members of the legislature from the executive's party are under a great deal of pressure to make the executive look good, because a popular president or governor may be able to help other party members win office. Even so, partisans in the legislature cannot be expected to simply obey the executive's orders. First, legislators may serve a constituency that disagrees with the executive on key matters of policy. If the issue is important enough to voters, as in the case of gun control or abortion rights, an office holder may feel his or her job will be in jeopardy if he or she too closely follows the party line, even if that means disagreeing with the executive. A good example occurred when the Civil Rights Act of 1964, which desegregated public accommodations and prohibited discrimination in employment on the basis of race, was introduced in Congress. The bill was supported by Presidents John F. Kennedy and Lyndon Johnson, both of whom were Democrats. Nevertheless, many Republicans, such as William McCulloch, a conservative representative from Ohio, voted in its favor while many southern Democrats opposed it.⁸⁸

A second challenge is that each house of the legislature has its own leadership and committee structure, and those leaders may not be in total harmony with the president. Key benefits like committee appointments, leadership positions, and money for important projects in their home district may hinge on legislators following the lead of the party. These pressures are particularly acute for the majority party, so named because it controls more than half the seats in one of the two chambers. The Speaker of the House and the Senate majority leader, the majority party's congressional leaders, have significant tools at their disposal to punish party members who defect on a particular vote. Finally, a member of the minority party must occasionally work with the opposition on some issues in order to accomplish any of his or her constituency's goals. This is especially the case in the Senate, which is a super-majority institution. Sixty votes (of the 100 possible) are required to get anything accomplished, because Senate rules allow individual members to block legislation via holds and filibusters. The only way to block the blocking is to invoke cloture, a procedure calling for a vote on an issue, which takes 60 votes.

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⁸⁸ Alicia W. Stewart and Tricia Escobedo, "What You Might Not Know About the 1964 Civil Rights Act," 10 April 2014, <http://www.cnn.com/2014/04/10/politics/civil-rights-act-interesting-facts/> (March 16, 2016).

Election Rules and the Two-Party System⁸⁹

A number of reasons have been suggested to explain why the structure of US elections has resulted in a two-party system. Most of the blame has been placed on the process used to select its representatives. First, most elections at the state and national levels are winner-take-all: The candidate who receives the greatest overall number of votes wins. Winner-take-all elections with one representative elected for one geographic district allow voters to develop a personal relationship with “their” representative to the government. They know exactly whom to blame, or thank, for the actions of that government. But these elections also tend to limit the number of people who run for office. Otherwise-qualified candidates might not stand for election if they feel the incumbent or another candidate has an early advantage in the race. And since voters do not like to waste votes, third parties must convince voters they have a real chance of winning races before voters will take them seriously. This is a tall order given the vast resources and mobilization tools available to the existing parties, especially if an incumbent is one of the competitors. In turn, the likelihood that third-party challengers will lose an election bid makes it more difficult to raise funds to support later attempts.⁹⁰

Because second-place (or lower) finishers will receive no reward for their efforts, those parties that do not attract enough supporters to finish first at least some of the time will eventually disappear because their supporters realize they have no hope of achieving success at the polls.⁹¹

Winner-take-all systems of electing candidates to office, which exist in several countries other than the United States, require that the winner receive either the majority of votes or a plurality of the votes. US elections are based on plurality voting. *Plurality voting*, commonly referred to as first-past-the-post, is based on the principle that the individual candidate with the most votes wins, whether or not he or she gains a majority (51 percent or greater) of the total votes cast.... Plurality voting has been justified as the simplest and most cost-effective method for identifying a victor in a democracy. A single election can be held on a single day, and the victor of the competition is easily selected....

The failure of third parties to win and the possibility that they will draw votes away from the party the voter had favored before—resulting in a win for the party the voter liked least—makes people hesitant to vote for the third party’s candidates a second time. This has been the fate of all US third parties—the Populist Party, the Progressives, the Dixiecrats, the Reform Party, and others.

Third parties, often born of frustration with the current system, attract supporters from one or both of the existing parties during an election but fail to attract enough votes to win. After the election is over, supporters experience remorse when their least-favorite candidate wins instead. For example, in the 2000 election, Ralph Nader ran for president as the candidate of the Green Party. Nader, a longtime consumer activist concerned with environmental issues and social justice, attracted many votes from people who usually voted for Democratic candidates. This has caused some

⁸⁹ This text is adapted from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <https://cnx.org/contents/pcGYPLpi@2/The-Two-Party-System>.

⁹⁰ Robert Richie and Steven Hill, “The Case for Proportional Representation,” *Boston Review*, February–March 1998, <https://bostonreview.net/archives/BR23.1/richie.html> (March 15, 2016).

⁹¹ Jeffrey Sachs. 2011. *The Price of Civilization*. New York: Random House, 107.

to claim that Democratic nominee Al Gore lost the 2000 election to Republican George W. Bush, because Nader won Democratic votes in Florida that might otherwise have gone to Gore.⁹²



(a)



(b)

Figure 1. Ralph Nader, a longtime consumer advocate and crusader for social justice and the environment, campaigned as an independent in 2008 (a). However, in 2000, he ran for the presidency as the Green Party candidate. He received votes from many Democrats, and some analysts claim Nader’s campaign cost Al Gore the presidency—an ironic twist for a politician who would come to be known primarily for his environmental activism, even winning the Nobel Peace Prize in 2007 (b) for his efforts to inform the public about climate change. (credit a: modification of work by “Mely-o”/Flickr”; credit b: modification of work by “kangotraveler”/Flickr)

Abandoning plurality voting, even if the winner-take-all election were kept, would almost certainly increase the number of parties from which voters could choose. The easiest switch would be to a majoritarian voting scheme, in which a candidate wins only if he or she enjoys the support of a majority of voters. If no candidate wins a majority in the first round of voting, a run-off election is held among the top contenders. Some states conduct their primary elections within the two major political parties in this way.

A second way to increase the number of parties in the US system is to abandon the winner-take-all approach. Rather than allowing voters to pick their representatives directly, many democracies have chosen to have voters pick their preferred party and allow the party to select the individuals who serve in government. The argument for this method is that it is ultimately the party and not the individual who will influence policy. Under this model of *proportional representation*, legislative seats are allocated to competing parties based on the total share of votes they receive in the election. As a result, any given election can have multiple winners, and voters who might prefer a smaller party over a major one have a chance to be represented in government....

⁹² James Dao, “The 2000 Elections: The Green Party; Angry Democrats, Fearing Nader Cost Them Presidential Race, Threaten to Retaliate,” *The New York Times*, 9 November 2000.

While the Green Party in the United States might not win a single congressional seat in some years thanks to plurality voting, in a proportional system, it stands a chance to get a few seats in the legislature regardless. For example, assume the Green Party gets 7 percent of the vote. In the United States, 7 percent will never be enough to win a single seat, shutting the Green candidates out of Congress entirely, whereas in a proportional system, the Green Party will get 7 percent of the total number of legislative seats available. Hence, it could get a foothold for its issues and perhaps increase its support over time. But with plurality voting, it doesn't stand a chance.

Electoral rules are probably not the only reason the United States has a two-party system. We need only look at the number of parties in the British or Canadian systems, both of which are winner-take-all plurality systems like that in the United States, to see that it is possible to have more than two parties while still directly electing representatives. The two-party system is also rooted in US history. The first parties, the Federalists and the Jeffersonian Republicans, disagreed about how much power should be given to the federal government, and differences over other important issues further strengthened this divide. Over time, these parties evolved into others by inheriting, for the most part, the general ideological positions and constituents of their predecessors, but no more than two major parties ever formed. Instead of parties arising based on region or ethnicity, various regions and ethnic groups sought a place in one of the two major parties.

Scholars of voting behavior have also suggested at least three other characteristics of the US system that are likely to influence party outcomes: the Electoral College, demobilized ethnicity, and campaign and election laws. First, the United States has a presidential system in which the winner is selected not directly by the popular vote but indirectly by a group of electors known collectively as the Electoral College. The winner-take-all system also applies in the Electoral College. In all but two states (Maine and Nebraska), the total of the state's electoral votes go to the candidate who wins the plurality of the popular vote in that state. Even if a new, third party is able to win the support of a lot of voters, it must be able to do so in several states in order to win enough electoral votes to have a chance of winning the presidency.⁹³

Besides the existence of the Electoral College, political scientist Gary W. Cox has also suggested that the relative prosperity of the United States and the relative unity of its citizens have prevented the formation of "large dissenting groups" that might give support to third parties.⁹⁴

This is similar to the argument that the United States does not have viable third parties, because none of its regions is dominated by mobilized ethnic minorities that have created political parties in order to defend and to address concerns solely of interest to that ethnic group. Such parties are common in other countries.

Finally, party success is strongly influenced by local election laws. Someone has to write the rules that govern elections, and those rules help to determine outcomes. In the United States, such rules have been written to make it easy for existing parties to secure a spot for their candidates in future elections. But some states create significant burdens for candidates who wish to run as independents or who choose to represent new parties. For example, one common practice is to require a candidate who does not have the support of a major party to ask registered voters to sign a petition. Sometimes, thousands of signatures are required before a candidate's name can be placed on the ballot, but a

⁹³ Bruce Bartlett, "Why Third Parties Can't Compete," *Forbes*, 14 May 2010.

⁹⁴ George C. Edwards III. 2011. *Why the Electoral College is Bad for America*, 2nd. ed. New Haven and London: Yale University Press, 176–177.

small third party that does have large numbers of supporters in some states may not be able to secure enough signatures for this to happen.⁹⁵

Given the obstacles to the formation of third parties, it is unlikely that serious challenges to the US two-party system will emerge. But this does not mean that we should view it as entirely stable either. The US party system is technically a loose organization of fifty different state parties and has undergone several considerable changes since its initial consolidation after the Civil War. Third-party movements may have played a role in some of these changes, but all resulted in a shifting of party loyalties among the US electorate.



Figure 3. Costa Constantinides (right), while campaigning in 2013 to represent the 22nd District on the New York City Council, said, "Few things are more important to a campaign than the petition process to get on the ballot. We were so pumped up to get started that we went out at 12:01 a.m. on June 4 to start collecting signatures right away!" Constantinides won the election later that year. (credit: modification of work by Costa Constantinides)

⁹⁵ Kevin Liptak, "'Fatal Flaw:' Why Third Parties Still Fail Despite Voter Anger," <http://www.cnn.com/2012/05/21/politics/third-party-fail/index.html> (March 13, 2016).

Party Realignment⁹⁶

Political parties exist for the purpose of winning elections in order to influence public policy. This requires them to build coalitions across a wide range of voters who share similar preferences. Since most US voters identify as moderates,⁹⁷ the historical tendency has been for the two parties to compete for “the middle” while also trying to mobilize their more loyal bases. If voters’ preferences remained stable for long periods of time, and if both parties did a good job of competing for their votes, we could expect Republicans and Democrats to be reasonably competitive in any given election. Election outcomes would probably be based on the way voters compared the parties on the most important events of the day rather than on electoral strategy.

There are many reasons we would be wrong in these expectations, however. First, the electorate isn’t entirely stable. Each generation of voters has been a bit different from the last. Over time, the United States has become more socially liberal, especially on topics related to race and gender, and millennials—those aged 18–34—are more liberal than members of older generations.⁹⁸

The electorate’s economic preferences have changed, and different social groups are likely to become more engaged in politics now than they did in the past. Surveys conducted in 2016, for example, revealed that candidates’ religion is less important to voters than it once was. Also, as young Latinos reach voting age, they seem more inclined to vote than do their parents, which may raise the traditionally low voting rates among this ethnic group.⁹⁹ Internal population shifts and displacements have also occurred, as various regions have taken their turn experiencing economic growth or stagnation, and as new waves of immigrants have come to US shores.

Additionally, the major parties have not always been unified in their approach to contesting elections. While we think of both Congress and the presidency as national offices, the reality is that congressional elections are sometimes more like local elections. Voters may reflect on their preferences for national policy when deciding whom to send to the Senate or the House of Representatives, but they are very likely to view national policy in the context of its effects on their area, their family, or themselves, not based on what is happening to the country as a whole.... If they hope to keep their jobs, elected officials must thus be sensitive to preferences in their home constituencies as well as the preferences of their national party.

Finally, it sometimes happens that over a series of elections, parties may be unable or unwilling to adapt their positions to broader socio-demographic or economic forces. Parties need to be aware when society changes. If leaders refuse to recognize that public opinion has changed, the party is unlikely to win in the next election. For example, people who

⁹⁶ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

⁹⁷ Morris P. Fiorina, “America’s Missing Moderates: Hiding in Plain Sight,” 2 February 2013, <http://www.the-american-interest.com/2013/02/12/americas-missing-moderates-hiding-in-plain-sight/> (March 1, 2016).

⁹⁸ Jocelyn Kiley and Michael Dimock, “The GOP’s Millennial Problem Runs Deep,” 28 September 2014, <http://www.pewresearch.org/fact-tank/2014/09/25/the-gops-millennial-problem-runs-deep/> (March 15, 2016).

⁹⁹ Gabrielle Levy, “‘Trump Effect’ Driving Push for Latino Voter Registration,” *U.S. News & World Report*, 27 January 2016, <http://www.usnews.com/news/articles/2016-01-27/trump-effect-driving-push-for-latino-voter-registration> (March 15, 2016).

Party Realignment (cont.)¹⁰⁰

describe themselves as evangelical Christians are an important Republican constituency; they are also strongly opposed to abortion.¹⁰¹ Thus, even though the majority of US adults believe abortion should be legal in at least some instances, such as when a pregnancy is the result of rape or incest, or threatens the life of the mother, the position of many Republican presidential candidates in 2016 was to oppose abortion in all cases.¹⁰² As a result, many women view the Republican Party as unsympathetic to their interests and are more likely to support Democratic candidates.¹⁰³

Similarly (or simultaneously), groups that have felt that the party has served their causes in the past may decide to look elsewhere if they feel their needs are no longer being met. Either way, the party system will be upended as a result of a party realignment, or a shifting of party allegiances within the electorate.¹⁰⁴

¹⁰⁰ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

¹⁰¹ Aaron Blake, "The Ten Most Loyal Demographic Groups for Republicans and Democrats," *The Washington Post*, 8 April 2015.

¹⁰² Irin Carmon, "GOP Candidates: Ban Abortion, No Exceptions," 7 August 2015, <http://www.msnbc.com/msnbc/gop-candidates-ban-abortion-no-exceptions> (March 14, 2016).

¹⁰³ Aaron Blake, "The Ten Most Loyal Demographic Groups for Republicans and Democrats."

¹⁰⁴ V.O. Key. 1964. *Politics, Parties, and Pressure Groups*. New York: Crowell.

Periods of Party Dominance¹⁰⁵

There have been six distinctive periods in US history when new political parties have emerged, control of the presidency has shifted from one party to another, or significant changes in a party's makeup have occurred.

Era	Party Systems and Realignments
1796–1824	First Party System: Federalists (urban elites, southern planters, New England) oppose Democratic-Republicans (rural, small farmers and artisans, the South and the West).
1828–1856	Second Party System: Democrats (the South, cities, farmers and artisans, immigrants) oppose Whigs (former Federalists, the North, middle class, native-born Americans).
1860–1892	Third Party System: Republicans (former Whigs plus African Americans) control the presidency. Only one Democrat, Grover Cleveland, is elected president (1884, 1892).
1896–1932	Fourth Party System: Republicans control the presidency. Only one Democrat, Woodrow Wilson, is elected president (1912, 1916). Challenges to major parties are raised by Populists and Progressives.
1932–1964	Fifth Party System. Democrats control the presidency. Only one Republican, Dwight Eisenhower, is elected president (1952, 1956). Major party realignment as African Americans become part of the Democratic coalition.
1964–present	Sixth Party System. No one party controls the presidency. Ongoing realignment as southern whites and many northern members of the working class begin to vote for Republicans. Latinos and Asians immigrate, most of whom vote for Democrats.

¹⁰⁵ This chart is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <https://cnx.org/contents/pcGYPLpi@2/The-Two-Party-System>. Return to [Civics Social Studies: How to Navigate This Document](#)

Case Study of a Party Realignment¹⁰⁶

One of the best-known party realignments occurred when Democrats moved to include African Americans and other minorities into their national coalition during the Great Depression. After the Civil War, Republicans, the party of Lincoln, were viewed as the party that had freed the slaves. Their efforts to provide blacks with greater legal rights earned them the support of African Americans in both the South, where they were newly enfranchised, and the Northeast. When the Democrats, the party of the Confederacy, lost control of the South after the Civil War, Republicans ruled the region. However, the Democrats regained control of the South after the removal of the Union army in 1877. Democrats had largely supported slavery before the Civil War, and they opposed postwar efforts to integrate African Americans into society after they were liberated. In addition, Democrats in the North and Midwest drew their greatest support from labor union members and immigrants who viewed African Americans as competitors for jobs and government resources, and who thus tended to oppose the extension of rights to African Americans as much as their southern counterparts did.¹⁰⁷

While the Democrats' opposition to civil rights may have provided regional advantages in southern or urban elections, it was largely disastrous for national politics. From 1868 to 1931, Democratic candidates won just four of sixteen presidential elections. Two of these victories can be explained as a result of the spoiler effect of the Progressive Party in 1912 and then Woodrow Wilson's reelection during World War I in 1916. This rather-dismal success rate suggested that a change in the governing coalition would be needed if the party were to have a chance at once again becoming a player on the national level.

That change began with the 1932 presidential campaign of Franklin Delano Roosevelt. FDR determined that his best path toward victory was to create a new coalition based not on region or ethnicity, but on the suffering of those hurt the most during the Great Depression. This alignment sought to bring African American voters in as a means of shoring up support in major urban areas and the Midwest, where many southern blacks had migrated in the decades after the Civil War in search of jobs and better education for their children, as well as to avoid many of the legal restrictions placed on them in the South. Roosevelt accomplished this realignment by promising assistance to those hurt most by the Depression, including African Americans.

The strategy worked. Roosevelt won the election with almost 58 percent of the popular vote and 472 Electoral College votes, compared to incumbent Herbert Hoover's 59. The 1932 election is considered an example of a critical election, one that represents a sudden, clear, and long-term shift in voter allegiances. After this election, the political parties were largely identified as being divided by differences in their members' socio-economic status. Those who favor stability of the current political and economic system tend to vote Republican, whereas those who would most benefit from changing the system usually favor Democratic candidates. Based on this alignment, the Democratic Party won the next five consecutive presidential elections and was able to build a political machine that dominated Congress into the 1990s, including holding an uninterrupted majority in the House of Representatives from 1954 until 1994.

¹⁰⁶ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

¹⁰⁷ Thomas Streissguth. 2003. *Hate Crimes*. New York: Facts on File, 8.

Case Study of a Party Realignment (cont.)¹⁰⁸

The realignment of the parties did have consequences for Democrats. African Americans became an increasingly important part of the Democratic coalition in the 1940s through the 1960s, as the party took steps to support civil rights. Most changes were limited to the state level at first, but as civil rights reform moved to the national stage, rifts between northern and southern Democrats began to emerge.¹⁰⁹

Southern Democrats became increasingly convinced that national efforts to provide social welfare and encourage racial integration were violating state sovereignty and social norms. By the 1970s, many had begun to shift their allegiance to the Republican Party, whose pro-business wing shared their opposition to the growing encroachment of the national government into what they viewed as state and local matters.¹¹⁰

Almost fifty years after it had begun, the realignment of the two political parties resulted in the flipping of post-Civil War allegiances, with urban areas and the Northeast now solidly Democratic, and the South and rural areas overwhelmingly voting Republican. The result today is a political system that provides Republicans with considerable advantages in rural areas and most parts of the Deep South.¹¹¹ Democrats dominate urban politics and those parts of the South, known as the Black Belt, where the majority of residents are African American.

¹⁰⁸ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

¹⁰⁹ Edward Carmines and James Stimson. 1989. *Issue Evolution: Race and the Transformation of American Politics*. Princeton, NJ: Princeton University Press.

¹¹⁰ Ian Haney-Lopez, "How the GOP Became the 'White Man's Party,'" 22 December 2013, https://www.salon.com/2013/12/22/how_the_gop_became_the_white_mans_party/ (March 16, 2016).

¹¹¹ Nate Cohn, "Demise of the Southern Democrat is Now Nearly Complete," *The New York Times*, 4 December 2014.

Civics Instructional Task: Campaign Ads¹¹²

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students examine television campaign advertisements from several elections to identify propaganda techniques and evaluate the use of attack ads.

Suggested Timeline: 3 class periods

Materials: A Commercial’s Worth a Thousand Words handout ([blank](#) and [completed](#)), “[Ike for President](#),” “[Sturdy Lifeboat](#),” “[Bus Driver](#),” “[Adlai to You](#),” “[Platform Double Talk](#),” “[Propaganda Techniques](#)” handout, “[I Love the Gov](#)” (1952), “[Sills Family](#)” (1960), “[Convention](#)” (1968), “[Willie Horton](#)” (1988), “[Country I Love](#)” (2008), [Positive or Negative? handout](#), “[Celeb](#)” (2008), “[Original Mavericks](#)”(2008), “[Embrace](#)”(2008), “[Do Political Ads Actually Work?](#),” “[Do Negative Political Ads Work?](#),” [Sample Town Hall Wall](#)

Instructional Process:

1. Begin this task by asking students how candidates spread their messages as they campaign in the months before elections. Answers will likely include the following: they give speeches; they participate in debates; they travel around the country making public appearances; they participate in interviews; they appear in television commercials; etc. Explain that although students cannot remember a time when television commercials were not a part of political campaigns, it wasn’t until 1952 that presidential candidates began using them to attract voters. Dwight D. Eisenhower, who became the country’s 34th president and served two terms, successfully incorporated short television commercials into his campaign against Illinois Governor Adlai Stevenson.
2. Provide students with a copy of the [A Commercial’s Worth a Thousand Words handout](#).
3. Play “[Ike for President](#),” “[Sturdy Lifeboat](#),” and “[Bus Driver](#)” for students. Ask students just to watch the commercials the first time they are played.
4. Then play each commercial a second time, having students answer the questions on their [A Commercial’s Worth a Thousand Words handout](#) as they watch.
5. After students have viewed the commercials a second time, discuss their answers to the questions.
6. Play “[Adlai to You](#)” and “[Platform Double Talk](#)” for students. Ask students just to watch both commercials the first time they are played.
7. Then play each commercial a second time, having students answer the questions on their [A Commercial’s Worth a Thousand Words handout](#) as they watch.
8. After students have viewed the Stevenson commercials a second time, discuss the answers to their questions.
9. Explain that Eisenhower defeated Stevenson in a landslide victory, which is largely attributed to the success of his commercials. Share the following information with students:
 - a. Eisenhower was the first presidential candidate to make significant use of “spot” advertising in his campaign. These commercials, which generally ran between 20 seconds and a minute, were a departure from typical 30-minute segments that featured campaign speeches.

¹¹² This work by The Constitution Center is licensed under a [Creative Commons Attribution 4.0 International License](#). The original work is available at <https://constitutioncenter.org/learn/educational-resources/lesson-plans/destination-white-house>.

- b. Eisenhower ran a series of spot commercials entitled “Eisenhower Answers America” – an idea developed by Rosser Reeves, a Madison Avenue advertising executive who created the M&M “melts in your mouth, not in your hands” campaign. Each spot featured a different question posed by a voter, followed by Eisenhower’s response. The purpose of the commercials was to present Eisenhower as a down-to-earth, accessible man with whom voters concerned about the high cost of living and the Korean War could identify.
 - c. On the other hand, Adlai Stevenson was much less comfortable with using television as a campaign medium. He did incorporate commercials into his campaign, but he expressed contempt for them, comparing them to advertising and acting.
 - d. Stevenson’s spot advertising was much more simplistic than Eisenhower’s, and he did not appear in his own commercials. Instead, he relied heavily on 30-minute speeches that aired several times a week but late at night, which reduced the number of viewers considerably. Source: The Living Room Candidate (<http://www.livingroomcandidate.org/>)
10. Explaining to students that Eisenhower’s successful use of television commercials in his 1952 bid forever changed the way in which presidential campaigns are run in the US.
11. Provide students with access to “[Propaganda Techniques](#)” from PBS’s “Reporting America at War.” Direct students to independently read “[Propaganda Techniques](#).”
12. Conduct Activity 1 of the [Destination White House: Grades 9-12](#) post-lesson.
13. Have students watch the following selection of commercials spanning from 1960 to 2008: “[I Love the Gov](#)” (1952); “[Sills Family](#)” (1960); “[Convention](#)” (1968); “[Willie Horton](#)” (1988); and “[Country I Love](#)” (2008).
14. As they watch each commercial, ask them to identify what the candidate uses to attract voters. After students have watched all of the commercials, invite students to discuss the tactics that each commercial used and which tactics were the most successful.
15. Ask: “Should political ads be considered persuasive or propagandistic?”
16. Provide students with a copy of the [Positive or Negative? handout](#).
17. Have students watch the following four commercials from the 2008 election: “[Celeb](#)” and “[Original Mavericks](#)” (McCain campaign) and “[Country I Love](#)” and “[Embrace](#).” Ask them to answer the questions on their [Positive or Negative? handout](#) as they watch each commercial.
18. After students have watched all of the commercials, lead a discussion using these questions as a guide.
 - a. How does the commercial either promote the candidate or attack his opponent? What positive or negative messages does it convey?
 - b. What specific words does the candidate use to promote himself or attack his opponent?
 - c. What visual effects contribute to the commercial’s positive or negative messages?
 - d. As a viewer (and future voter), which commercial worked the best? Why? Which commercial worked least well? Why?
19. Listen to “[Do Political Ads Actually Work?](#)” by Mara Liasson from *NPR*.
20. Provide students with access to “[Do Negative Political Ads Work?](#)” by Donald Green from *Scientific American*. Direct students to independently read the article.
21. Conclude the task having students create a Town Hall Wall about whether attack ads should be used in political campaigns. In a Town Hall Wall display, students respond “yes” or “no” to a specific question, providing reasons for their responses. Because it is displayed in a public location, as a Town Hall Wall grows, it serves as a tool for

encouraging dialogue among individuals about pressing issues. Sample NCC Town Hall Walls about other current topics can be found at http://constitutioncenter.org/ncc_edu_Town_Hall_Walls.aspx.

22. For this assessment, pose the question “Should attack ads be used in political campaigns?” on a public display, like a large poster or bulletin board. Have students answer the question with a “yes” or “no” and reasons for their responses. Instruct students to write down their reasons and post them on the display. As the number of responses grows, consider moving the Town Hall Wall to an area of the school in which other students can participate as well.

A Commercial's Worth a Thousand Words Handout

Directions: As you watch each of the television commercials, answer the questions below.

Eisenhower Campaign

"Ike for President"

1. What grabs your attention the most about this commercial?
2. How does this commercial make use of political symbols to convey its message?
3. Based upon this commercial, what type of candidate do you think Eisenhower was?
4. Would you be likely to remember this commercial afterward? Why or why not?

"Sturdy Lifeboat" and "Bus Driver"

1. How do these commercials make use of metaphors to convey their message?
2. What kind of effect do Eisenhower's body language and tone have on you as a viewer (and potential voter)?
3. Given that these commercials were part of a series entitled "Eisenhower Answers America," do you think they would be a successful campaign tool? Why or why not?

Stevenson Campaign

"Adlai to You"

1. What grabs your attention the most about this commercial?
2. How does this commercial make use of political symbols to convey its message?
3. Would you be likely to remember this commercial afterward? Why or why not?

“Platform Double Talk”

1. What message is implied by the two-headed candidate?
2. What grabs your attention the most about this commercial?
3. Do you think this commercial would be successful in convincing viewers to vote for Stevenson? Why or why not?

Concluding Question:

Based upon the two sets of commercials, which candidate do you think did a better job of convincing people to vote for him? Why?

A Commercial's Worth a Thousand Words Handout (Completed)

Directions: As you watch each of the television commercials, answer the questions below.

Eisenhower Campaign

"Ike for President"

1. What grabs your attention the most about this commercial? **Answers will vary but may include the catchy slogan, the animation, the upbeat energy, etc.**
2. How does this commercial make use of political symbols to convey its message? **Uncle Sam, a symbol of patriotism, is wearing an Ike pin; Adlai Stevenson, the Democratic candidate, is riding a donkey, the symbol of the Democratic Party, etc.**
3. Based upon this commercial, what type of candidate do you think Eisenhower was? **Answers will vary but may include that he was a down-to-earth candidate who appealed to many different types of people, that he was popular, etc.**
4. Would you be likely to remember this commercial afterward? Why or why not? **Answers will vary. Some students might say that they would remember the commercial because the slogan is catchy. Others might say that they would not remember much about the commercial because it doesn't share any information about Eisenhower's policies or viewpoints.**

"Sturdy Lifeboat" and "Bus Driver"

1. How do these commercials make use of metaphors to convey their message? **Eisenhower suggests that his leadership would provide Americans with a sturdy lifeboat, whereas Democratic leadership would plunge them deeper into a sea of debt; Eisenhower suggests that Americans would never tolerate a bus driver who has good intentions but drives off the side of the road.**
2. What kind of effect do Eisenhower's body language and tone have on you as a viewer (and potential voter)? **Answers will vary, but may include that he looks directly into the camera, leans toward the viewer, and speaks softly but confidently.**
3. Given that these commercials were part of a series entitled "Eisenhower Answers America," do you think they would be a successful campaign tool? Why or why not? **Answers will vary.**

Stevenson Campaign

"Adlai to You"

1. What grabs your attention the most about this commercial? **Answers will vary but may include the music/jingle, the animation, the brief length, etc.**

2. How does this commercial make use of political symbols to convey its message? **The teacher turns into Uncle Sam, a symbol of patriotism, who encourages viewers to vote for Stevenson.**
3. Would you be likely to remember this commercial afterward? Why or why not? **Answers will vary. Some students might say that they would remember the commercial because the jingle is catchy. Others might say that they would not remember much about the commercial because it is relatively short and doesn't share any information about Stevenson's policies or viewpoints.**

“Platform Double Talk”

1. What message is implied by the two-headed candidate? **The two-headed candidate implies that Eisenhower, or the GOP candidate, told voters whatever they wanted to hear and did not have a firm opinion about most important issues.**
2. What grabs your attention the most about this commercial? **Answers will vary but may include the humor, the use of a side-show setting, etc.**
3. Do you think this commercial would be successful in convincing viewers to vote for Stevenson? Why or why not? **Answers will vary.**

Concluding Question:

Based upon the two sets of commercials, which candidate do you think did a better job of convincing people to vote for him? Why? **Answers will vary.**

Positive or Negative? Handout

Directions: As you watch each of the television commercials, answer the questions below.

McCain Campaign

"Celeb"

1. How does the commercial either promote the candidate or attack his opponent? What positive or negative messages does it convey?
2. What specific words does the candidate use to promote himself or attack his opponent?
3. What visual effects contribute to the commercial's positive or negative messages?
4. As a viewer (and future voter), which commercial worked the best? Why? Which commercial worked least well? Why?

"Original Mavericks"

1. How does the commercial either promote the candidate or attack his opponent? What positive or negative messages does it convey?
2. What specific words does the candidate use to promote himself or attack his opponent?
3. What visual effects contribute to the commercial's positive or negative messages?
4. As a viewer (and future voter), which commercial worked the best? Why? Which commercial worked least well? Why?

Obama Campaign

"Country I Love"

1. How does the commercial either promote the candidate or attack his opponent? What positive or negative messages does it convey?
2. What specific words does the candidate use to promote himself or attack his opponent?
3. What visual effects contribute to the commercial's positive or negative messages?
4. As a viewer (and future voter), which commercial worked the best? Why? Which commercial worked least well? Why?

“Embrace”

1. How does the commercial either promote the candidate or attack his opponent? What positive or negative messages does it convey?
2. What specific words does the candidate use to promote himself or attack his opponent?
3. What visual effects contribute to the commercial’s positive or negative messages?
4. As a viewer (and future voter), which commercial worked the best? Why? Which commercial worked least well? Why?

Sample Town Hall Wall

Should attack ads be used in political campaigns?

In 1952, Dwight D. Eisenhower became the first presidential candidate to appear in spot television commercials as part of his campaign. The most famous series of commercials, “Eisenhower Answers America” featured the candidate’s answers to questions posed by everyday Americans about the Korean War, the economy, etc. The commercials, which aired frequently after popular television shows, are often credited for his landslide victory over Illinois Governor Adlai Stevenson. A new era in presidential campaigning was borne.

Over time, television campaign commercials have changed in style and tone, but their goal has remained largely the same: to capture voters’ interest with a candidate’s views on pressing issues; to draw attention to an opponent’s weaknesses; and to help voters connect with a candidate by making him or her accessible.

During campaigns, candidates use a combination of positive and negative advertising to attract voters. While some commercials promote positive messages about a candidate – his love of his country, for example, or his concern for hard-working Americans – other commercials promote negative messages, attacking a candidate’s opponent for his misguided policies, his dishonesty, etc.

One of the most famous examples of how attack ads can influence an election’s outcome occurred in 1988 when George Bush defeated Michael Dukakis. Produced by the National Security political action committee, the 1988 commercial “Willie Horton” portrayed Dukakis as a person who supported “weekend passes” for criminals and told the story of Willie Horton, who was imprisoned for stabbing a young boy to death, received multiple furloughs (a temporary leave of absence from prison), and then committed subsequent crimes (kidnapping and rape) while on furlough. Although it only aired one time – and was repudiated by the Bush campaign – the Willie Horton commercial did significant damage to Dukakis’ campaign, and the Massachusetts governor lost the election by a wide margin.

Should attack ads be used in political campaigns?

YES

An attack ad often provides voters with useful information about why a candidate is unqualified.

When candidates decide to run for office, they should understand that their voting records *and* their lives will be under scrutiny.

NO

Attack ads often stretch the truth or mislead voters.

It’s more important for voters to know why they should vote for a candidate.

Civics Instructional Task: The Internet and Elections¹¹³

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students ask and answer a compelling question about the internet and politics.

Suggested Timeline: 6 class periods

Materials: “[How the Internet Has Changed the State of Political Debate](#),” “[How Google Could Rig the 2016 Election](#),” “[Fake News Expert on How False Stories Spread and Why People Believe Them](#),” “[Are All of Us Vulnerable to Fake News?](#),” [Question Formulation](#) handout, digital access, [Factitious](#) game

Instructional Process:

1. Post the following quote from 1997: “The ascending young citizens of the Digital Nation can, if they wish, construct a more civil society, a new politics based on rationalism, shared information, the pursuit of truth, and new kinds of community.”¹¹⁴
2. Ask students to briefly reflect on the quote in writing. Instruct students to save their reflections but do not discuss as a class.
3. Direct students to independently read “[How the Internet Has Changed the State of Political Debate](#)” by Rand Strauss on *Huffington Post*. Instruct them to compile a bulleted list of key points. Ask students to share items from their lists but limit discussion. Take notes on the board.
4. Direct students to independently read and [summarize](#) “[How Google Could Rig the 2016 Election](#)” by Robert Epstein from *Politico*. Summaries should include the following:
 - a. Experiments performed and results
 - b. Scenarios by which the author claims Google could manipulate elections
5. Anticipate that students will question the reliability of this source. As a class, perform a brief investigation into the author’s background and affiliations, where the study was originally published, etc.
6. Have a few students share summaries with the class to ensure comprehension but limit discussion. Prevent students from sharing their reactions or opinions at this time.
7. Listen to “[Fake News Expert on How False Stories Spread and Why People Believe Them](#)” from NPR’s *Fresh Air*. Stop the audio at 4:14. Call on a few students to paraphrase key points, again limiting discussion.
8. Watch Laura Galante’s TED Talk, “[Are All of Us Vulnerable to Fake News?](#)” Instruct students to write down comments and questions as they listen.
9. Distribute [Question Formulation](#) handouts adapted from the method developed by the [Right Question Institute](#). Review the steps as a class.
10. Divide students into small groups to formulate questions about the internet and politics.
11. Have one member from each group write the group’s top three questions on the board.

¹¹³ This task is loosely adapted from [Internet](#) developed for the New York State Social Studies Resource Toolkit. The task is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

¹¹⁴ Jon Katz, “Birth of a Digital Nation,” *Wired Magazine*, April 1, 1997

12. Discuss as a class. Identify the strongest questions. Refine as necessary (combine questions together, rephrase, adjust the scope, etc.) until the class has chosen an overarching question.
13. As a class, develop a list of supporting questions for the compelling question. Refine until the supporting questions are roughly equal in scope and the number of supporting questions matches the number of small groups.
14. Assign each group one supporting question about which to perform research and present findings.
15. Set expectations for research (e.g., What is the process for research? What are their deliverables? What are their due dates? How will you grade their research?).
16. Establish and share grading criteria for the presentation of findings, including length and acceptable formats. Instruct groups to focus on sharing different perspectives, rather than generating a single answer to their supporting question. Presentations should also explicitly identify sources of information, including the limitations of any sources used.
17. Require students to consider the scope of the assignment, plan, and subdivide the work within their groups before allowing them to begin researching.
18. Provide students with digital access. As needed, support students in developing research skills, including creating effective search questions for digital research, how to identify accurate and credible sources, the importance of reviewing multiple sources to corroborate information, how to engage in ethical use of information including creating a list of sources used, etc.
19. Provide class time for groups to present to the class. During the presentations, direct the audience to take careful notes.
20. Instruct students to construct a written argument in response to the overarching compelling question developed by the class.
21. Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.
22. Conclude the task by playing [Factitious](#) from American University Game Lab together as a class.

Question Formulation Technique¹¹⁵

Step one: Produce your own questions.

Produce as many questions as you can without stopping to judge or answer the questions. Assign a recorder to write down every question exactly as stated and change statements into questions.

Step two: Categorize your questions as “compelling” or “supporting.”

Compelling questions

- are provocative and engaging
- worth spending time on
- address problems, issues, or curiosities about how things work
- are intellectually meaty
- reflect a significant issue, concern, or debate in social studies

Supporting questions

- help you answer compelling questions

Mark the questions with a C or an S.

Step three: Prioritize your questions.

Prioritize the questions you have generated. Choose the three most important questions.

¹¹⁵ Adapted from the Question Formulation Technique developed by the Right Question Institute. Available online at <http://rightquestion.org>; Lee, J., Swan, K., Grant, S.G., Rothstein, D. Santana, L. (2015). *Questions, Frameworks, and Classrooms*. C3 Teachers. Available online at <http://c3teachers.org/c3shifts>; Grant, S.G. (2013). From Inquiry Arc to Instructional Practice: The Potential of the C3 Framework. *Social Education* 77(6), pp 322–326, 351. Available online at <http://www.socialstudies.org/system/files/publications/se/7706/7706322.pdf>.

Civics Instructional Task: Campaign Finance¹¹⁶

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students weigh the need for campaign finance reform in the United States.

Suggested Timeline: 4 class periods

Materials: [“Democratic National Committee Finance Call Sheet to Glaxo Inc.”](#), [“Letter from Haley Barbour to Republican Tom DeLay,”](#) [“Democratic National Committee Fundraiser List,”](#) and [“Letter from Mitch McConnell on the Committee for Economic Development”](#) from *Politics and Economy: What Money Buys, Campaign Finance Files, 1996*, [“Campaign Finance”](#) inquiry, [Center for Responsive Politics](#) website, [“From \\$25 to \\$10,000,000: A Guide to Political Donations,”](#) [video clip](#) explaining *Citizens United v. Federal Election Commission*, [video clip](#) from the March 30, 2011 episode of *The Colbert Report* explaining the creation of a PAC, [video clip](#) from the April 14, 2011 episode of *The Colbert Report* explaining the creation of a super PAC, [video clip](#) from September 29, 2011 episode of *The Colbert Report* explaining shell corporations, [video clip](#) from November 7, 2011 episode of *The Colbert Report* on issue ads, [“Money Wins Presidency and 9 of 10 Congressional Races in Priciest U.S. Election Ever,”](#) [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Provide students with copies of [“Democratic National Committee Finance Call Sheet to Glaxo Inc.”](#), [“Letter from Haley Barbour to Republican Tom DeLay,”](#) [“Democratic National Committee Fundraiser List,”](#) and [“Letter from Mitch McConnell on the Committee for Economic Development”](#) from *Politics and Economy: What Money Buys, Campaign Finance Files, 1996*.
2. To stage the task, divide the class into pairs according to an established classroom routine and direct pairs to read the sampler of political correspondence between political parties and their financiers.
3. Conduct a class discussion. Possible questions:
 - a. Who are the political parties writing about?
 - b. What do both sides hope to get out of the agreement?
 - c. Is the funding tied to favors?
4. Project the Center for Responsive Politics website at <http://www.opensecrets.org>. Navigate to the most recent completed election cycle and view the [amount raised by candidate in Louisiana](#). Explore a variety of other states looking for trends.
5. Discuss as a class. Possible questions:
 - a. How often are the winners the top fundraisers?
 - b. What differences do you observe between Senate and House races?
 - c. Why might some House races be more expensive than others?
 - d. How do races with incumbents differ from open races?
 - e. What other trends can you observe?
 - f. What data did you find predictable versus surprising?

¹¹⁶ This task is adapted from the [Campaign Finance Inquiry](#) developed for the New York State Social Studies Resource Toolkit. The task is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

6. Ask students to consider the following question as they examine a set of sources: Where do politicians get their campaign contributions?
7. Provide students with digital access or review the *New York Times* interactive page, "[From \\$25 to \\$10,000,000: A Guide to Political Donations](#)," together as a class. Instruct students to take notes (bulleted list with brief explanations) on the various ways individuals and companies can donate to political candidates and campaigns.
8. Watch [video clip](#) from C-SPAN explaining the *Citizens United v. Federal Election Commission* Supreme Court ruling of 2010.
9. Watch [video clip](#) from the March 30, 2011 episode of *The Colbert Report* explaining the creation of a PAC. Note: An advertisement appears at the beginning of the video. Ask students to summarize key information orally.
10. Watch [video clip](#) from the April 14, 2011 episode of *The Colbert Report* explaining the creation of a super PAC. Note: An advertisement appears at the beginning of the video. Ask students to summarize key information orally.
11. Watch [video clip](#) from September 29, 2011 episode of *The Colbert Report* on shell corporations. Note: An advertisement appears at the beginning of the video. Ask students to summarize key information orally.
12. Watch [video clip](#) from November 7, 2011 episode of *The Colbert Report* on issue ads. Note: An advertisement appears at the beginning of the video. Ask students to summarize key information orally.
13. Direct students to independently read "Super PAC Mania" by Robert Barnes ([pages 19-23 of original task](#); option to excerpt to first two pages).
14. Instruct students to write two paragraphs defining what a super PAC is and what role they play in political campaigns. Collect and grade for content accuracy.
15. Direct students to read first six paragraphs of "[Money Wins Presidency and 9 of 10 Congressional Races in Priciest US Election Ever](#)" by the Center for Responsive Politics. Call on students to orally summarize key points.
16. Direct students to independently read the set of essays from *Freakonomics* ([pages 26-27 original task](#)) and then answer the following questions with a partner:
 - a. Summarize Robert Shrum's main argument in one sentence.
 - b. List examples Shrum uses to support this argument.
 - c. Summarize Jeffrey D. Milyo's argument in one sentence.
 - d. What evidence does Milyo use to support his argument?
17. Divide students into small groups. Instruct them to write a sketch for a satirical news program. In the sketch, the host should interview two political analysts, one in favor of campaign finance reform and one opposed.
18. Collect and grade the written sketches for demonstrated comprehension of key arguments on each side.
19. Time permitting, allow students to perform sketches.

Democratic National Committee Finance Call Sheet to Glaxo Inc.

Transcript:

DNC FINANCE CALL SHEET

For: Dodd

CALL SHEET PREPARED BY: David Dunphy, Richard Sullivan

DATE: November 13, 1995

NAME: John Gore

TITLE: Vice President Government Affairs

COMPANY: BP

ADDRESS: 1776 Eye Street, NW. Washington, DC

PHONE: -----

ASST NAME:

CONTRIBUTOR HISTORY: BP has given us \$15,000 in 1995 and \$10, 000 in 1994. REASON

FOR CALL: Please ask them to give \$85,000 and become Managing Trustees.

ADDITIONAL NOTES: BP has given \$66,000 to Republican committees this year. The Administration helped them out on two major issues this year. The first dealing with deep water drilling in the Gulf of Mexico; and the other, ANS, dealing with oil imports from foreign--owned companies.

RESULTS:

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Letter from Haley Barbour to Republican Tom DeLay

Transcript

May 14, 1996

Hon. Thomas D. DeLay
U.S. House of Representatives
Washington, DC 20515

Dear Congressman DeLay:

It was indeed a pleasure to visit briefly with you last week over dinner during the Team 100 Republican meeting in Washington. While many challenges lie ahead for the Party in 1996, I feel more confident than ever that the Republican Party's Congressional majority will not only prevail, but will increase after the election in November. And, it will be great to once again have our team in the White House.

As we briefly discussed, there is an issue before Congress of significant importance to our company and industry—repeal of the Public Utility Holding Company Act of 1935 (PUHCA). While it is a complex issue and not one that is widely discussed, or understood, it nonetheless presents the Republican Party with an excellent opportunity this year to repeal an outdated and ineffective depression---era law.

Of the 500 electric and gas utilities in the U.S., only 14 companies are regulated by the Act. President Reagan initiated action to repeal PUCHA in the early '80s. Most recently, the Securities and Exchange Commission (SEC), the agency responsible for administering and enforcing the Act, voiced their support for PUCHA repeal.

Senator D'Amato, whose Banking Committee oversees PUHCA, supported by Senators Doyle, Lott, Cochran, Murkowski, Johnston, Dodd and others, has introduced PUHCA repeal legislation in the Senate. Your help would be appreciated in urging House Commerce Committee Chairman Tom Bliley and Energy & Power Subcommittee Chairman Dan Schaefer, to act on PUHCA Repeal legislation [this year](#).

Again, let me say how much I enjoyed visiting with you and I look forward to seeing you again in San Diego if not before. Please feel free to contact me if you have any questions or desire more information on the Public Utility Holding Company Act issue.

Sincerely,

EL/pl

cc: Mr. Haley Barbour

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Democratic National Committee Fundraiser List

Transcript:

Counsel Only

Miami, FL

Ask him to serve as a Vice Chair

Stephen Cloobek Owner, Polo Towers Nevada, Las Vegas

Stephen committed to write another 25K to get to 50K this year and come to a POTUS coffee. He would like to speak to you about Nevada politics.

Leonard Eber

Kentfield, CA

Ask Leonard for 100K and invite him to attend breakfast on Oct. 13th.

Angeleo Tsakopoulos

CEO, AKT Development Corp.

Sacramento, CA

Thank Angelo for raising money for re---elect. Ask him to become a Managing Trustee and write 100K to come to coffee on Oct. 13.

Sandy Robertson

Managing Partner, Robertson, Stephens and Co.

Gave 100K in 1992. Ask him to give 100K and attend Oct. 13th coffee with POTUS with other San Francisco leaders. (Stu Moldau, Alex)

Bob Kenmore

San Francisco

Heirs to Kenmore fortune. Ask them to give 100K to become Managing Trustees and attend Oct. 13th coffee with POTUS with other leaders from the Bay area.

Confidential Information

This text is in the public domain.

Letter from Mitch McConnell on the Committee for Economic Development

Transcript:

May 27, 1999

As Chairman of the National Republican Senatorial Committee and lead defender of the private sector's right to participate in politics, let me express my concern that a serious error has occurred, which may cause some embarrassment to you if it is not immediately corrected.

Evidently, an organization called the Committee for Economic Development has listed you, of all people, as a supporter of its campaign to restrict the political speech rights of individuals, candidates, groups, political parties — and even your own company.

I have attached a page from a report issued by CED that prominently identifies you as a backer of its legislative plan to: deny corporations the right to make perfectly legal non--federal contributions to political parties; restrict the right of political parties to advocate positions on issues; limit the free speech of candidates; and force taxpayers to subsidize political activities with which they may not agree.

If CED's proposal were adopted, the NRSC would lose nearly half its revenues and thus be crippled in its ability to assist Republican candidates. On the other hand, labor unions, trial lawyers and radical environmental groups would remain virtually untouched in their capacity to assist those who share their legislative priorities. In short, CED's plan, which claims you as a supporter, amounts to nothing less than *unilateral disarmament*.

I am certain that CED has invoked your name in error, and to ensure that we quickly put this embarrassment to rest, I would welcome any clarification you can provide.

Sincerely,

Mitch McConnell
Chairman

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Civics Instructional Task: Election 2016

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students dissect the election of 2016 to explain why the polls and the press got it wrong.

Suggested Timeline: 4 class periods

Materials: fundraising data for [Hillary Clinton](#) and [Donald Trump](#), "[How Is Public Opinion Measured?](#)," "[Evaluating the State of Polling After the 2016 Presidential Election](#)," "[Here's to the Return of the Journalist as Malcontent](#)," "[Research: Media Coverage of the 2016 Election](#)," "[Millennials Just Didn't Love Hillary Clinton The Way They Loved Barack Obama](#)," "[Hillary Clinton Had The Stronger Ground Game. What Happened?](#)," "[Feeling Left Behind, White-Working Class Voters Turned Out for Trump](#)," "[US Election 2016 Results: Five Reasons Donald Trump Won](#)," "[Did Economic Stress -- or Cultural Anxiety -- Power Trump's Win?](#)," "[How US Demographic Changes Explain Election Results](#)," "[How Trump Won the Election: Volatility and a Common Touch](#)," "[Did Trump Win Because His Name Came First in Key States?](#)," "[How Did Trump Win? Here Are 24 Theories](#)," "[Cokie Roberts Answers Your Questions About the Electoral College](#)," [Electoral College](#) T-charts, digital access, [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Say: "We just concluded an inquiry into the influence of money on political campaigns. What about the presidential election of 2016? Which candidate raised the most money?"
2. Project the Center for Responsive Politics website at <http://www.opensecrets.org>. Explore fundraising for the 2016 presidential election candidates, [Hillary Clinton](#) and [Donald Trump](#). Discuss as a class. Compare the candidates in terms of
 - a. total fundraising
 - b. sources of funds
 - c. money spent by outside groups (for and against)
3. Say: "Most pollsters, political consultants, and members of the media predicted Hillary Clinton would win the 2016 presidential election. In this task, we will dissect the election to understand why they got it wrong."
4. Direct students to independently read and [summarize](#) "[How Is Public Opinion Measured?](#)"
5. Discuss briefly as a class. Possible questions:
 - a. How significant are polls in elections?
 - b. What are the limitations of polling?
6. Listen to "[Evaluating the State of Polling After the 2016 Presidential Election](#)" from *NPR*.
7. Discuss briefly as a class. Ask, "Where does Sean Trende place most of the blame for the incorrect predictions about the election of 2016?"
8. Ask: "What role should the media play in politics?" Record student responses on the board.
9. Provide students with copies of "[Functions of the Media](#)." Direct them to read independently and highlight functions identified in the text.
10. Compare functions described in the text with student responses on the board.
11. Discuss the following quote as class: "Whether the medium is a newspaper, a radio, or a television newscast, a corporation behind the scenes must bring in revenue and pay for the cost of the product....So all programs and

publications need to entertain, inform, or interest the public and maintain a steady stream of consumers. In the end, what attracts viewers and advertisers is what survives.”

12. Direct students to read “[How the Media Blew the 2016 Campaign](#)” by Dan Kennedy from *US News*.
13. Discuss as a class. Possible questions:
 - a. What does Kennedy identify as the two major failures of the media in the election of 2016?
 - b. What should be the standard for objectivity in journalism?
14. Direct students to read “[Here’s to the Return of the Journalist as Malcontent](#)” by Kyle Pope from *Columbia Journalism Review*.
15. Discuss as a class. Possible questions:
 - a. What does Pope see as the failure of the media in the election of 2016?
 - b. What does he see as the way forward for journalism?
16. Direct students to independently read “[Research: Media Coverage of the 2016 Election](#)” by Harvard Kennedy School’s Shorenstein Center on Media, Politics, and Public Policy and then answer the following questions with a partner:
 - a. Which key findings could be used to support an argument made by Kennedy?
 - b. Which key findings could be used to support an argument made by Pope?
17. Discuss responses as a class. Then ask, “How would you assess the media’s performance in the presidential election of 2016?”
18. Say: “While the media did correctly predict Trump’s victory, they engaged in extensive ‘post-mortem’ coverage trying to explain it.”
19. Divide the class into small groups. Assign each group one of the following sources to summarize and discuss:
 - a. “[Millennials Just Didn’t Love Hillary Clinton the Way They Loved Barack Obama](#),” Asma Khalid and Joel Rose, *NPR*
 - b. “[Hillary Clinton Had The Stronger Ground Game. What Happened?](#)” interview with Rob Jesmer and Karine Jean-Pierre, *NPR*
 - c. “[Feeling Left Behind, White-Working Class Voters Turned Out for Trump](#)” interview with Alec MacGillis, *NPR*
 - d. “[US Election 2016 Results: Five Reasons Donald Trump Won](#),” Anthony Zurcher, *BBC*
 - e. “[Did Economic Stress -- or Cultural Anxiety -- Power Trump’s Win?](#),” Jake Miller, *CBS News*
 - f. “[How US Demographic Changes Explain Election Results](#),” Domenico Montanaro and Asma Khalid, *NPR*
 - g. “[How Trump Won the Election: Volatility and a Common Touch](#),” David Smith, *The Guardian*
 - h. “[Did Trump Win Because His Name Came First in Key States?](#),” *BBC*
20. Allow time for a spokesperson from each group to report out to the class.
21. Direct students to read, “[How Did Trump Win? Here Are 24 Theories](#)” by Gregory Krieg on *CNN*.
22. Conduct a class discussion:
 - a. Why are there so many different perspectives on the election outcome?
 - b. Were certain arguments more compelling than others?
 - c. Is the election outcome better explained by one theory or a combination of factors?
 - d. What purpose(s) does this type of post-election analysis serve?
23. Say: “The last step in our dissection of the presidential election of 2016 will be to consider the Electoral College. In both the election of 2000 and the election of 2016, the winner of the popular vote did not become president, leading some citizens to question the fairness of the system. Let us examine the arguments on both sides.”

24. Listen to "[Cokie Roberts Answers Your Questions About the Electoral College](#)" from *NPR*.
25. Provide students with a copy of the [Electoral College](#) T-chart. Provide students with digital access to perform additional research.
26. Direct students to add information to both sides of their charts. Instruct them to include source information and a link for each claim added to the chart.
27. Conduct a [philosophical chairs debate](#) on whether the Electoral College should be abolished or maintained.
28. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).
29. Conclude the task with a discussion. Ask: "Were citizens' voices heard in the election of 2016?"

How is Public Opinion Measured?¹¹⁷

Taking a Poll

Most public opinion polls aim to be accurate, but this is not an easy task. Political polling is a science. From design to implementation, polls are complex and require careful planning and care....Our history is littered with examples of polling companies producing results that incorrectly predicted public opinion due to poor survey design or bad polling methods.

In 1936, *Literary Digest* continued its tradition of polling citizens to determine who would win the presidential election. The magazine sent opinion cards to people who had a subscription, a phone, or a car registration. Only some of the recipients sent back their cards. The result? Alf Landon was predicted to win 55.4 percent of the popular vote; in the end, he received only 38 percent.¹¹⁸ Franklin D. Roosevelt won another term, but the story demonstrates the need to be scientific in conducting polls.

A few years later, Thomas Dewey lost the 1948 presidential election to Harry Truman, despite polls showing Dewey far ahead and Truman destined to lose. More recently, John Zogby, of Zogby Analytics, went public with his prediction that John Kerry would win the presidency against incumbent president George W. Bush in 2004, only to be proven wrong on election night. These are just a few cases, but each offers a different lesson. In 1948, pollsters did not poll up to the day of the election, relying on old numbers that did not include a late shift in voter opinion. Zogby's polls did not represent likely voters and incorrectly predicted who would vote and for whom. These examples reinforce the need to use scientific methods when conducting polls, and to be cautious when reporting the results.

Most polling companies employ statisticians and methodologists trained in conducting polls and analyzing data. A number of criteria must be met if a poll is to be completed scientifically. First, the methodologists identify the desired population, or group, of respondents they want to interview. For example, if the goal is to project who will win the presidency, citizens from across the United States should be interviewed. If we wish to understand how voters in Colorado will vote on a proposition, the population of respondents should only be Colorado residents. When surveying on elections or policy matters, many polling houses will interview only respondents who have a history of voting in previous elections, because these voters are more likely to go to the polls on Election Day. Politicians are more likely to be influenced by the opinions of proven voters than of everyday citizens. Once the desired population has been identified, the researchers will begin to build a sample that is both random and representative.

A random sample consists of a limited number of people from the overall population, selected in such a way that each has an equal chance of being chosen. In the early years of polling, telephone numbers of potential respondents were arbitrarily selected from various areas to avoid regional bias. While landline phones allow polls to try to ensure

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¹¹⁸ Arthur Evans, "Predict Landon Electoral Vote to be 315 to 350," *Chicago Tribune*, 18 October 1936.

How is Public Opinion Measured? (cont.)¹¹⁹

randomness, the increasing use of cell phones makes this process difficult. Cell phones, and their numbers, are portable and move with the owner. To prevent errors, polls that include known cellular numbers may screen for zip codes and other geographic indicators to prevent regional bias. A representative sample consists of a group whose demographic distribution is similar to that of the overall population. For example, nearly 51 percent of the U.S. population is female.¹²⁰ To match this demographic distribution of women, any poll intended to measure what most Americans think about an issue should survey a sample containing slightly more women than men.

Pollsters try to interview a set number of citizens to create a reasonable sample of the population. This sample size will vary based on the size of the population being interviewed and the level of accuracy the pollster wishes to reach. If the poll is trying to reveal the opinion of a state or group, such as the opinion of Wisconsin voters about changes to the education system, the sample size may vary from five hundred to one thousand respondents and produce results with relatively low error. For a poll to predict what Americans think nationally, such as about the White House's policy on greenhouse gases, the sample size should be larger.

The sample size varies with each organization and institution due to the way the data are processed.... A larger sample makes a poll more accurate, because it will have relatively fewer unusual responses and be more representative of the actual population. Pollsters do not interview more respondents than necessary, however. Increasing the number of respondents will increase the accuracy of the poll, but once the poll has enough respondents to be representative, increases in accuracy become minor and are not cost-effective.¹²¹

When the sample represents the actual population, the poll's accuracy will be reflected in a lower margin of error. The margin of error is a number that states how far the poll results may be from the actual opinion of the total population of citizens. The lower the margin of error, the more predictive the poll. Large margins of error are problematic. For example, if a poll that claims Hillary Clinton is likely to win 30 percent of the vote in the 2016 New York Democratic primary has a margin of error of +/-6, it tells us that Clinton may receive as little as 24 percent of the vote (30 – 6) or as much as 36 percent (30 + 6). A lower margin of error is clearly desirable because it gives us the most precise picture of what people actually think or will do.

With many polls out there, how do you know whether a poll is a good poll and accurately predicts what a group believes? First, look for the numbers. Polling companies include the margin of error, polling dates, number of respondents, and population sampled to show their scientific reliability. Was the poll recently taken? Is the question clear and unbiased? Was the number of respondents high enough to predict the population? Is the margin of error

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¹²⁰ United States Census Bureau. 2012. "Age and Sex Composition in the United States: 2012." United States Census Bureau. <http://www.census.gov/population/age/data/2012comp.html> (February 17, 2016).

¹²¹ Michael W. Link and Robert W. Oldendick. 1997. "Good" Polls / "Bad" Polls—How Can You Tell? Ten Tips for Consumers of Survey Research." South Carolina Policy Forum. <http://www.ipspr.sc.edu/publication/Link.htm> (February 17, 2016); Pew Research Center. 2015. "Sampling." Pew Research Center. <http://www.pewresearch.org/methodology/u-s-survey-research/sampling/> (February 17, 2016).

How is Public Opinion Measured? (cont.) ¹²²

small? It is worth looking for this valuable information when you interpret poll results. While most polling agencies strive to create quality polls, other organizations want fast results and may prioritize immediate numbers over random

and representative samples. For example, instant polling is often used by news networks to quickly assess how well candidates are performing in a debate.

Problems in Polling

For a number of reasons, polls may not produce accurate results. Two important factors a polling company faces are timing and human nature. Unless you conduct an exit poll during an election and interviewers stand at the polling places on Election Day to ask voters how they voted, there is always the possibility the poll results will be wrong. The simplest reason is that if there is time between the poll and Election Day, a citizen might change his or her mind, lie, or choose not to vote at all. Timing is very important during elections, because surprise events can shift enough opinions to change an election result. Of course, there are many other reasons why polls, even those not time-bound by elections or events, may be inaccurate.

Polls begin with a list of carefully written questions. The questions need to be free of framing, meaning they should not be worded to lead respondents to a particular answer. For example, take two questions about presidential approval. Question 1 might ask, “Given the high unemployment rate, do you approve of the job President Obama is doing?” Question 2 might ask, “Do you approve of the job President Obama is doing?” Both questions want to know how respondents perceive the president’s success, but the first question sets up a frame for the respondent to believe the economy is doing poorly before answering. This is likely to make the respondent’s answer more negative. Similarly, the way we refer to an issue or concept can affect the way listeners perceive it. The phrase “estate tax” did not rally voters to protest the inheritance tax, but the phrase “death tax” sparked debate about whether taxing estates imposed a double tax on income.¹²³

Many polling companies try to avoid leading questions, which lead respondents to select a predetermined answer, because they want to know what people really think. Some polls, however, have a different goal. Their questions are written to guarantee a specific outcome, perhaps to help a candidate get press coverage or gain momentum. These are called push polls. In the 2016 presidential primary race, *MoveOn* tried to encourage Senator Elizabeth Warren (D-MA) to enter the race for the Democratic nomination. Its poll used leading questions for what it termed an “informed ballot,” and, to show that Warren would do better than Hillary Clinton, it included ten positive statements about Warren before asking whether the respondent would vote for Clinton or Warren.¹²⁴ The poll results were blasted by some in the media for being fake.

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¹²³ Frank Luntz. 2007. *Words That Work: It’s Not What You Say, It’s What People Hear*. New York: Hyperion.

¹²⁴ Aaron Blake, “This terrible polls shows Elizabeth Warren beating Hillary Clinton,” *Washington Post*, 11 February 2015.

How is Public Opinion Measured? (cont.)¹²⁵

Sometimes lack of knowledge affects the results of a poll. Respondents may not know that much about the polling topic but are unwilling to say, “I don’t know.” For this reason, surveys may contain a quiz with questions that determine whether the respondent knows enough about the situation to answer survey questions accurately. A poll to discover whether citizens support changes to the Affordable Care Act or Medicaid might first ask who these programs serve and how they are funded. Polls about territory seizure by the Islamic State (or ISIS) or Russia’s aid to rebels in Ukraine may include a set of questions to determine whether the respondent reads or hears any international news. Respondents who cannot answer correctly may be excluded from the poll, or their answers may be separated from the others.

People may also feel social pressure to answer questions in accordance with the norms of their area or peers.¹²⁶ If they are embarrassed to admit how they would vote, they may lie to the interviewer. In the 1982 governor’s race in California, Tom Bradley was far ahead in the polls, yet on Election Day he lost. This result was nicknamed the Bradley effect, on the theory that voters who answered the poll were afraid to admit they would not vote for a black man because it would appear politically incorrect and racist. In the 2016 presidential election, the level of support for Republican nominee Donald Trump may have been artificially low in the polls due to the fact that some respondents did not want to admit they were voting for Trump.

In 2010, Proposition 19, which would have legalized and taxed marijuana in California, met with a new version of the Bradley effect. Nate Silver, a political blogger, noticed that polls on the marijuana proposition were inconsistent, sometimes showing the proposition would pass and other times showing it would fail. Silver compared the polls and the way they were administered, because some polling companies used an interviewer and some used robo-calling. He then proposed that voters speaking with a live interviewer gave the socially acceptable answer that they would vote against Proposition 19, while voters interviewed by a computer felt free to be honest.¹²⁷

While this theory has not been proven, it is consistent with other findings that interviewer demographics can affect respondents’ answers. African Americans, for example, may give different responses to interviewers who are white than to interviewers who are black.¹²⁸

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¹²⁶ Nate Silver. 2010. “The Broadus Effect? Social Desirability Bias and California Proposition 19.” *FiveThirtyEightPolitics*. July 27, 2010. <http://fivethirtyeight.com/features/broadus-effect-social-desirability-bias/> (February 18, 2016).

¹²⁷ Nate Silver. 2010. “The Broadus Effect? Social Desirability Bias and California Proposition 19.” *FiveThirtyEightPolitics*. July 27, 2010. <http://fivethirtyeight.com/features/broadus-effect-social-desirability-bias/> (February 18, 2016).

¹²⁸ D. Davis. 1997. “The Direction of Race of Interviewer Effects among African-Americans: Donning the Black Mask.” *American Journal of Political Science* 41 (1): 309–322.

Functions of the Media¹²⁹

The media exist to fill a number of functions. Whether the medium is a newspaper, a radio, or a television newscast, a corporation behind the scenes must bring in revenue and pay for the cost of the product. Revenue comes from advertising and sponsors, like McDonald's, Ford Motor Company, and other large corporations. But corporations will not pay for advertising if there are no viewers or readers. So all programs and publications need to entertain, inform, or interest the public and maintain a steady stream of consumers. In the end, what attracts viewers and advertisers is what survives.

The media are also watchdogs of society and of public officials. Some refer to the media as the fourth estate, with the branches of government being the first three estates and the media equally participating as the fourth. This role helps maintain democracy and keeps the government accountable for its actions, even if a branch of the government is reluctant to open itself to public scrutiny. As much as social scientists would like citizens to be informed and involved in politics and events, the reality is that we are not. So the media, especially journalists, keep an eye on what is happening and sounds an alarm when the public needs to pay attention.¹³⁰

The media also engages in agenda setting, which is the act of choosing which issues or topics deserve public discussion. For example, in the early 1980s, famine in Ethiopia drew worldwide attention, which resulted in increased charitable giving to the country. Yet the famine had been going on for a long time before it was discovered by western media. Even after the discovery, it took video footage to gain the attention of the British and US populations and start the aid flowing.¹³¹

Today, numerous examples of agenda setting show how important the media are when trying to prevent further emergencies or humanitarian crises. In the spring of 2015, when the Dominican Republic was preparing to exile Haitians and undocumented (or under documented) residents, major U.S. news outlets remained silent. However, once the story had been covered several times by *Al Jazeera*, a state-funded broadcast company based in Qatar, *ABC*, the *New York Times*, and other network outlets followed.¹³² With major network coverage came public pressure for the US government to act on behalf of the Haitians.¹³³

Before the Internet, traditional media determined whether citizen photographs or video footage would become "news." In 1991, a private citizen's camcorder footage showed four police officers beating an African American motorist named Rodney King in Los Angeles. After appearing on local independent television station, KTLA-TV, and then the national news, the event began a national discussion on police brutality and ignited riots in Los Angeles.¹³⁴

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¹³⁰ John Zaller. 2003. "A New Standard of News Quality: Burglar Alarms for the Monitorial Citizen," *Political Communication* 20, No. 2: 109–130.

¹³¹ Suzanne Ranks, "Ethiopian Famine: How Landmark BBC Report Influenced Modern Coverage," *Guardian*, 22 October 2014.

¹³² Hisham Aidi, "Haitians in the Dominican Republic in Legal Limbo," *Al Jazeera*, 10 April 2015.

¹³³ "Pressure the Government of the Dominican Republic to Stop its Planned 'Cleaning' of 250,000 Black Dominicans," <https://petitions.whitehouse.gov/petition/pressure-government-dominican-republic-stop-its-planned-cleaning-250000-black-dominicans> (November 26, 2015); Led Black, "Prevent Humanitarian Tragedy in Dominican Republic," *CNN*, 23 June 2015.

¹³⁴ Erik Ortiz, "George Holliday, Who Taped Rodney King Beating, Urges Others to Share Videos," *NBC*, 9 June 2015.

Functions of the Media (cont.)¹³⁵

The agenda-setting power of traditional media has begun to be appropriated by social media and smartphones, however. Tumblr, Facebook, YouTube, and other Internet sites allow witnesses to instantly upload images and accounts of events and forward the link to friends. Some uploads go viral and attract the attention of the mainstream media, but large network newscasts and major newspapers are still more powerful at initiating or changing a discussion.

The media also promote the public good by offering a platform for public debate and improving citizen awareness. Network news informs the electorate about national issues, elections, and international news. The *New York Times*, *Los Angeles Times*, *NBC Nightly News*, and other outlets make sure voters can easily find out what issues affect the nation. Is terrorism on the rise? Is the dollar weakening? The network news hosts national debates during presidential elections, broadcasts major presidential addresses, and interviews political leaders during times of crisis. Cable news networks now provide coverage of all these topics as well.

Local news has a larger job, despite small budgets and fewer resources. Local government and local economic policy have a strong and immediate effect on citizens. Is the city government planning on changing property tax rates? Will the school district change the way Common Core tests are administered? When and where is the next town hall meeting or public forum to be held? Local and social media provide a forum for protest and discussion of issues that matter to the community.

While journalists reporting the news try to present information in an unbiased fashion, sometimes the public seeks opinion and analysis of complicated issues that affect various populations differently, like healthcare reform and the Affordable Care Act. This type of coverage may come in the form of editorials, commentaries, Op-Ed columns, and blogs. These forums allow the editorial staff and informed columnists to express a personal belief and attempt to persuade. If opinion writers are trusted by the public, they have influence.

¹³⁵ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

The Electoral College T-chart

Abolish	Maintain

Civics Instructional Task: Lobbyists and Special Interest Groups

Unit Four: Politics and the Role of the Citizen, Topic One: Individual Agency and Mediating Institutions

Description: Students explore the role of lobbyists and special interest groups in the political process.

Suggested Timeline: 2 class periods

Materials: [“What Are Interest Groups and What Do They Want?”](#), [“The Influence of Elites, Interest Groups, and Average Voters on American Politics,”](#) [“Conflict of Interests: Does the Wrangling of Interest Groups Corrupt Politics—or Constitute It?”](#), [“Five Awake”](#) documentary

Instructional Process:

1. Say: “We have already investigated how political parties and the media serve as mediating institutions between individuals and the government. Lastly, we will investigate the role lobbyists and special interest groups play.”
2. Assess what students already know about lobbyists and special interest groups. Possible questions:
 - a. What do lobbyists and special interest groups do?
 - b. Can you come up with any examples of special interest groups?
 - c. Do lobbyists and special interest group have a more positive or negative impact on the political process?
3. Provide students with a copy of [“What Are Interest Groups and What Do They Want?”](#) Direct them to read independently and answer the following questions with a partner:
 - a. What are the different categories of interest groups?
 - b. What is the difference between inside and outside lobbying?
 - c. What functions do interest groups serve?
4. Provide students with access to [“The Influence of Elites, Interest Groups, and Average Voters on American Politics”](#) by Martin Maximino. Direct students to independently read the article.
5. Discuss each of the key findings as a class. Conduct a class discussion.
6. Provide students with access to [“Conflict of Interests: Does the Wrangling of Interest Groups Corrupt Politics—or Constitute It?”](#) by Nicholas Lemann from the *New Yorker*. Direct students to independently read and [annotate](#) the article. Note: Excerpt for the article for length. Stop after paragraph 17. Paragraphs 2, 3, and 4 may also be excluded.
7. Instruct students to work with a partner to answer the following questions:
 - a. Summarize the main argument of “The Process of Government.”
 - b. What does Bentley think about the role of the individual in politics?
 - c. How does Bentley categorize interest groups?
 - d. Why does Lemann, the author of the article, find these arguments compelling today?
 - e. Why doesn’t Lemann find Bentley’s understanding of the political process cynical?
8. Conduct a class discussion. Ask: “What are the values and limitations of Bentley’s perspective in making sense of the political process?”
9. Play [“Five Awake”](#) documentary. Note: Preview the video in its entirety before showing in class. The documentary contains verbal descriptions of domestic violence, including homicides that occurred in Louisiana. The most graphic descriptions occur in the first five minutes (until 5:00) and from 18:34 to 20:25. Bypass segments as necessary.

10. Conduct a class discussion. Possible questions:
 - a. Why was domestic violence reform considered such an uphill battle in Louisiana in particular?
 - b. What obstacles did the women face in their efforts to enact the package of legislation?
 - c. Why were they successful in overcoming those obstacles? What specific strategies did they employ?
 - d. What does their success say about the potential for overcoming partisanship?
 - e. What did the women identify as next steps for further advancing the cause?
 - f. What does this documentary illuminate about the role of individual citizens in a democratic society?
11. Conclude the task by asking, “How have your perceptions about lobbyists and interest groups evolved over the course of this task?”

What Are Interest Groups and What Do They Want?¹³⁶

Definitions abound when it comes to interest groups, which are sometimes referred to as special interests, interest organizations, pressure groups, or just interests. Most definitions specify that *interest group* indicates any formal association of individuals or organizations that attempt to influence government decision-making and/or the making of public policy. Often, this influence is exercised by a lobbyist or a lobbying firm.

Formally, a *lobbyist* is someone who represents the interest organization before government, is usually compensated for doing so, and is required to register with the government in which he or she lobbies, whether state or federal. The lobbyist's primary goal is usually to influence policy. Most interest organizations engage in lobbying activity to achieve their objectives. As you might expect, the interest hires a lobbyist, employs one internally, or has a member volunteer to lobby on its behalf.

Political scientists have categorized interest groups in a number of ways.¹³⁷ First, interest groups may take the form of membership organizations, which individuals join voluntarily and to which they usually pay dues. Membership groups often consist of people who have common issues or concerns, or who want to be with others who share their views. The National Rifle Association (NRA) is a membership group consisting of members who promote gun rights. For those who advocate greater regulation of access to firearms, such as background checks prior to gun purchases, the Brady Campaign to Prevent Gun Violence is a membership organization that weighs in on the other side of the issue.¹³⁸

Interest groups may also form to represent companies, corporate organizations, and governments. These groups do not have individual members but rather are offshoots of corporate or governmental entities with a compelling interest to be represented in front of one or more branches of government. Verizon and Coca-Cola will register to lobby in order to influence policy in a way that benefits them. These corporations will either have one or more in-house lobbyists, who work for one interest group or firm and represent their organization in a lobbying capacity, and/or will hire a contract lobbyist, individuals who work for firms that represent a multitude of clients and are often hired because of their resources and their ability to contact and lobby lawmakers, to represent them before the legislature.

Governments such as municipalities and executive departments such as the Department of Education register to lobby in an effort to maximize their share of budgets or increase their level of autonomy. These government institutions are represented by a legislative liaison, whose job is to present issues to decision-makers. For example, a state university usually employs a lobbyist, legislative liaison, or government affairs person to represent its interests before the legislature. This includes lobbying for a given university's share of the budget or for its continued autonomy from lawmakers and other state-level officials who may attempt to play a greater oversight role....

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¹³⁷ Anthony J. Nownes and Adam J. Newmark. 2013. "Interest Groups in the States." In *Politics in the American States*. Washington, DC: CQ Press, 105–131.

¹³⁸ The Brady Campaign to Prevent Gun Violence was founded by James and Sarah Brady, after James Brady was permanently disabled by a gunshot following an assassination attempt on then-president Ronald Reagan. At the time of the shooting, Brady was Reagan's press secretary. <http://www.bradycampaign.org/jim-and-sarah-brady> (March 1, 2016).

What Are Interest Groups and What Do They Want? (cont.) ¹³⁹

Interest groups also include associations, which are typically groups of institutions that join with others, often within the same trade or industry (trade associations), and have similar concerns. The American Beverage Association¹⁴⁰ includes Coca-Cola, Red Bull North America, ROCKSTAR, and Kraft Foods. Despite the fact that these companies are competitors, they have common interests related to the manufacturing, bottling, and distribution of beverages, as well as the regulation of their business activities. The logic is that there is strength in numbers, and if members can lobby for tax breaks or eased regulations for an entire industry, they may all benefit. These common goals do not, however, prevent individual association members from employing in-house lobbyists or contract lobbying firms to represent their own business or organization as well. Indeed, many members of associations are competitors who also seek representation individually before the legislature.

Finally, sometimes individuals volunteer to represent an organization. They are called amateur or volunteer lobbyists, and are typically not compensated for their lobbying efforts. In some cases, citizens may lobby for pet projects because they care about some issue or cause. They may or may not be members of an interest group, but if they register to lobby, they are sometimes nicknamed “hobbyists.”

Lobbyists representing a variety of organizations employ different techniques to achieve their objectives. One method is inside lobbying or direct lobbying, which takes the interest group’s message directly to a government official such as a lawmaker.¹⁴¹ Inside lobbying tactics include testifying in legislative hearings and helping to draft legislation. Numerous surveys of lobbyists have confirmed that the vast majority rely on these inside strategies. For example, nearly all report that they contact lawmakers, testify before the legislature, help draft legislation, and contact executive agencies. Trying to influence government appointments or providing favors to members of government are somewhat less common insider tactics.

Many lobbyists also use outside lobbying or indirect lobbying tactics, whereby the interest attempts to get its message out to the public.¹⁴² These tactics include issuing press releases, placing stories and articles in the media, entering coalitions with other groups, and contacting interest group members, hoping that they will individually pressure lawmakers to support or oppose legislation. An environmental interest group like the Sierra Club, for example, might issue a press release or encourage its members to contact their representatives in Congress about legislation of concern to the group. It might also use outside tactics if there is a potential threat to the environment and the group wants to raise awareness among its members and the public. Members of Congress are likely to pay attention when many constituents contact them about an issue or proposed bill. Many interest groups, including the Sierra Club, will use a combination of inside and outside tactics in their lobbying efforts, choosing whatever strategy is most likely to help them achieve their goals.

¹³⁹ This text is from *OpenStax American Government*, an online textbook by Rice University, and is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Download for free at <http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@15.7>.

¹⁴⁰ <http://www.ameribev.org/> (March 1, 2016).

¹⁴¹ Nownes and Newmark, “Interest Groups in the States.”

¹⁴² Ken Kollman. 1998. *Outside Lobbying: Public Opinion and Interest Groups Strategies*. Princeton, NJ: Princeton University Press.

What Are Interest Groups and What Do They Want? (cont.) ¹⁴³

The primary goal of most interests, no matter their lobbying approach, is to influence decision-makers and public policies. For example, National Right to Life, an anti-abortion interest group, lobbies to encourage government to enact laws that restrict abortion access, while NARAL Pro-Choice America lobbies to promote the right of women to have safe choices about abortion. Environmental interests like the Sierra Club lobby for laws designed to protect natural resources and minimize the use of pollutants. On the other hand, some interests lobby to reduce regulations that an organization might view as burdensome. Air and water quality regulations designed to improve or protect the environment may be viewed as onerous by industries that pollute as a byproduct of their production or manufacturing process. Other interests lobby for budgetary allocations; the farm lobby, for example, pressures Congress to secure new farm subsidies or maintain existing ones. Farm subsidies are given to some farmers because they grow certain crops and to other farmers so they will not grow certain crops.¹⁴⁴ As expected, any bill that might attempt to alter these subsidies raises the antennae of many agricultural interests.

While influencing policy is the primary goal, interest groups also monitor government activity, serve as a means of political participation for members, and provide information to the public and to lawmakers....

Interest groups facilitate political participation in a number of ways. Some members become active within a group, working on behalf of the organization to promote its agenda. Some interests work to increase membership, inform the public about issues the group deems important, or organize rallies and promote get-out-the-vote efforts. Sometimes groups will utilize events to mobilize existing members or encourage new members to join....Interest groups also organize letter-writing campaigns, stage protests, and sometimes hold fundraisers for their cause or even for political campaigns.

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¹⁴⁴ "Milking Taxpayers," *The Economist*, 14 February 2015, <http://www.economist.com/news/united-states/21643191-crop-prices-fall-farmers-grow-subsidies-instead-milking-taxpayers>.

Unit Four Assessment

Description: Students write an in response to the following question: To what extent are individual citizens able to influence public policy?

Suggested Timeline: 1 class period

Student Directions: Using your understanding of public policy and the sources from this unit, write an essay which analyzes the extent to which individuals are able to influence public policy. Use evidence gathered throughout the units and your knowledge of social studies to develop and support your explanation.

Resources:

- [Social Studies Extended Response Checklist](#)

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.5.1-7. They also meet the expectations for [ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.8, RH.9-10.9, RH.9-10.10, WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)

Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Unit Five Overview

Description: Students explore fundamental economic concepts and investigate economic issues.

Suggested Timeline: 6 weeks

Civics Content	Civics Claims
The Economy	What is the proper role of government in the economy?

Topics (GLEs):

1. [Economic Concepts and Questions](#) (C.1.1, C.4.7-8, C.6.1-5, C.7.1-5)

Unit Assessment: Students write an essay in response to the claims question.

Unit Five Instruction

Topic One: Economic Concepts and Questions (C.1.1, C.4.7-8, C.6.1-5, C.7.1-5)

Connections to the unit claim: Students learn economic concepts in order to examine how individuals and government influence the economy and how the economy, in turn, affects them. Students continue their scrutiny of the United States begun in the first four units of the course, but in Unit Five, they switch to using an economic lens. To accomplish this shift, the first task in the unit asks students to consider what it means to *think like* an economist. Students establish a foundation of economic understanding (the role of self-interest in the market, the factors of production, supply and demand, prices, etc.) by reading excerpts from Adam Smith’s *The Wealth of Nations*. Each subsequent task explores a different angle of the claims question. Students build knowledge about the values and limitations of using GDP as the primary economic indicator, and then evaluate the government’s macroeconomic policy goals. Students place the United States into an international context by learning about economic systems and comparing the level of economic freedom in various countries. Next, students analyze multiple perspectives on government regulations and monopolies. Then they consider the role of the Federal Reserve in achieving the government’s economic policy goals. In the last task of the unit, students apply their economic understandings to conduct an investigation into the causes of the Great Recession.

Suggested Timeline: 29 class periods

Use this sample task:

- [Thinking Like an Economist](#)
Note: Prepare for the task by reading “[How to Think Like an Economist and Why It Matters](#)” by Diane Coyle.
- [Economic Happiness](#)
- [Economic Systems](#)
- [Monopolies](#)
- [The Federal Reserve](#)
- [The Great Recession](#)

To explore these key questions:

- What does it mean to *think like* an economist?
- Is freer fairer?
- Should the government prevent monopolies?
- Should policymakers be more concerned about economic growth or “happiness” (subjective-well being)?
- How independent should the Federal Reserve be?
- Who is to blame for the Great Recession?

That students answer through this assessment:

- Students engage in a class discussion about economic thinking. Use a [discussion tracker](#) to keep track of students’ contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.2, SL.9-10.6)

- Students participate in a deliberation on whether government policy should be directed toward increasing economic growth or subjective well-being. Use a [discussion tracker](#) to keep track of students' contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.2, SL.9-10.3, SL.9-10.4, SL.9-10.6)
- Students complete the [Government Regulation T-chart](#). Collect for a grade.
- Students participate in a philosophical chairs debate in response to the question: Is freer fairer? Use a [discussion tracker](#) to keep track of students' contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1a-d, SL.9-10.2, SL.9-10.3, SL.9-10.4, SL.9-10.6)
- Students write an op-ed or letter to the editor expressing their views on how the government should address monopolies. Grade the argument using the [social studies extended response rubric](#). Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written. ([ELA/Literacy Standards](#): WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)
- Students write an essay about the Federal Reserve. Grade the essay using the [social studies extended response rubric](#). Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written. ([ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.2a-f, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)
- Students prepare for and participate in a mock trial about the Great Recession. Collect and grade notes.

Civics Instructional Task: *Thinking Like an Economist*

Unit Five: The Economy, Topic One: Economic Concepts and Questions

Description: Students learn foundational economic concepts and examine what it means to *think like* an economist.

Suggested Timeline: 6 class periods

Materials: [“How to Think Like an Economist and Why It Matters,”](#) [“Popcorn Economics,”](#) [“A Career in Economics...It's Much More Than You Think”](#) video, [“And Thinking Like an Economist,”](#) [“Chapter 2: Thinking Like an Economist,”](#) [excerpts from *The Wealth of Nations*,](#) [“Role of Self-Interest and Competition in a Market Economy”](#) podcast, [“Factors of Production”](#) podcast, [“Circular Flow”](#) video, [circular flow model](#) [“Supply,”](#) [“Demand,”](#) and [“Equilibrium”](#) videos, [“Prices: The Marketplace’s Communication System,”](#) [“There Is No Invisible Hand,”](#) [“There Is No Invisible Hand,”](#) [“The Invisible Hand Has an Iron Grip on America,”](#) [“Market Man: What Did Adam Smith Really Believe?,”](#) [“Thinking Like an Economist,”](#) [“How Economists Think Differently from Other Humans”](#) video, [“The Battle Between Behavioral and Rational Economics”](#) video, [conversation stems,](#) [discussion tracker](#)

Instructional Process:

1. Prepare for the task by reading [“How to Think Like an Economist and Why It Matters”](#) by Diane Coyle.
2. Say: “So far this year, we have approached compelling questions about the United States primarily from a *political science* perspective. Now we shift our focus to *economics*. We’ve mentioned the US economy periodically and you likely hear frequent references to it in the media. But what is *economics* exactly?”
3. Project and read aloud the following definitions for *economics*:
 - a. “the branch of knowledge concerned with the production, consumption, and transfer of wealth”¹⁴⁵
 - b. “a social science concerned chiefly with description and analysis of the production, distribution, and consumption of goods and services”¹⁴⁶
 - c. “Economics is a study of man in the ordinary business of life. It enquires how he gets his income and how he uses it. Thus, it is on the one side, the study of wealth and on the other and more important side, a part of the study of man.”¹⁴⁷
4. Conduct a brief discussion about the definitions. Possible questions:
 - a. What do the definitions have in common?
 - b. What does Alfred Marshall’s definition suggest about the role of the individual in the study of economics?
5. Say: “Adam Smith is often referred to as the father of modern economics. In his seminal work, *The Wealth of Nations*, Smith defined his field of study (then called political economy) as follows:
 - a. ‘Political economy, considered as a branch of the science of a statesman or legislator, proposes two distinct objects: first, to provide a plentiful revenue or subsistence for the people, or more properly to enable them to provide such a revenue or subsistence for themselves; and secondly, to supply the state

¹⁴⁵ From <https://en.oxforddictionaries.com/definition/economics>.

¹⁴⁶ From <https://www.merriam-webster.com/dictionary/economics>.

¹⁴⁷ Marshall, Alfred (1890 [1920]). *Principles of Political Economy*, v. 1, pp. 1–2 [8th ed.]. London: Macmillan; from <https://en.wikipedia.org/wiki/Economics>.

or commonwealth with a revenue sufficient for the public services. It proposes to enrich both the people and the sovereign.”¹⁴⁸

6. Call on students to paraphrase the quote from Smith.
7. Optional: Conduct a simulation demonstrating scarcity, such as “[Popcorn Economics](#).”
8. Project and read aloud the following definition for *scarcity*:¹⁴⁹
 - a. “the fundamental economic problem of having seemingly unlimited human wants in a world of limited resources”
9. Ask: “Why is *scarcity* considered the fundamental economic problem?”
10. Explain that societies must make decisions about how to *allocate* or distribute scarce resources.
11. Say: “Throughout this unit, we will be exploring how the United States contends with the fundamental problem of scarcity. Your job is to investigate from the perspective of an economist. What do you think it means to *think like* an economist?”
12. Post the compelling question for the task: What does it mean to *think like* an economist?
13. Watch “[A Career in Economics...It's Much More Than You Think](#)” by the American Economic Association.
14. Project and direct students to read “[And Thinking Like an Economist](#)” by William A. McEachern. Then read it again aloud. Pause after complex sentences and call on students to paraphrase. Take notes on the board.
15. Project “[Chapter 2: Thinking Like an Economist](#)” by J. Bradford Delong. Call on students to take turns reading aloud. Stop at “And answering the question *how much?* Requires counting things, requires arithmetic.”
16. Review briefly as a class:
 - a. How is economics like the natural sciences?
 - b. How does economics differ from the natural sciences?
17. Scroll down to “*The rhetoric of economics.*” Call on students to read aloud again. Stop before “Most of the metaphors you will see in macroeconomics will fall into four classes:...”)
18. Scroll down to “Economists Use Models.” Call on students to read aloud again. Stop before “The Utility of Algebra.”
19. Conduct a brief discussion about economics. Possible questions:
 - a. How is economics related to the other social sciences?
 - b. How is it distinct?
 - c. What are the limitations associated with the study of economics?
20. Then say: “I stated previously that Adam Smith is often referred to as the father of modern economics. Let’s begin our investigation into how economists think by examining some of his most influential ideas.”
21. Provide students with a copy of [excerpts from The Wealth of Nations](#) and direct them to independently read the excerpt from [Chapter 1](#) of the text. Instruct students to write a 1-2 sentence summary of Chapter 1 with a partner. Call on students to share summaries.
22. Direct students to independently read the excerpt from [Chapter 2](#) and then answer the following question with a partner: According to Smith, how can self-interest give rise to the division of labor and increased productivity? Call on students to share responses.

¹⁴⁸From <http://www.econlib.org/library/Smith/smWN12.html>.

¹⁴⁹ From <https://en.wikipedia.org/wiki/Scarcity>.

23. Listen to the “[Role of Self-Interest and Competition in a Market Economy](#)” podcast from the *Economic Lowdown* series by the Federal Reserve Bank of St. Louis. Call on students to recap main ideas about competition, the “invisible hand,” and government intervention.
24. Direct students to independently read the excerpt from [Chapter 5](#) and then explain the following quote with a partner: “Labour, therefore, is the real measure of the exchangeable value of all commodities.” Call on students to share explanations.
25. Read the excerpts from [Chapter 6](#) aloud. Stop after each paragraph and call on students to verbally summarize.
26. Listen to the “[Factors of Production](#)” podcast from the *Economic Lowdown* series. Instruct students to write down the four factors of production with examples as they listen.
27. Direct students to review the excerpts from [Chapter 6](#) again and identify where Smith discusses each of the four factors of production (land, labor, capital, and entrepreneurship). Discuss briefly as a class.
28. Watch the “[Circular Flow](#)” video from the *Economic Lowdown* series.
29. Project a visual of the [circular flow model](#). Have students take turns explaining it to a partner in their own words.
30. Read the excerpts from [Chapter 7](#) aloud. Stop after each paragraph and call on students to verbally summarize.
31. Watch “[Supply](#),” “[Demand](#),” and “[Equilibrium](#)” videos from the *Economic Lowdown* series. Review key understandings, including the difference between change in supply/demand vs. change in quantity supplied/demanded.
32. Provide students with copies of “[Prices: The Marketplace’s Communication System](#)” by Erin A. Yetter from the Federal Reserve Bank of St. Louis. Direct them to read independently and answer the questions on pages 5-6. Discuss answers as a class. Project the “Further Discussion” supply and demand curves on pages 9-12 (one at a time) and discuss as a class.
33. Conduct a [jigsaw reading](#) of the following sources:
 - a. “[There Is No Invisible Hand](#),” Joseph Stiglitz, *The Guardian*
 - b. “[There Is No Invisible Hand](#),” Jonathan Schlefer from *Harvard Business Review*
 - c. “[The Invisible Hand Has an Iron Grip on America](#),” Chris Matthews from *Fortune*
 - d. “[Market Man: What Did Adam Smith Really Believe?](#),” Adam Gopnik, *The New Yorker* (excerpt to begin at paragraph 18: “There are three main arguments in...”)
34. Conduct a class discussion of the values and limitations of the “invisible hand” metaphor. Possible questions:
 - a. Have Adam Smith’s ideas been misconstrued?
 - b. Why is the “invisible hand” metaphor useful?
 - c. Why is it problematic?
35. Provide students with access to “[Thinking Like an Economist](#)” from the Federal Reserve Bank of Minneapolis. Direct students to read independently and then record the six key points with a 1-2 sentence explanation for each.
36. Write the six key points on the board and call on students to share explanations for each.
37. Ask: “Do individuals really act optimally?”
38. Watch “[How Economists Think Differently from Other Humans](#)” from *PBS NewsHour*.
39. Watch “[The Battle Between Behavioral and Rational Economics](#)” from *Bloomberg*.
40. Conduct a class discussion of the compelling question for the task: What does it mean to *think like* an economist? Possible supporting questions:
 - a. Why is the study of economics valuable to society?

- b. What are the problems or issues associated with the study of economics? What schisms/divides exist in the field?
41. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).

Excerpts from *The Wealth of Nations*, Adam Smith, 1776

Chapter 1: Of the Division of Labor

The greatest improvement in the productive powers of labour, and the greater part of the skill, dexterity, and judgment with which it is anywhere directed, or applied, seem to have been the effects of the division of labour....

To take an example, therefore, from a very trifling manufacture; but one in which the division of labour has been very often taken notice of, the trade of the pin-maker; a workman not educated to this business (which the division of labour has rendered a distinct trade), nor acquainted with the use of the machinery employed in it (to the invention of which the same division of labour has probably given occasion), could scarce, perhaps, with his utmost industry, make one pin in a day, and certainly could not make twenty. But in the way in which this business is now carried on, not only the whole work is a peculiar trade, but it is divided into a number of branches, of which the greater part are likewise peculiar trades. One man draws out the wire, another straightens it, a third cuts it, a fourth points it, a fifth grinds it at the top for receiving the head; to make the head requires two or three distinct operations; to put it on is a peculiar business, to whiten the pins is another; it is even a trade by itself to put them into the paper; and the important business of making a pin is, in this manner, divided into about eighteen distinct operations, which, in some manufactories, are all performed by distinct hands, though in others the same man will sometimes perform two or three of them. I have seen a small manufactory of this kind where ten men only were employed, and where some of them consequently performed two or three distinct operations. But though they were very poor, and therefore but indifferently accommodated with the necessary machinery, they could, when they exerted themselves, make among them about twelve pounds of pins in a day. There are in a pound upwards of four thousand pins of a middling size. Those ten persons, therefore, could make among them upwards of forty-eight thousand pins in a day. Each person, therefore, making a tenth part of forty-eight thousand pins, might be considered as making four thousand eight hundred pins in a day. But if they had all wrought separately and independently, and without any of them having been educated to this peculiar business, they certainly could not each of them have made twenty, perhaps not one pin in a day; that is, certainly, not the two hundred and fortieth, perhaps not the four thousand eight hundredth part of what they are at present capable of performing, in consequence of a proper division and combination of their different operations.

Chapter 2: Of the Principle which Gives Occasion to the Division of Labor

This division of labour, from which so many advantages are derived, is not originally the effect of any human wisdom, which foresees and intends that general opulence to which it gives occasion. It is the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility; the propensity to truck, barter, and exchange one thing for another.

Whether this propensity be one of those original principles in human nature of which no further account can be given; or whether, as seems more probable, it be the necessary consequence of the faculties of reason and speech, it belongs not to our present subject to inquire. It is common to all men, and to be found in no other race of animals, which seem to know neither this nor any other species of contracts.... In almost every other race of animals each individual, when it is grown up to maturity, is entirely independent, and in its natural state has occasion for the assistance of no other living creature. But man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from their benevolence only. He will be more likely to prevail if he can interest their self-love in his favour, and show them

that it is for their own advantage to do for him what he requires of them. Whoever offers to another a bargain of any kind, proposes to do this. Give me that which I want, and you shall have this which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we stand in need of. It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages....

As it is by treaty, by barter, and by purchase that we obtain from one another the greater part of those mutual good offices which we stand in need of, so it is this same trucking disposition which originally gives occasion to the division of labour. In a tribe of hunters or shepherds a particular person makes bows and arrows, for example, with more readiness and dexterity than any other. He frequently exchanges them for cattle or for venison with his companions; and he finds at last that he can in this manner get more cattle and venison than if he himself went to the field to catch them. From a regard to his own interest, therefore, the making of bows and arrows grows to be his chief business, and he becomes a sort of armourer.... And thus the certainty of being able to exchange all that surplus part of the produce of his own labour, which is over and above his own consumption, for such parts of the produce of other men's labour as he may have occasion for, encourages every man to apply himself to a particular occupation, and to cultivate and bring to perfection whatever talent or genius he may possess for that particular species of business.

Chapter 5: Of the Real and Nominal Price of Commodities, or of Their Price in Labour, and Their Price in Money

Every man is rich or poor according to the degree in which he can afford to enjoy the necessaries, conveniences, and amusements of human life. But after the division of labour has once thoroughly taken place, it is but a very small part of these with which a man's own labour can supply him. The far greater part of them he must derive from the labour of other people, and he must be rich or poor according to the quantity of that labour which he can command, or which he can afford to purchase. The value of any commodity, therefore, to the person who possesses it, and who means not to use or consume it himself, but to exchange it for other commodities, is equal to the quantity of labour which it enables him to purchase or command. Labour, therefore, is the real measure of the exchangeable value of all commodities. The real price of everything, what everything really costs to the man who wants to acquire it, is the toil and trouble of acquiring it. What everything is really worth to the man who has acquired it, and who wants to dispose of it or exchange it for something else, is the toil and trouble which it can save to himself, and which it can impose upon other people. What is bought with money or with goods is purchased by labour as much as what we acquire by the toil of our own body. That money or those goods indeed save us this toil. They contain the value of a certain quantity of labour which we exchange for what is supposed at the time to contain the value of an equal quantity. Labour was the first price, the original purchase-money that was paid for all things. It was not by gold or by silver, but by labour, that all the wealth of the world was originally purchased; and its value, to those who possess it, and who want to exchange it for some new productions, is precisely equal to the quantity of labour which it can enable them to purchase or command....

But though labour be the real measure of the exchangeable value of all commodities, it is not that by which their value is commonly estimated. It is of difficult to ascertain the proportion between two different quantities of labour. The time spent in two different sorts of work will not always alone determine this proportion. The different degrees of hardship endured, and of ingenuity exercised, must likewise be taken into account. There may be more labour in an hour's hard work than in two hours' easy business; or in an hour's application to a trade which it cost ten years' labour to learn, than in a month's industry at an ordinary and obvious employment. But it is not easy to find any accurate measure either of

hardship or ingenuity. In exchanging, indeed, the different productions of different sorts of labour for one another, some allowance is commonly made for both. It is adjusted, however, not by any accurate measure, but by the haggling and bargaining of the market, according to that sort of rough equality which, though not exact, is sufficient for carrying on the business of common life.

Chapter 6: Of the Component Parts of the Price of Commodities

In that early and rude state of society which precedes both the accumulation of stock and the appropriation of land, the proportion between the quantities of labour necessary for acquiring different objects seems to be the only circumstance which can afford any rule for exchanging them for one another. If among a nation of hunters, for example, it usually costs twice the labour to kill a beaver which it does to kill a deer, one beaver should naturally exchange for or be worth two deer....

As soon as stock has accumulated in the hands of particular persons, some of them will naturally employ it in setting to work industrious people, whom they will supply with materials and subsistence, in order to make a profit by the sale of their work, or by what their labour adds to the value of the materials. In exchanging the complete manufacture either for money, for labour, or for other goods, over and above what may be sufficient to pay the price of the materials, and the wages of the workmen, something must be given for the profits of the undertaker of the work who hazards his stock in this adventure. The value which the workmen add to the materials, therefore, resolves itself in this ease into two parts, of which the one pays their wages, the other the profits of their employer upon the whole stock of materials and wages which he advanced. He could have no interest to employ them, unless he expected from the sale of their work something more than what was sufficient to replace his stock to him; and he could have no interest to employ a great stock rather than a small one, unless his profits were to bear some proportion to the extent of his stock.

The profits of stock, it may perhaps be thought are only a different name for the wages of a particular sort of labour, the labour of inspection and direction. They are, however, altogether different, are regulated by quite different principles, and bear no proportion to the quantity, the hardship, or the ingenuity of this supposed labour of inspection and direction. They are regulated altogether by the value of the stock employed, and are greater or smaller in proportion to the extent of this stock. Let us suppose, for example, that in some particular place, where the common annual profits of manufacturing stock are ten per cent, there are two different manufactures, in each of which twenty workmen are employed at the rate of fifteen pounds a year each, or at the expense of three hundred a year in each manufactory. Let us suppose, too, that the coarse materials annually wrought up in the one cost only seven hundred pounds, while the finer materials in the other cost seven thousand. The capital annually employed in the one will in this case amount only to one thousand pounds; whereas that employed in the other will amount to seven thousand three hundred pounds. At the rate of ten per cent, therefore, the undertaker of the one will expect a yearly profit of about one hundred pounds only; while that of the other will expect about seven hundred and thirty pounds. But though their profits are so very different, their labour of inspection and direction may be either altogether or very nearly the same. In many great works almost the whole labour of this kind is committed to some principal clerk. His wages properly express the value of this labour of inspection and direction. Though in settling them some regard is had commonly, not only to his labour and skill, but to the trust which is reposed in him, yet they never bear any regular proportion to the capital of which he oversees the management; and the owner of this capital, though he is thus discharged of almost all labour, still expects that his profits should bear a regular proportion to his capital. In the price of commodities, therefore, the profits of stock constitute a component part altogether different from the wages of labour, and regulated by quite different principles.

In this state of things, the whole produce of labour does not always belong to the labourer. He must in most cases share it with the owner of the stock which employs him. Neither is the quantity of labour commonly employed in acquiring or producing any commodity the only circumstance which can regulate the quantity which it ought commonly to purchase, command or exchange for. An additional quantity, it is evident, must be due for the profits of the stock which advanced the wages and furnished the materials of that labour.

As soon as the land of any country has all become private property, the landlords, like all other men, love to reap where they never sowed, and demand a rent even for its natural produce. The wood of the forest, the grass of the field, and all the natural fruits of the earth, which, when land was in common, cost the labourer only the trouble of gathering them, come, even to him, to have an additional price fixed upon them. He must then pay for the licence to gather them; and must give up to the landlord a portion of what his labour either collects or produces. This portion, or, what comes to the same thing, the price of this portion, constitutes the rent of land, and in the price of the greater part of commodities makes a third component part...

The real value of all the different component parts of price, it must be observed, is measured by the quantity of labour which they can, each of them, purchase or command. Labour measures the value not only of that part of price which resolves itself into labour, but of that which resolves itself into rent, and of that which resolves itself into profit.

In every society the price of every commodity finally resolves itself into some one or other, or all of those three parts; and in every improved society, all the three enter more or less, as component parts, into the price of the far greater part of commodities.

Chapter 7: Of the Natural and Market Price of Commodities

When the price of any commodity is neither more nor less than what is sufficient to pay the rent of the land, the wages of the labour, and the profits of the stock employed in raising, preparing, and bringing it to market, according to their natural rates, the commodity is then sold for what may be called its natural price.

The commodity is then sold precisely for what it is worth, or for what it really costs the person who brings it to market; for though, in common language, what is called the prime cost of any commodity does not comprehend the profit of the person who is to sell it again, yet, if he sells it at a price which does not allow him the ordinary rate of profit in his neighbourhood, he is evidently a loser by the trade; since, by employing his stock in some other way, he might have made that profit. His profit, besides, is his revenue, the proper fund of his subsistence. As, while he is preparing and bringing the goods to market, he advances to his workmen their wages, or their subsistence; so he advances to himself, in the same manner, his own subsistence, which is generally suitable to the profit which he may reasonably expect from the sale of his goods. Unless they yield him this profit, therefore, they do not repay him what they may very properly be said to have really cost him.

Though the price, therefore, which leaves him this profit, is not always the lowest at which a dealer may sometimes sell his goods, it is the lowest at which he is likely to sell them for any considerable time; at least where there is perfect liberty, or where he may change his trade as often as he pleases.

The actual price at which any commodity is commonly sold, is called its market price. It may either be above, or below, or exactly the same with its natural price.

The market price of every particular commodity is regulated by the proportion between the quantity which is actually brought to market, and the demand of those who are willing to pay the natural price of the commodity, or the whole value of the rent, labour, and profit, which must be paid in order to bring it thither. Such people may be called the effectual demanders, and their demand the effectual demand; since it may be sufficient to effectuate the bringing of the commodity to market.

It is different from the absolute demand. A very poor man may be said, in some sense, to have a demand for a coach and six; he might like to have it; but his demand is not an effectual demand, as the commodity can never be brought to market in order to satisfy it.

When the quantity of any commodity which is brought to market falls short of the effectual demand, all those who are willing to pay the whole value of the rent, wages, and profit, which must be paid in order to bring it thither, cannot be supplied with the quantity which they want. Rather than want it altogether, some of them will be willing to give more. A competition will immediately begin among them, and the market price will rise more or less above the natural price, according as either the greatness of the deficiency, or the wealth and wanton luxury of the competitors, happen to animate more or less the eagerness of the competition. Among competitors of equal wealth and luxury, the same deficiency will generally occasion a more or less eager competition, according as the acquisition of the commodity happens to be of more or less importance to them. Hence the exorbitant price of the necessaries of life during the blockade of a town, or in a famine.

When the quantity brought to market exceeds the effectual demand, it cannot be all sold to those who are willing to pay the whole value of the rent, wages, and profit, which must be paid in order to bring it thither. Some part must be sold to those who are willing to pay less, and the low price which they give for it must reduce the price of the whole. The market price will sink more or less below the natural price, according as the greatness of the excess increases more or less the competition of the sellers, or according as it happens to be more or less important to them to get immediately rid of the commodity. The same excess in the importation of perishable, will occasion a much greater competition than in that of durable commodities; in the importation of oranges, for example, than in that of old iron.

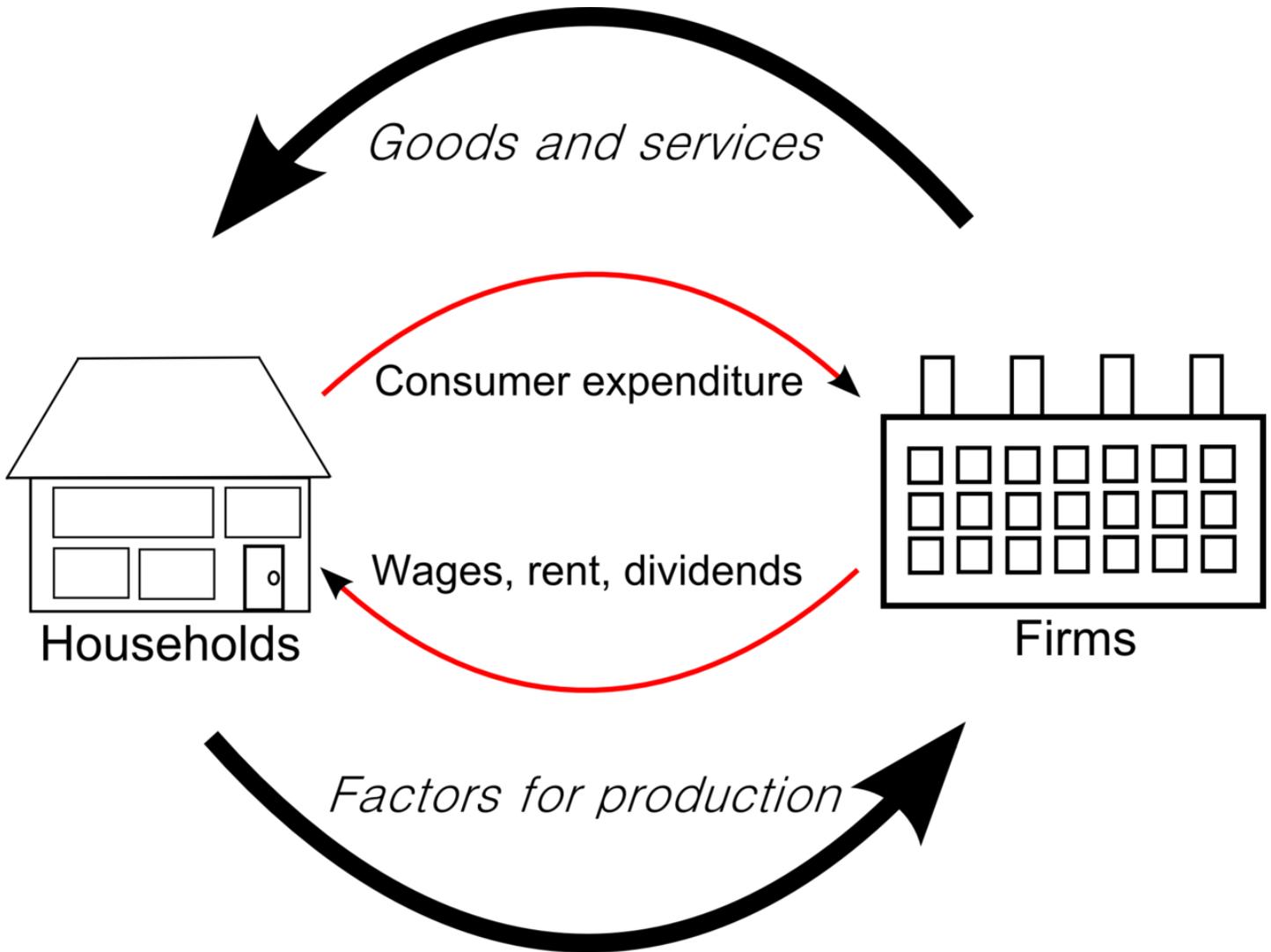
When the quantity brought to market is just sufficient to supply the effectual demand, and no more, the market price naturally comes to be either exactly, or as nearly as can be judged of, the same with the natural price. The whole quantity upon hand can be disposed of for this price, and can not be disposed of for more. The competition of the different dealers obliges them all to accept of this price, but does not oblige them to accept of less.

The quantity of every commodity brought to market naturally suits itself to the effectual demand. It is the interest of all those who employ their land, labour, or stock, in bringing any commodity to market, that the quantity never should exceed the effectual demand; and it is the interest of all other people that it never should fall short of that demand.

This text is in the public domain.

The full text is available online at <http://www.econlib.org/library/Smith/smWN.html>.

Circular Flow Model¹⁵⁰



Basic diagram of the circular flow of income. The functioning of the free-market economic system is represented with firms and households and interaction back and forth.

¹⁵⁰ Image by Irconomics. Licensed under the [Creative Commons Attribution-Share Alike 3.0 Unported license](https://creativecommons.org/licenses/by-sa/3.0/). Available online at https://commons.wikimedia.org/wiki/File:Circular_flow_of_goods_income.png.

Civics Instructional Task: Economic Happiness¹⁵¹

Unit Five: The Economy, Topic One: Economic Concepts and Questions

Description: Students consider whether policymakers should focus on economic growth or subjective well-being.

Suggested Timeline: 5 class periods

Materials: [“GDP and Pizza”](#) online course, [“What is Productivity?”](#) video, [“Economic Growth”](#) online course, [2017 World Happiness Report](#), [“The Problems with Measuring and Using Happiness for Policy Purposes,”](#) [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Conduct a class discussion about happiness. Possible questions:
 - a. What is happiness?
 - b. What contributes to an individual’s happiness?
 - c. How would you go about comparing one person’s happiness to another person’s?
 - d. Why might social scientists be interested in quantifying happiness?
 - e. What might be some limitations of trying to measure happiness?
2. Say: “For this task, we will investigate the means of measuring subjective well-being (‘happiness’) versus more traditional methods of measuring economic growth.”
3. Post and read aloud the compelling question for the task: Should policymakers be more concerned about economic growth or happiness?
4. Ask: “How is economic growth measured?” If no one responds correctly, remind students of a task from a previous unit where Gross Domestic Product was mentioned. For example, GDP may have come up in bill debate during the Legislative Process task from Unit Two or during discussions about trade in Unit Three.
5. Provide students with digital access or conduct the [“GDP and Pizza”](#) online course¹⁵² from the Federal Reserve Bank of St. Louis together as a class. If performing the course together, use a random calling technique to ensure all students participate in answering the questions and computing the calculations scattered throughout the course.
6. Conduct a brief discussion to review the importance of GDP. Ask: “Why do policymakers care about GDP?”
7. Say: “Now that we have discussed how economic growth is measured, let’s explore how economic growth is achieved.”
8. Watch the [“What is Productivity?”](#) video by the Bureau of Labor Statistics.
9. Conduct the [“Economic Growth”](#) online course¹⁵³ from the Federal Reserve Bank of St. Louis together as a class. Start in the middle of the course at “How is Economic Growth Achieved?” by using the navigation bar on the left side.

¹⁵¹ This task is loosely adapted from [Economic Happiness](#) developed for the New York State Social Studies Resource Toolkit. “Economic Happiness” is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

¹⁵² Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

¹⁵³ Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

10. Instruct students to record the different ways of increasing productivity along with an example for each.
11. Exit the online course after reading the “Conclusion” page.
12. To review key concepts from the course, direct students to write one paragraph explaining the relationship between productivity, GDP, and standard of living.
13. Conduct a brief class discussion. Ask: “Does strong economic growth (meaning higher levels of productivity as measured by real GDP per capita) necessarily indicate that quality of life is increasing in a country?”
14. Project the [2017 World Happiness Report](#). Have students take turns reading aloud key excerpts that explain how the analysis was conducted (paragraphs 2-4 on page 9; paragraphs 3-7 on page 13). Note: Teachers are encouraged to use a [more recent version of the report](#) if available for Steps 14-23. Although page numbers will likely have shifted, Chapter 2 remains relatively constant across editions; however, the subsequent chapters vary in each report. Steps 26-27 require the use of the 2017 report.
15. Record any questions students ask questions about the analytical aspects of the report on the board.
16. Project “Figure 2.2: Ranking of Happiness 2014-2016” (pages 20-22).
17. Conduct a class discussion about the charts. Possible questions:
 - a. What trends do you observe?
 - b. Where is the United States?
 - c. Did the United States receive the ranking you expected?
 - d. How is the US ranking explained?
 - e. What questions do you have?
18. Add questions to the list on the board.
19. Project “Figure 2.3: Changes in Happiness from 2005-2007 to 2014-2016” (pages 25-27).
20. Ask: “Did happiness/subjective well-being in the United States increase or decrease over this time period?”
21. Provide students with access to the report. Divide the class into five small groups. Assign a group of “investigators” to look for the answers to the questions on the board in Chapter 2. Assign each of the other groups one of the remaining chapters (3-6).
22. Direct groups to summarize the main ideas from their assigned chapter and prepare for a 3-5 minute presentation to the class.
23. Allow students class time to report out on their chapters. Instruct them to project and explain key graphs, as appropriate.
24. Provide students with access to “[The Problems with Measuring and Using Happiness for Policy Purposes](#)” by Mark D. White. Direct them to read independently.
25. Conduct a class discussion. Possible questions:
 - a. Why does White find measuring happiness and using it to guide policy decisions problematic?
 - b. How would the authors of the *World Happiness Report* likely respond to White’s criticisms?
 - c. What are the values and limitations of the *World Happiness Report*?”
26. Project and read aloud Robert Putnam’s¹⁵⁴ definition of *social capital*:¹⁵⁵
 - a. “the collective value of all ‘social networks’ [those whom people know] and the inclinations that arise from these networks to do things for each other”

¹⁵⁴ Robert Putnam is a political scientist referenced in Chapter 7 of the *World Happiness Report*.

¹⁵⁵ From <https://cnx.org/contents/W8wOWXNF@15.7:p6XzOSUt@5/Engagement-in-a-Democracy> Robert D. Putnam. 2001. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster, 75.

27. Direct all students to independently read “Chapter 7: Restoring American Happiness” by Jeffrey D. Sachs (begins on page 178). Have them answer the following questions with a partner:
 - a. Summarize Sach’s main argument in 1-2 sentences.
 - b. How does the United States compare with Nordic countries?
 - c. What indicators/examples does Sachs use to support his claim that *social capital* is declining in the United States?
 - d. What five factors does Sachs point to as primarily responsible for the destruction of *social capital*?
 - e. What are the values and limitations of Sach’s essay?
28. Discuss Sach’s essay as a class. Ask: “Do you agree with Jeffrey D. Sach’s claim that ‘America’s crisis is, in short, a social crisis, not an economic crisis.’ Why or why not?”
29. Conduct a [deliberation](#) in response to the compelling question for the task: Should policymakers be more concerned about economic growth or happiness?
30. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).

Civics Instructional Task: Economic Systems

Unit Five: The Economy, Topic One: Economic Concepts and Questions

Description: Students contrast different economic systems and weigh the advantages and disadvantages of government regulations to answer the compelling question: Is freer fairer?

Suggested Timeline: 4 class periods

Materials: [“Allocation Strategies”](#) lesson, [“Types of Economic Systems”](#) video, [“Economic Systems Infographic,”](#) digital access, [“Economic Systems Infographic Activity](#) and [answers,”](#) [“Comparative Systems Activity,”](#) [“Rising Productivity, Declining Population Impact Russia’s Economy,”](#) [“Index of Economic Freedom,”](#) [“World Happiness Report,”](#) Government Regulations T-chart ([blank](#) and [completed](#)), [“The Economy Hits Home: Regulations,”](#) [“Red Tape Kills Jobs,”](#) [“Do Regulations Really Kill Jobs?,”](#) [“The Free Market’s Not Always the Fair and Honest Market,”](#) [“Why We Need Government in the Marketplace,”](#) [“Faith in an Unregulated Free Market: Don’t Fall for It,”](#) [“What Makes Us Happier: Government or the Free Market?,”](#) [conversation stems,](#) [discussion tracker](#)

Instructional Process:

1. Post and read aloud the compelling question for the task: “Is freer fairer?”
2. Say: “To answer this question, we will first compare the US system to other economic systems around the world.”
3. Conduct steps 1-8 of the [“Allocation Strategies”](#) lesson from the Federal Reserve Bank of Atlanta. Call on students to share their answers to the questions on “Handout 1.”
4. Watch [“Types of Economic Systems”](#) from University Now.
5. Project the [“Economic Systems Infographic”](#) from the Federal Reserve Bank of Atlanta.
6. Provide students with digital access and direct them to complete the [“Economic Systems Infographic Activity”](#) with a partner. Instruct students to skip question 2b. Discuss [answers](#) as a class.
7. Provide students with digital access. Divide the class into eight groups. Assign each group one country from the activity to research. Direct groups to complete all three parts of the [“Comparative Systems Activity”](#) for their assigned country. Have groups report out findings to the class.
8. Instruct all students or groups to repeat step 1 of the activity for Russia.
9. Provide students with access to [“Rising Productivity, Declining Population Impact Russia’s Economy”](#) by Guillaume Vandembroucke. Direct students to read the article and then complete step 2 of the activity for Russia.
10. Instruct students to visit the Heritage Foundation’s [“Index of Economic Freedom,”](#) click on Russia, explore the report, and then complete step 3.
11. Allow students about fifteen minutes to search for and read a recent (last few months) news article about Russia’s economy.
12. Conduct a class discussion. Possible questions:
 - a. How well has Russia’s economy transitioned since the fall of the Soviet Union?
 - b. What obstacles stand in the way of economic progress?
13. Direct students to visit the Heritage Foundation’s [“Index of Economic Freedom”](#) again, click on the United States, and explore the report.

14. Conduct a brief class discussion. Possible questions:
 - a. Why did the United States receive the ranking it did?
 - b. Compare to the rankings in the [World Happiness Report](#) (pages 20-22 of [2017](#) report). What economic freedom rankings did the “happiest” countries receive? Why? The least happy? Why?
 - c. What are the limitations of the “Index of Economic Freedom”? (Direct students to the “[About](#)” page of the Heritage Foundation if they are unfamiliar with it and unable to identify the think tank’s political ideology.)
15. Say: “The Heritage Foundation promotes a *laissez-faire*, or hands-off approach, to the economy. One of the foundation’s goals is to reduce government regulation, which they believe reduce efficiency and stifle economic growth. Next we will analyze the arguments in favor and against government regulations.”
16. Distribute [Government Regulations T-chart](#). Inform students that the [completed T-charts](#) will be collected and graded at the end of the task.
17. Provide students with access to “[The Economy Hits Home: Regulations](#)” by Jay Richards from the Heritage Foundation. Direct students to read independently and then work with a partner or in small groups to add claims to the T-chart.
18. Provide students with access to “[Red Tape Kills Jobs](#)” by James Bailey and Diana Thomas from *US News & World Report*. Direct students to read the article independently and then work with a partner or in small groups to add claims to their [Government Regulations T-chart](#).
19. Provide students with access to the following sources. Facilitate a [jigsaw reading](#) of the sources. Instruct students to continue adding claims to their [Government Regulations T-chart](#).
 - a. “[Do Regulations Really Kill Jobs?](#),” Alana Semuels, *The Atlantic*
 - b. “[The Free Market’s Not Always the Fair and Honest Market](#),” David Lazarus, *Los Angeles Times*
 - c. “[Why We Need Government in the Marketplace](#),” David Brodwin, *US News & World Report*
 - d. “[Faith in an Unregulated Free Market: Don’t Fall for It](#),” Robert J. Shiller, *New York Times*
 - e. “[What Makes Us Happier: Government or the Free Market?](#),” Benjamin Radcliff, *Newsweek*
20. Conduct a [philosophical chairs debate](#) in response to the compelling question for the task: Is freer fairer?
21. Remind students to consider
 - a. the relationship between economic freedom and happiness/subjective well-being
 - b. the arguments for and against government regulations
22. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).

Government Regulations T-Chart

Pro-Regulation	Anti-Regulation

Government Regulations T-Chart (Completed)

Pro-Regulation	Anti-Regulation
<ul style="list-style-type: none"> ● free markets incentivize manipulations and deception; example: fraudulent medicines/FDA (Shiller) ● regulations don't decrease jobs in the overall economy; losses in certain industries offset by gains elsewhere (Semuels quoting Coglianesse) ● regulations affect every business in an industry so does not affect competition; regulations can increase employment if companies hire new workers to handle compliance (Semuel citing Berman and Bui); regulations not linked to job losses for existing businesses (Bailey and Thomas) ● references to "job-killing regulations" peak in times of economic uncertainty because politicians are looking for scapegoats (Semuels citing Coglianesse) ● "Businesses aren't moral, they aren't ethical. They aren't supposed to be. They exist to make money and enrich shareholders. Regulation is necessary to define acceptable standards of conduct in an amoral world and to ensure that those standards are upheld." (Lazarus) ● regulation needed to protect consumers from making bad choices; ex: taking out mortgages they can't afford (Lazarus) ● regulations needed to stop unsafe products from reaching the market (Lazarus) ● lack of competition reduces efficiency of private sector; competition works most effectively in a well-managed marketplace (Brodwin) ● government regulations can promote subjective-well being (Radcliff) 	<ul style="list-style-type: none"> ● can result in overcriminalization; example: orchid grower (Richards) ● can violate rights to life, liberty, and property (Richards) ● creates a "nanny state" (Richards) ● economic costs (Richards) <ul style="list-style-type: none"> ○ government to enforce ○ businesses to comply ○ "invisible," such as constraints on innovation ● health and safety costs; ex: lives lost waiting for FDA to approve new medicines ● reduces economic growth, slows job growth (Richards citing World Bank study) ● doubling regulation linked to 9% decrease in new business start-ups and 5% decrease in new hires for the affected industry (Bailey and Thomas) ● can cause concentrated job losses in certain industries and locations; hard for unemployed to find new jobs in places where newly-regulated industry is concentrated (Semuels) ● people who lose jobs due to regulations face earnings losses when they do find new employment (Semuels citing Walker) ● competitive free markets are efficient (Brodwin)

Civics Instructional Task: Monopolies

Unit Five: Economic Concepts, Topic One: Economic Concepts and Questions

Description: Students consider the government’s role in preventing monopolies.

Suggested Timeline: 2 class periods

Materials: “[Episode 25: Market Structures](#)” video, “[Characteristics of Market Structure](#)” activity, “[Monopoly](#),” “[The University of Chicago Worries about a Lack of Competition](#),” “[America’s Monopoly Problem: How Big Business Jammed the Wheels of Innovation](#)”

Instructional Process:

1. Watch “[Episode 25: Market Structures](#)” video by Dr. Mary J. McGlasson.
2. To check for understanding, conduct the “[Characteristics of Market Structure](#)” activity by the California Council on Economic Education.
3. Post and read aloud the following compelling question: “What should the government do about monopolies?”
4. Provide students with access to “[Monopoly](#)” by George J. Stigler. Direct students to read the article independently (including the “About the Author” section) and then answer the following questions with a partner:
 - a. Why are economists concerned about monopolies?
 - b. Explain why Stigler claims “competition is a tough weed, not a delicate flower.”
 - c. What three broad options for controlling monopolies does Stigler offer?
 - d. How does he argue against antitrust policy? public regulation?
5. Provide students with access to “[The University of Chicago Worries about a Lack of Competition](#)” from the *Economist*. Direct students to read the article independently and then answer the following questions with a partner:
 - a. Why is weaker competition problematic?
 - b. How influential have the Chicago school’s (including George J. Stigler’s) ideas been?
 - c. Why has the “pendulum shifted” on concern about monopolies?
 - d. What policies and tactics does the article suggest to combat monopolies?
6. Provide students with access to “[America’s Monopoly Problem: How Big Business Jammed the Wheels of Innovation](#)” by Derek Thompson from the *Atlantic*. Direct students to read the article independently.
7. Conduct a class discussion of the compelling question: What should the government do about monopolies?
8. Direct students to write an op-ed or letter to editor summarizing their position.
9. Use the [social studies extended response rubric](#) to grade the op-ed or letter. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Civics Instructional Task: The Federal Reserve

Unit Five: The Economy, Topic One: Economic Concepts and Questions

Description: Students investigate the Federal Reserve’s goals, instruments, and role in the US economy.

Suggested Timeline: 5 class periods

Materials: [“Rand Paul on the Federal Reserve”](#) video, [“Rand Paul Has the Most Dangerous Economic Views of Any 2016 Candidate,”](#) [“How Rand Paul’s Crusade to ‘Audit the Fed’ Could Make His Worst Nightmares Come True,”](#) [“In Plain English,”](#) [“Chair the Fed”](#) game, [“Why Monetary Policy Is Important for Everyone”](#) video, [“Q & A: Explaining ‘Audit the Fed’,”](#) [social studies extended response rubric](#)

Instructional Process:

1. Watch [“Rand Paul on the Federal Reserve”](#) (January 12, 2016) video. Instruct students to write down questions as they listen:
 - a. unfamiliar terms/concepts
 - b. claims to investigate more fully
2. Provide students with access to [“Rand Paul Has the Most Dangerous Economic Views of Any 2016 Candidate”](#) by Danny Vinik from *New Republic* and [“How Rand Paul’s Crusade to ‘Audit the Fed’ Could Make His Worst Nightmares Come True”](#) by Jordan Weissmann of *Slate*. Direct students to read the articles independently and continue writing down questions as they read.
3. Discuss the perspective of each of the three sources.
4. Ask students to share their questions. Record questions on the board. Allow students to come to the realization that they need more information about the Federal Reserve to develop an informed position on the issue.
5. Post and read aloud the compelling question for the unit: “How independent should the Federal Reserve be?”
6. Instruct students to complete the [“In Plain English”](#) online course¹⁵⁶ by the Federal Reserve Bank of St. Louis. Check discussion board postings for comprehension. Note: If students need additional support, watch [“The Fed Explains Monetary Policy”](#) by the Federal Reserve Bank of Atlanta and/or assign students roles and perform a read aloud of [“The Trial of Monty Terry”](#) by Cheryl H. Morrow for the Federal Reserve Bank of Atlanta.
7. Provide students with digital access to play [“Chair the Fed”](#) or project and play together as a class.
8. Watch [“Why Monetary Policy Is Important for Everyone”](#) video from the Federal Reserve Bank of Atlanta.
9. Review questions on the board students wrote down at the beginning of the task. Remove any questions that have been answered.
10. Provide students with access to [“Q & A: Explaining ‘Audit the Fed’”](#) by David Wessel of the Brookings Institution and direct them to read the source independently.
11. Review questions on the board students wrote down at the beginning of the task. Remove any questions that have been answered. If additional research is necessary to answer remaining questions, either provide additional sources for students or support them to perform independent research.
12. Allow students time to review all sources and prepare for the assessment.

¹⁵⁶ Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

13. Direct students to write an essay in response to the compelling question: How independent should the Federal Reserve be?
14. Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Civics Instructional Task: The Great Recession¹⁵⁷

Unit Five: The Economy, Topic One: Economic Concepts and Questions

Description: Students investigate the causes of the Great Recession.

Suggested Timeline: 7 class periods

Materials: excerpts from [“The Great Recession Casts a Long Shadow on Family Finances”](#) by Ray Boshara, William Emmons, and Bryan Noeth, pages 2-3 of [“BLS Spotlight on Statistics: The Recession of 2007-2009,”](#) [“The Fed Explained: The Ups and Downs of Unemployment”](#) video, [“Types of Unemployment”](#) online course, [“What Are the Three Types of Unemployment?”](#) [“Unemployment Indicators Only Tell Part of the Story,”](#) [“Why Doesn’t 4.9% Unemployment Feel Great?”](#) [“What Caused the Financial Crisis,”](#) [“Conclusions of the Financial Crisis Inquiry Commission,”](#) [“Conclusions of the Financial Crisis Inquiry Commission, Dissenting Statement”](#) by Peter Wallison and Arthur Burns, [“The State of Lending in America and Its Impact on US Households,”](#) [“Three Scapegoats Infographic,”](#) [Remarks at the Signing of Dodd-Frank Wall Street Reform and Consumer Protection Act by President Barack Obama](#)

Instructional Process:

1. Say: “The Great Recession of 2007-2009 was the worst economic downturn in the United States since the Great Depression. The US Financial Crisis Inquiry Commission concluded that the ‘crisis was avoidable.’ For this task, we will seek answers to the question: Who deserves the blame? At the end of the investigation, we will hold a mock trial to prosecute wrongdoers.”
2. Project and read aloud [excerpts from “The Great Recession Casts a Long Shadow on Family Finances”](#) by Ray Boshara, William Emmons, and Bryan Noeth.
3. Project and read aloud pages 2-3 of [“BLS Spotlight on Statistics: The Recession of 2007-2009.”](#)¹⁵⁸
4. Discuss briefly as a class. Possible questions:
 - a. According to these sources, were the impacts of the Great Recession evenly distributed across the population?
 - b. How might declines in income and net worth affect the lives of individuals and families?
 - c. How might unemployment affect the lives of individuals and families?
5. Play [“The Fed Explained: The Ups and Downs of Unemployment”](#) video by the Federal Reserve Bank of Atlanta.
6. Provide students with access to the [“Types of Unemployment”](#) online course¹⁵⁹ from the Federal Reserve Bank of St. Louis. Instruct students to complete the course through the “Summary” page, but do not require them to post on the discussion board.
7. Provide students with access to [“What Are the Three Types of Unemployment?”](#) from *ThoughtCo*.
8. Direct students to read independently and answer the following questions with a partner:
 - a. What are the consequences of structural unemployment?

¹⁵⁷ This task is adapted from [“The Great Recession”](#) inquiry developed for the New York State Social Studies Resource Toolkit “The Great Recession” is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

¹⁵⁸ This data is created by the Bureau of Labor Statistics. It is available online at https://www.bls.gov/spotlight/2012/recession/pdf/recession_bls_spotlight.pdf.

¹⁵⁹ Free registration on the [Instructor Management Panel](#) is required to enroll students in the online course.

- b. How can cyclical unemployment turn into structural unemployment?
9. Still working in pairs, provide each student in the partnership access to one of the following sources to read independently:
 - a. [“Unemployment Indicators Only Tell Part of the Story,”](#) Andrew Soergel, *US News and World Report*
 - b. [“Why Doesn’t 4.9% Unemployment Feel Great?,”](#) Heather Long, *CNN Money*
10. Instruct them to brief their partner by summarizing key points.
11. Discuss briefly as a class. Possible questions:
 - a. What are the problems with measuring unemployment?
 - b. What does this source reveal about the severity of the Great Recession?
12. Say, “Now that we have established that the Great Recession caused significant hardship to individuals and families in the United States, let’s begin investigating who deserves the blame.
13. Provide students with access to [“What Caused the Financial Crisis”](#) by Jacob Goldstein from *Planet Money*. Direct them to read independently.
14. Say: “The first two sources we will consider are excerpts from the “Conclusions of the Financial Crisis Inquiry Commission” and one of the dissenting statements. What predictions can you make about the values and limitations of these two sources?”
15. Provide students with a copy of [“Conclusions of the Financial Crisis Inquiry Commission”](#) and [“Conclusions of the Financial Crisis Inquiry Commission, Dissenting Statement”](#) by Peter Wallison and Arthur Burns. Direct students to independently read the findings and to make a list of the various actors mentioned as responsible parties in the report.
16. Ask students to share what they wrote down, making a master list on the board. As a class, categorize each of the allegedly responsible parties as either government (G), financial institutions (FI), or consumers (C). Encourage student efforts to sub-categorize actors, especially in the government category (e.g. the Federal Reserve, policymakers, regulators, GSEs, etc.).
17. Instruct every student to head one sheet of notebook paper for each of the three categories (government, financial institutions, and consumers; three sheets total).
18. Divide students into small groups. Consider assigning or allowing students to assign group roles, such as:
 - a. facilitator - leads discussions; keeps group members focused on task; tracks progress and monitors time limits; ensures all voices are heard and group members are respected
 - b. summarizer - restates group’s conclusions; checks for understanding among all members
 - c. question tracker - records group’s questions; leads review of new sources for answers
 - d. fact checker - fact checks throughout discussion, focusing on summaries provided by summarizer
 - e. researcher - ensures sources are paraphrased and cited correctly; reminds group members to consider the values and limitations of sources; leads internet research
19. Direct students to reread the two sources and work together to add bulleted notes to the appropriate sheet explaining why each party allegedly bears responsibility. Inform students that notes will be collected for a grade at the end of the task. Remind students to identify the source behind each bullet point. Note: Though students are working cooperatively, each member of the group is responsible for taking their own notes.
20. Ensure one member of the group tracks all questions raised by group members during the examination of sources.
21. Provide students with access to Source C: “25 People to Blame for the Financial Crisis: The Good Intentions, Bad Managers, and Greed behind the Meltdown” ([page 16 of the original task](#)). Instruct students to add any familiar

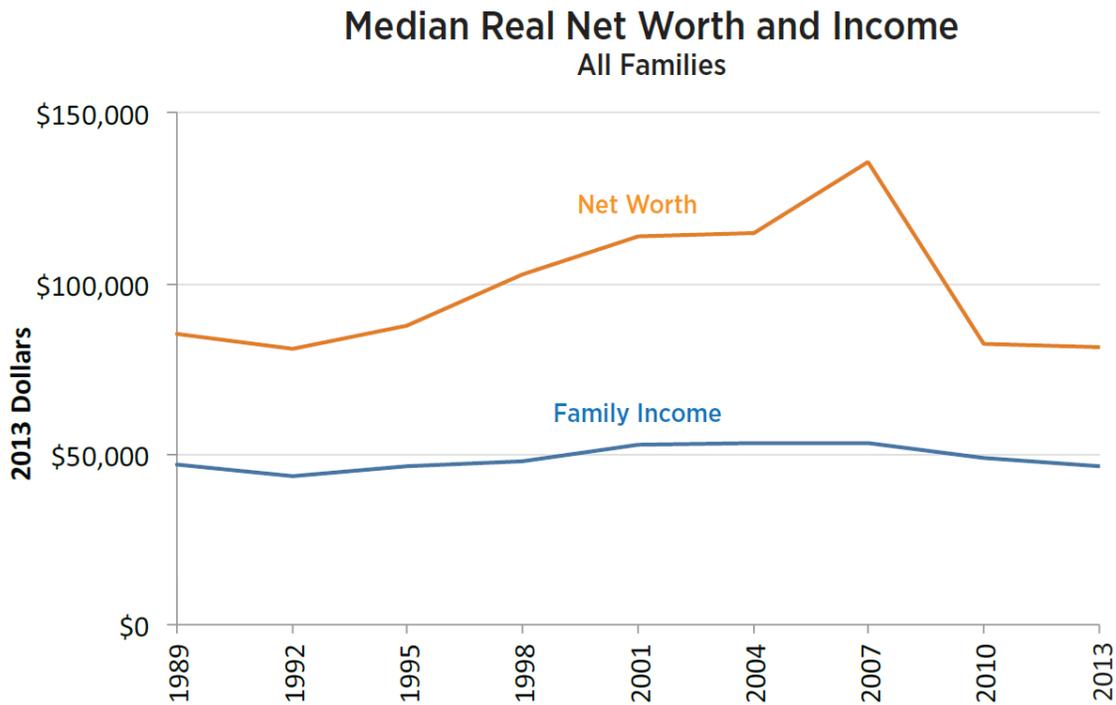
names to the appropriate page of notes, leaving space to add explanations. Unfamiliar names should be added to the group's running list of questions.

22. Provide students with access to Source D: "The Origins of the Financial Crisis" ([pages 17-19 of the original task](#)). Direct students to read independently.
23. Ask: "Which actors are mentioned in this source that were not discussed in the previous sources?"
24. Instruct students to create a fourth page of notes with the heading "foreign countries."
25. Direct students to work in their groups to add evidence from Source D to the notes pages. When a new source repeats the same claim as a previous source, instruct students to just add an additional source citation to the bullet point.
26. Remind students to update the group's list of questions every time a new source is introduced. Ask: "Were any questions from your list answered? What new questions do you have?"
27. Remind students to consider the values and limitations of each source.
28. Provide students with access to Source E: Excerpt from *Too Big to Fail: The Inside Story of How Wall Street and Washington Fought to Save the Financial System—And Themselves* ([pages 20-21 of original task](#)). Direct students to read independently. Repeat steps 24-26.
29. Play video from Source F: "[The State of Lending in America and Its Impact on US Households](#)." Project and read aloud the text excerpt ([pages 22-23 of original task](#)). Project the "[Three Scapegoats Infographic](#)." Repeat steps 24-26. Note: Link to video in original task is broken.
30. Provide students with copies of Source G: [Remarks at the Signing of Dodd-Frank Wall Street Reform and Consumer Protection Act by President Barack Obama](#). Direct them to read independently and then repeat steps 24-26.
31. Provide students with access to all of the remaining sources ([pages 27-31 of the original task](#)), either one source at a time or all together. Set time limits for quiet reading and group work. Repeat reminders from steps 24-26 as necessary.
32. Provide groups with digital access to perform research. Instruct students to look for answers to any of the group's remaining questions and to research names from the list in Source C.
33. Rotate among the groups. Support groups to find the answers to their questions but refrain from answering questions to the extent possible. Set a time limit.
34. After the time limit, have one representative from each group post any remaining questions on the board. Ask if other members of the class know the answer or have suggestions for how to find it. Work together as a class to seek clarifications and correct misconceptions, as necessary.
35. Provide time for students to work in groups again to review and reorganize their notes.
36. Instruct each student to create a new, well-polished draft of notes. Remind students that this final draft will be collected for a grade after the mock trial simulation.
37. Divide the class into five reshuffled groups. Assign each group one of the following roles:
 - a. prosecutors
 - b. financial institutions
 - c. government
 - d. consumers
 - e. jury

38. Allow students a short time in their new groups to prepare. Instruct the prosecutors to draft a brief statement summarizing the charges against each group of defendants and to develop questions to ask each group. Instruct the groups of defendants to try to anticipate and plan for the prosecutors' questions.
39. Conduct the mock trial. Direct prosecutors to call up the first group of defendants, summarize charges against them, and then question them.
40. After each group has been charged and questioned, provide students time to meet in their groups again to develop closing arguments. Instruct jury members to review the proceedings thus far.
41. Allow students time to present the closing arguments.
42. Instruct the jury to complete their deliberations in front of the whole class. Set a time limit, and then ask the jury to vote on the guilt or innocence of each group of defendants.
43. Conduct a class discussion to debrief the trial. Allow other class members to weigh in on the jury's decisions. Use the discussion time to emphasize the complexity of the issue and the understanding that many actors contributed to the crisis.
44. Collect and grade final drafts of student notes.

Excerpts from “The Great Recession Casts a Long Shadow on Family Finances” by Ray Boshara, William Emmons, and Bryan Noeth

The income and wealth of the typical American family declined between 2010 and 2013, according to the Federal Reserve’s latest Survey of Consumer Finances. (See the figure below.) These declines reduced the median real (inflation---adjusted) family income and net worth in the United States in 2013 to \$46,668 (from \$49,022 in 2010) and to \$81,400 (from \$82,521 in 2010), respectively.



SOURCE: Federal Reserve Board’s Survey of Consumer Finances.

FEDERAL RESERVE BANK of ST. LOUIS

SOURCE: Federal Reserve Board’s Survey of Consumer Finances.

Combined with significant declines between 2007 and 2010 on both measures, the cumulative decline in median real family income between 2007 and 2013 was 12.1 percent, while median real net worth declined 40.1 percent. The financial impact of the Great Recession was so severe that all the gains achieved during the 1990s and 2000s were wiped out. Median real family income was 1.0 percent lower in 2013 than in 1989, while median real net worth in 2013 was 4.3 percent below its 1989 level.

As discouraging as these declines are, several economically vulnerable groups have fared even worse....The median real income among families headed by someone under 40 has fallen from 96 percent of the overall median income in 1989 to only 87 percent in 2013. The median income of families headed by an African---American or someone of Hispanic origin (of any race) reached only 67 percent of the overall median in 2013, down from 70 percent in 2007.

Among families headed by someone without a high-school degree, the median real income in 2013 was only 48 percent of the overall median, down from 51 percent three years earlier.

Even in the sixth year of economic recovery, the Great Recession’s impact on American families’ income and wealth continues to be felt widely. The most economically vulnerable groups of families generally have suffered even larger setbacks than the typical family in the overall population.

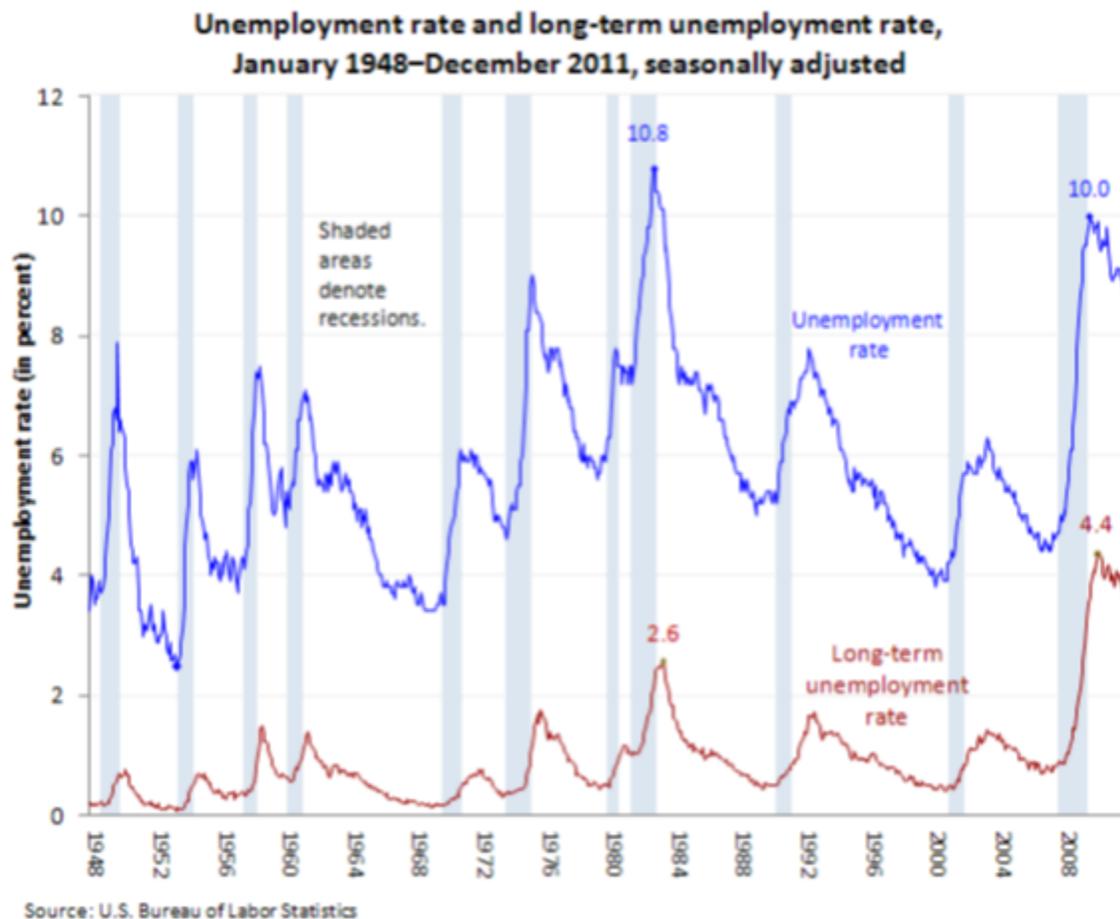
The data now affirm what most Americans have been feeling since the recession ended—that their own recovery is not yet complete. And as many families continue to accumulate new debt at a slower pace or actually “delever” their balance sheets, shedding the debts accumulated in the run-up to the financial crisis, we believe less than robust economic growth will continue.

Courtesy of Federal Reserve Bank of St. Louis. <https://www.stlouisfed.org/on-the-economy/2014/september/the-great-recession-casts-a-long-shadow-on-family-finances>

Excerpt from BLS Spotlight on Statistics: The Recession of 2007-2009

Unemployment

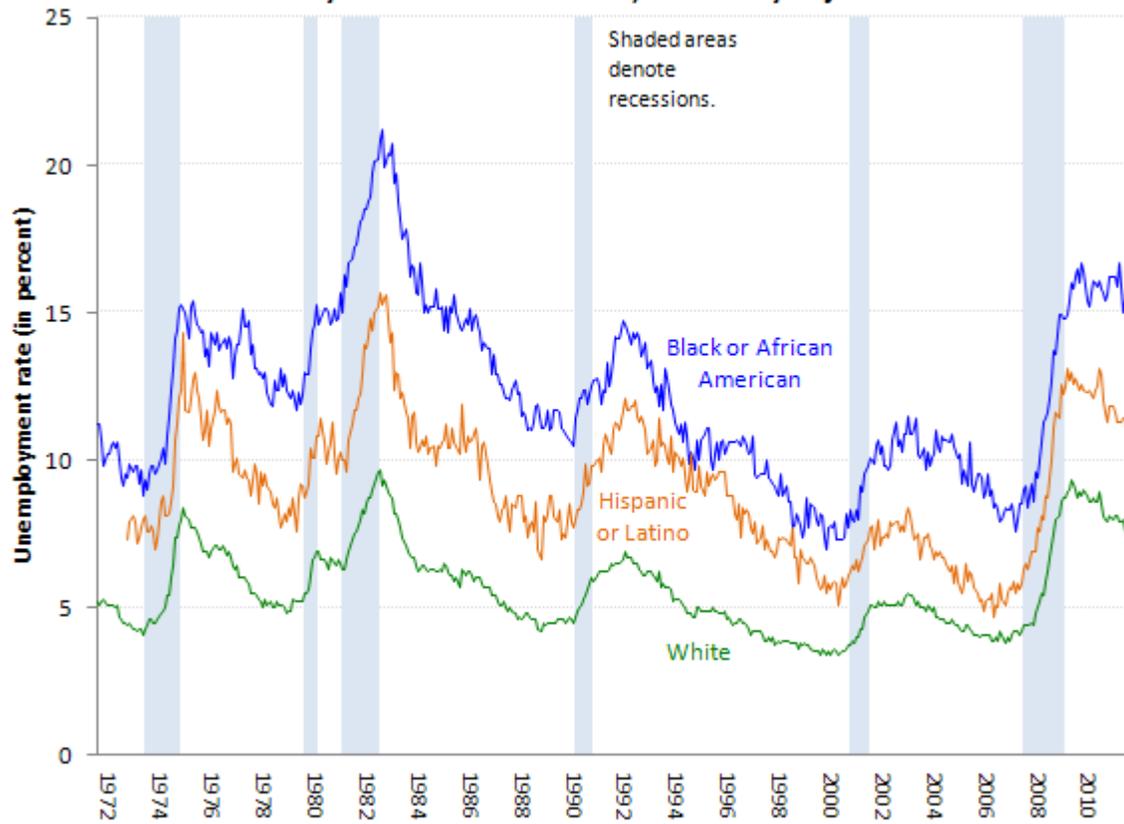
One of the most widely recognized indicators of a recession is higher unemployment rates. In December 2007, the national unemployment rate was 5.0 percent, and it had been at or below that rate for the previous 30 months. At the end of the recession, in June 2009, it was 9.5 percent. In the months after the recession, the unemployment rate peaked at 10.0 percent (in October 2009). Before this, the most recent months with unemployment rates over 10.0 percent were September 1982 through June 1983, during which time the unemployment rate peaked at 10.8 percent. Compared with previous recessions, the higher proportion of long-term unemployed (those unemployed for 27 weeks or longer) in the recent recession and its postrecession period is notable. NOTE: People are classified as unemployed if they do not have a job, have actively looked for work in the prior 4 weeks, and are currently available for work. The unemployment rate is the number of unemployed persons as a percent of the labor force. (The labor force is the total number of employed and unemployed persons.) The long-term unemployment rate is the number of persons unemployed for 27 weeks or longer as a percent of the labor force. To learn more, see How the Government Measures Unemployment, http://www.bls.gov/cps/cps_htgm.htm.



Unemployment Demographics

Unemployment rates of Blacks or African Americans and Hispanics or Latinos historically have been higher than the rate for Whites. In the months during and after the recent recession, unemployment rates for Blacks or African Americans and Hispanics or Latinos remained below the peaks they reached in 1982 and 1983, while the unemployment rate of Whites was very comparable to that of 1983.

**Unemployment rates by race and Hispanic or Latino ethnicity,
 January 1972–December 2011, seasonally adjusted**



Note: Persons whose ethnicity is identified as Hispanic or Latino may be of any race. Source: U.S. Bureau of Labor Statistics

“Conclusions of the Financial Crisis Inquiry Commission,” January 2011

In this report, we detail the events of the crisis. But a simple summary, as we see it, is useful at the outset. While the vulnerabilities that created the potential for crisis were years in the making, it was the collapse of the housing bubble—fueled by low interest rates, easy and available credit, scant regulation, and toxic mortgages—that was the spark that ignited a string of events, which led to a full-blown crisis in the fall of 2008. Trillions of dollars in risky mortgages had become embedded throughout the financial system, as mortgage-related securities were packaged, repackaged, and sold to investors around the world. When the bubble burst, hundreds of billions of dollars in losses in mortgages and mortgage-related securities shook markets as well as financial institutions that had significant exposures to those mortgages and had borrowed heavily against them. This happened not just in the United States but around the world. The losses were magnified by derivatives such as synthetic securities.

The crisis reached seismic proportions in September 2008 with the failure of Lehman Brothers and the impending collapse of the insurance giant American International Group (AIG). Panic fanned by a lack of transparency of the balance sheets of major financial institutions, coupled with a tangle of interconnections among institutions perceived to be “too big to fail,” caused the credit markets to seize up. Trading ground to a halt. The stock market plummeted. The economy plunged into a deep recession.

The financial system we examined bears little resemblance to that of our parents’ generation. The changes in the past three decades alone have been remarkable. The financial markets have become increasingly globalized.

Technology has transformed the efficiency, speed, and complexity of financial instruments and transactions. There is broader access to and lower costs of financing than ever before. And the financial sector itself has become a much more dominant force in our economy.

From 1978 to 2007 the amount of debt held by the financial sector soared from \$3 trillion to \$36 trillion, more than doubling as a share of gross domestic product. The very nature of many Wall Street firms changed—from relatively staid private partnerships to publicly traded corporations taking greater and more diverse kinds of risks. By 2005, the 10 largest U.S. commercial banks held 55% of the industry’s assets, more than double the level held in 1990. On the eve of the crisis in 2006, financial sector profits constituted 27% of all corporate profits in the United States, up from 15% in 1980. Understanding this transformation has been critical to the Commission’s analysis.

Now to our major findings and conclusions, which are based on the facts contained in this report: they are offered with the hope that lessons may be learned to help avoid future catastrophe.

- We conclude this financial crisis was avoidable. The crisis was the result of human action and inaction, not of Mother Nature or computer models gone haywire. The captains of finance and the public stewards of our financial system ignored warnings and failed to question, understand, and manage evolving risks within a system essential to the well-being of the American public. Theirs was a big miss, not a stumble. While the business cycle cannot be repealed, a crisis of this magnitude need not have occurred. To paraphrase Shakespeare, the fault lies not in the stars, but in us.
- Despite the expressed view of many on Wall Street and in Washington that the crisis could not have been foreseen or avoided, there were warning signs. The tragedy was that they were ignored or

discounted. There was an explosion in risky subprime lending and securitization, an unsustainable rise in housing prices, widespread reports of egregious and predatory lending practices, dramatic increases in household mortgage debt, and exponential growth in financial firms' trading activities, unregulated derivatives, and short-term "repo" lending markets, among many other red flags. Yet there was pervasive permissiveness; little meaningful action was taken to quell the threats in a timely manner.

The prime example is the Federal Reserve's pivotal failure to stem the flow of toxic mortgages, which it could have done by setting prudent mortgage-lending standards. The Federal Reserve was the one entity empowered to do so and it did not. The record of our examination is replete with evidence of other failures: financial institutions made, bought, and sold mortgage securities they never examined, did not care to examine, or knew to be defective; firms depended on tens of billions of dollars of borrowing that had to be renewed each and every night, secured by subprime mortgage securities; and major firms and investors blindly relied on credit rating agencies as their arbiters of risk. What else could one expect on a highway where there were neither speed limits nor neatly painted lines?

- We conclude widespread failures in financial regulation and supervision proved devastating to the stability of the nation's financial markets. The sentries were not at their posts, in no small part due to the widely accepted faith in the self-correcting nature of the markets and the ability of financial institutions to effectively police themselves. More than 30 years of deregulation and reliance on self-regulation by financial institutions, championed by former Federal Reserve chairman Alan Greenspan and others, supported by successive administrations and Congresses, and actively pushed by the powerful financial industry at every turn, had stripped away key safeguards, which could have helped avoid catastrophe. This approach had opened up gaps in oversight of critical areas with trillions of dollars at risk, such as the shadow banking system and over-the-counter derivatives markets. In addition, the government permitted financial firms to pick their preferred regulators in what became a race to the weakest supervisor.

Yet we do not accept the view that regulators lacked the power to protect the financial system. They had ample power in many arenas and they chose not to use it. To give just three examples: the Securities and Exchange Commission could have required more capital and halted risky practices at the big investment banks. It did not. The Federal Reserve Bank of New York and other regulators could have clamped down on Citigroup's excesses in the run-up to the crisis. They did not. Policy makers and regulators could have stopped the runaway mortgage securitization train. They did not. In case after case after case, regulators continued to rate the institutions they oversaw as safe and sound even in the face of mounting troubles, often downgrading them just before their collapse. And where regulators lacked authority, they could have sought it. Too often, they lacked the political will—in a political and ideological environment that constrained it—as well as the fortitude to critically challenge the institutions and the entire system they were entrusted to oversee.

Changes in the regulatory system occurred in many instances as financial markets evolved. But as the report will show, the financial industry itself played a key role in weakening regulatory constraints on institutions, markets, and products. It did not surprise the Commission that an industry of such wealth and power would exert pressure on policy makers and regulators. From 1999 to 2008, the financial

sector expended \$2.7 billion in reported federal lobbying expenses; individuals and political action committees in the sector made more than \$1 billion in campaign contributions. What troubled us was the extent to which the nation was deprived of the necessary strength and independence of the oversight necessary to safeguard financial stability.

- We conclude dramatic failures of corporate governance and risk management at many systemically important financial institutions were a key cause of this crisis. There was a view that instincts for self-- preservation inside major financial firms would shield them from fatal risk---taking without the need for a steady regulatory hand, which, the firms argued, would stifle innovation. Too many of these institutions acted recklessly, taking on too much risk, with too little capital, and with too much dependence on short--- term funding. In many respects, this reflected a fundamental change in these institutions, particularly the large investment banks and bank holding companies, which focused their activities increasingly on risky trading activities that produced hefty profits. They took on enormous exposures in acquiring and supporting subprime lenders and creating, packaging, repackaging, and selling trillions of dollars in mortgage---related securities, including synthetic financial products. Like Icarus, they never feared flying ever closer to the sun.

Many of these institutions grew aggressively through poorly executed acquisition and integration strategies that made effective management more challenging. The CEO of Citigroup told the Commission that a \$40 billion position in highly rated mortgage securities would “not in any way have excited my attention,” and the co---head of Citigroup’s investment bank said he spent “a small fraction of 1%” of his time on those securities. In this instance, too big to fail meant too big to manage.

Financial institutions and credit rating agencies embraced mathematical models as reliable predictors of risks, replacing judgment in too many instances. Too often, risk management became risk justification.

Compensation systems—designed in an environment of cheap money, intense competition, and light regulation—too often rewarded the quick deal, the short---term gain—without proper consideration of long--- term consequences. Often, those systems encouraged the big bet—where the payoff on the upside could be huge and the down---side limited. This was the case up and down the line—from the corporate boardroom to the mortgage broker on the street.

Our examination revealed stunning instances of governance breakdowns and irresponsibility. You will read, among other things, about AIG senior management’s ignorance of the terms and risks of the company’s \$79 billion derivatives exposure to mortgage---related securities; Fannie Mae’s quest for bigger market share, profits, and bonuses, which led it to ramp up its exposure to risky loans and securities as the housing market was peaking; and the costly surprise when Merrill Lynch’s top management realized that the company held \$55 billion in “super---senior” and supposedly “super---safe” mortgage---related securities that resulted in billions of dollars in losses.

- We conclude a combination of excessive borrowing, risky investments, and lack of transparency put the financial system on a collision course with crisis. Clearly, this vulnerability was related to failures

of corporate governance and regulation, but it is significant enough by itself to warrant our attention here.

In the years leading up to the crisis, too many financial institutions, as well as too many households, borrowed to the hilt, leaving them vulnerable to financial distress or ruin if the value of their investments declined even modestly. For example, as of 2007, the five major investment banks—Bear Stearns, Goldman Sachs, Lehman Brothers, Merrill Lynch, and Morgan Stanley—were operating with extraordinarily thin capital. By one measure, their leverage ratios were as high as 40 to 1 meaning for every \$40 in assets, there was only \$1 in capital to cover losses. Less than a 3% drop in asset values could wipe out a firm. To make matters worse, much of their borrowing was short-term, in the overnight market—meaning the borrowing had to be renewed each and every day. For example, at the end of 2007, Bear Stearns had \$11.8 billion in equity and \$383.6 billion in liabilities and was borrowing as much as \$70 billion in the overnight market. It was the equivalent of a small business with \$50,000 in equity borrowing \$1.6 million, with \$296,750 of that due each and every day. One can't really ask "What were they thinking?" when it seems that too many of them were thinking alike.

And the leverage was often hidden—in derivatives positions, in off-balance-sheet entities, and through "window dressing" of financial reports available to the investing public.

The kings of leverage were Fannie Mae and Freddie Mac, the two behemoth government-sponsored enterprises (GSEs). For example, by the end of 2007, Fannie's and Freddie's combined leverage ratio, including loans they owned and guaranteed, stood at 75 to 1.

But financial firms were not alone in the borrowing spree: from 2001 to 2007, national mortgage debt almost doubled, and the amount of mortgage debt per household rose more than 63% from \$91,500 to \$149,500, even while wages were essentially stagnant. When the housing downturn hit, heavily indebted financial firms and families alike were walloped.

The heavy debt taken on by some financial institutions was exacerbated by the risky assets they were acquiring with that debt. As the mortgage and real estate markets churned out riskier and riskier loans and securities, many financial institutions loaded up on them. By the end of 2007, Lehman had amassed \$111 billion in commercial and residential real estate holdings and securities, which was almost twice what it held just two years before, and more than four times its total equity. And again, the risk wasn't being taken on just by the big financial firms, but by families, too. Nearly one in 10 mortgage borrowers in 2005 and 2006 took out "option ARM" loans, which meant they could choose to make payments so low that their mortgage balances rose every month.

Within the financial system, the dangers of this debt were magnified because transparency was not required or desired. Massive, short-term borrowing, combined with obligations unseen by others in the market, heightened the chances the system could rapidly unravel. In the early part of the 20th century, we erected a series of protections—the Federal Reserve as a lender of last resort, federal deposit insurance, ample regulations—to provide a bulwark against the panics that had regularly plagued America's banking system in the 19th century. Yet, over the past 30-plus years, we permitted the growth of a shadow banking system—opaque and laden with short-term debt—that

rivalled the size of the traditional banking system. Key components of the market—for example, the multitrillion-dollar repo lending market, off-balance-sheet entities, and the use of over-the-counter derivatives—were hidden from view, without the protections we had constructed to prevent financial meltdowns. We had a 21st-century financial system with 19th-century safeguards.

When the housing and mortgage markets cratered, the lack of transparency, the extraordinary debt loads, the short-term loans, and the risky assets all came home to roost. What resulted was panic. We had reaped what we had sown.

- We conclude the government was ill prepared for the crisis, and its inconsistent response added to the uncertainty and panic in the financial markets. As part of our charge, it was appropriate to review government actions taken in response to the developing crisis, not just those policies or actions that preceded it, to determine if any of those responses contributed to or exacerbated the crisis.

As our report shows, key policy makers—the Treasury Department, the Federal Reserve Board, and the Federal Reserve Bank of New York—who were best positioned to watch over our markets were ill prepared for the events of 2007 and 2008. Other agencies were also behind the curve. They were hampered because they did not have a clear grasp of the financial system they were charged with overseeing, particularly as it had evolved in the years leading up to the crisis. This was in no small measure due to the lack of transparency in key markets. They thought risk had been diversified when, in fact, it had been concentrated. Time and again, from the spring of 2007 on, policy makers and regulators were caught off guard as the contagion spread, responding on an ad hoc basis with specific programs to put fingers in the dike. There was no comprehensive and strategic plan for containment, because they lacked a full understanding of the risks and interconnections in the financial markets. Some regulators have conceded this error. We had allowed the system to race ahead of our ability to protect it.

While there was some awareness of, or at least a debate about, the housing bubble, the record reflects that senior public officials did not recognize that a bursting of the bubble could threaten the entire financial system. Throughout the summer of 2007, both Federal Reserve Chairman Ben Bernanke and Treasury Secretary Henry Paulson offered public assurances that the turmoil in the subprime mortgage markets would be contained. When Bear Stearns’s hedge funds, which were heavily invested in mortgage-related securities, imploded in June 2007, the Federal Reserve discussed the implications of the collapse. Despite the fact that so many other funds were exposed to the same risks as those hedge funds, the Bear Stearns funds were thought to be “relatively unique.” Days before the collapse of Bear Stearns in March 2008, SEC Chairman Christopher Cox expressed “comfort about the capital cushions” at the big investment banks. It was not until August 2008, just weeks before the government takeover of Fannie Mae and Freddie Mac, that the Treasury Department understood the full measure of the dire financial conditions of those two institutions. And just a month before Lehman’s collapse, the Federal Reserve Bank of New York was still seeking information on the exposures created by Lehman’s more than 900,000 derivatives contracts.

In addition, the government’s inconsistent handling of major financial institutions during the crisis—the decision to rescue Bear Stearns and then to place Fannie Mae and Freddie Mac into

conservatorship, followed by its decision not to save Lehman Brothers and then to save AIG—increased uncertainty and panic in the market.

In making these observations, we deeply respect and appreciate the efforts made by Secretary Paulson, Chairman Bernanke, and Timothy Geithner, formerly president of the Federal Reserve Bank of New York and now treasury secretary, and so many others who labored to stabilize our financial system and our economy in the most chaotic and challenging of circumstances.

- We conclude there was a systemic breakdown in accountability and ethics. The integrity of our financial markets and the public’s trust in those markets are essential to the economic well-being of our nation. The soundness and the sustained prosperity of the financial system and our economy rely on the notions of fair dealing, responsibility, and transparency. In our economy, we expect businesses and individuals to pursue profits, at the same time that they produce products and services of quality and conduct themselves well. Unfortunately—as has been the case in past speculative booms and busts—we witnessed an erosion of standards of responsibility and ethics that exacerbated the financial crisis. This was not universal, but these breaches stretched from the ground level to the corporate suites. They resulted not only in significant financial consequences but also in damage to the trust of investors, businesses, and the public in the financial system.

For example, our examination found, according to one measure, that the percentage of borrowers who defaulted on their mortgages within just a matter of months after taking a loan nearly doubled from the summer of 2006 to late 2007. This data indicates they likely took out mortgages that they never had the capacity or intention to pay. You will read about mortgage brokers who were paid “yield spread premiums” by lenders to put borrowers into higher-cost loans so they would get bigger fees, often never disclosed to borrowers. The report catalogues the rising incidence of mortgage fraud, which flourished in an environment of collapsing lending standards and lax regulation. The number of suspicious activity reports—reports of possible financial crimes filed by depository banks and their affiliates—related to mortgage fraud grew 20-fold between 1996 and 2005 and then more than doubled again between 2005 and 2009. One study places the losses resulting from fraud on mortgage loans made between 2005 and 2007 at \$112 billion.

Lenders made loans that they knew borrowers could not afford and that could cause massive losses to investors in mortgage securities. As early as September 2004, Countrywide executives recognized that many of the loans they were originating could result in “catastrophic consequences.” Less than a year later, they noted that certain high-risk loans they were making could result not only in foreclosures but also in “financial and reputational catastrophe” for the firm. But they did not stop.

And the report documents that major financial institutions ineffectively sampled loans they were purchasing to package and sell to investors. They knew a significant percentage of the sampled loans did not meet their own underwriting standards or those of the originators. Nonetheless, they sold those securities to investors. The Commission’s review of many prospectuses provided to investors found that this critical information was not disclosed.

THESE CONCLUSIONS must be viewed in the context of human nature and individual and societal responsibility. First, to pin this crisis on mortal flaws like greed and hubris would be simplistic. It was the failure to account for human weakness that is relevant to this crisis.

Second, we clearly believe the crisis was a result of human mistakes, misjudgments, and misdeeds that resulted in systemic failures for which our nation has paid dearly. As you read this report, you will see that specific firms and individuals acted irresponsibly. Yet a crisis of this magnitude cannot be the work of a few bad actors, and such was not the case here. At the same time, the breadth of this crisis does not mean that “everyone is at fault”; many firms and individuals did not participate in the excesses that spawned disaster.

We do place special responsibility with the public leaders charged with protecting our financial system, those entrusted to run our regulatory agencies, and the chief executives of companies whose failures drove us to crisis. These individuals sought and accepted positions of significant responsibility and obligation. Tone at the top does matter and, in this instance, we were let down. No one said “no.”

But as a nation, we must also accept responsibility for what we permitted to occur. Collectively, but certainly not unanimously, we acquiesced to or embraced a system, a set of policies and actions, that gave rise to our present predicament.

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Conclusions of the Financial Crisis Inquiry Commission, Dissenting Statement, January 2011

What Caused the Financial Crisis?

George Santayana is often quoted for the aphorism that “Those who cannot remember the past are condemned to repeat it.” Looking back on the financial crisis, we can see why the study of history is often so contentious and why revisionist histories are so easy to construct. There are always many factors that could have caused an historical event; the difficult task is to discern which, among a welter of possible causes, were the significant ones—the ones without which history would have been different. Using this standard, I believe that the sine qua non of the financial crisis was U.S. government housing policy, which led to the creation of 27 million subprime and other risky loans—half of all mortgages in the United States—which were ready to default as soon as the massive 1997--- 2007 housing bubble began to deflate. If the U.S. government had not chosen this policy path—fostering the growth of a bubble of unprecedented size and an equally unprecedented number of weak and high---risk residential mortgages—the great financial crisis of 2008 would never have occurred.

Initiated by Congress in 1992 and pressed by HUD in both the Clinton and George W. Bush Administrations, the U.S. government’s housing policy sought to increase home ownership in the United States through an intensive effort to reduce mortgage underwriting standards. In pursuit of this policy, HUD used (i) the affordable housing requirements imposed by Congress in 1992 on the government--- sponsored enterprises (GSEs) Fannie Mae and Freddie Mac, (ii) its control over the policies of the Federal Housing Administration (FHA), and (iii) a “Best Practices Initiative” for subprime lenders and mortgage banks, to encourage greater subprime and other high risk lending. HUD’s key role in the growth of subprime and other high risk mortgage lending is covered in detail in Part III.

Ultimately, all these entities, as well as insured banks covered by the CRA, were compelled to compete for mortgage borrowers who were at or below the median income in the areas in which they lived. This competition caused underwriting standards to decline, increased the numbers of weak and high risk loans far beyond what the market would produce without government influence, and contributed importantly to the growth of the 1997--- 2007 housing bubble.

When the bubble began to deflate in mid---2007, the low quality and high risk loans engendered by government policies failed in unprecedented numbers. The effect of these defaults was exacerbated by the fact that few if any investors—including housing market analysts—understood at the time that Fannie Mae and Freddie Mac had been acquiring large numbers of subprime and other high risk loans in order to meet HUD’s affordable housing goals.

Alarmed by the unexpected delinquencies and defaults that began to appear in mid---2007, investors fled the multi---trillion dollar market for mortgage---backed securities (MBS), dropping MBS values—and especially those MBS backed by subprime and other risky loans—to fractions of their former prices. Mark---to---market accounting then required financial institutions to write down the value of their assets—reducing their capital positions and causing great investor and creditor unease. The mechanism by which the defaults and delinquencies on subprime and other high risk mortgages were transmitted to the financial system as a whole is covered in detail in Part II.

In this environment, the government’s rescue of Bear Stearns in March of 2008 temporarily calmed investor fears but created a significant moral hazard; investors and other market participants reasonably believed after the rescue of Bear that all large financial institutions would also be rescued if they encountered financial difficulties. However, when

Lehman Brothers—an investment bank even larger than Bear—was allowed to fail, market participants were shocked; suddenly, they were forced to consider the financial health of their counterparties, many of which appeared weakened by losses and the capital writedowns required by mark---to---market accounting. This caused a halt to lending and a hoarding of cash—a virtually unprecedented period of market paralysis and panic that we know as the financial crisis of 2008.

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**Source G: Remarks at the Signing of Dodd-Frank Wall Street Reform and Consumer Protection Act,
President Barack Obama, July 21, 2010**

Ronald Reagan Building 11:34 A.M. EDT

THE PRESIDENT: Well, good morning, everyone. AUDIENCE: Good morning.

THE PRESIDENT: We are gathered in the heart of our nation's capital, surrounded by memorials to leaders and citizens who served our nation in its earliest days and in its days of greatest trial. Today is such a time for America.

Over the past two years, we have faced the worst recession since the Great Depression. Eight million people lost their jobs. Tens of millions saw the value of their homes and retirement savings plummet. Countless businesses have been unable to get the loans they need and many have been forced to shut their doors. And although the economy is growing again, too many people are still feeling the pain of the downturn.

Now, while a number of factors led to such a severe recession, the primary cause was a breakdown in our financial system. It was a crisis born of a failure of responsibility from certain corners of Wall Street to the halls of power in Washington. For years, our financial sector was governed by antiquated and poorly enforced rules that allowed some to game the system and take risks that endangered the entire economy.

Unscrupulous lenders locked consumers into complex loans with hidden costs. Firms like AIG placed massive, risky bets with borrowed money. And while the rules left abuse and excess unchecked, they also left taxpayers on the hook if a big bank or financial institution ever failed.

Now, even before the crisis hit, I went to Wall Street and I called for common-sense reforms to protect consumers and our economy as a whole. And soon after taking office, I proposed a set of reforms to empower consumers and investors, to bring the shadowy deals that caused this crisis into the light of day, and to put a stop to taxpayer bailouts once and for all. (Applause.) Today, thanks to a lot of people in this room, those reforms will become the law of the land.

For the last year, Chairmen Barney Frank and Chris Dodd have worked day and night—(applause)—Barney and Chris have worked day and night to bring about this reform. And I am profoundly grateful to them. I would be remiss if I didn't also express my appreciation to Senator Harry Reid and Speaker Nancy Pelosi for their leadership. It wouldn't have happened without them. (Applause.)

Passing this bill was no easy task. To get there, we had to overcome the furious lobbying of an array of powerful interest groups and a partisan minority determined to block change. So the members who are here today, both on the stage and in the audience, they have done a great service in devoting so much time and expertise to this effort, to looking out for the public interests and not the special interests. (Applause.) And I also want to thank the three Republican senators who put partisanship aside—(applause)—judged this bill on the merits, and voted for reform. We're grateful to them. (Applause.) And the Republican House members. (Applause.) Good to see you, Joe. (Applause.)

Now, let's put this in perspective. The fact is, the financial industry is central to our nation's ability to grow, to prosper, to compete and to innovate. There are a lot of banks that understand and fulfill this vital role, and there are a whole lot of bankers who want to do right—and do right—by their customers. This reform will help foster innovation, not hamper

it. It is designed to make sure that everybody follows the same set of rules, so that firms compete on price and quality, not on tricks and not on traps.

It demands accountability and responsibility from everyone. It provides certainty to everybody, from bankers to farmers to business owners to consumers. And unless your business model depends on cutting corners or bilking your customers, you've got nothing to fear from reform. (Applause.)

Now, for all those Americans who are wondering what Wall Street reform means for you, here's what you can expect. If you've ever applied for a credit card, a student loan, or a mortgage, you know the feeling of signing your name to pages of barely understandable fine print. What often happens as a result is that many Americans are caught by hidden fees and penalties, or saddled with loans they can't afford.

That's what happened to Robin Fox, hit with a massive rate increase on her credit card balance even though she paid her bills on time. That's what happened to Andrew Giordano, who discovered hundreds of dollars in overdraft fees on his bank statement—fees he had no idea he might face. Both are here today. Well, with this law, unfair rate hikes, like the one that hit Robin, will end for good. (Applause.) And we'll ensure that people like Andrew aren't unwittingly caught by overdraft fees when they sign up for a checking account. (Applause.)

With this law, we'll crack down on abusive practices in the mortgage industry. We'll make sure that contracts are simpler—putting an end to many hidden penalties and fees in complex mortgages—so folks know what they're signing.

With this law, students who take out college loans will be provided clear and concise information about their obligations.

And with this law, ordinary investors—like seniors and folks saving for retirement—will be able to receive more information about the costs and risks of mutual funds and other investment products, so that they can make better financial decisions as to what will work for them.

So, all told, these reforms represent the strongest consumer financial protections in history. (Applause.) In history. And these protections will be enforced by a new consumer watchdog with just one job: looking out for people—not big banks, not lenders, not investment houses—looking out for people as they interact with the financial system.

And that's not just good for consumers; that's good for the economy. Because reform will put a stop to a lot of the bad loans that fueled a debt-based bubble. And it will mean all companies will have to seek customers by offering better products, instead of more deceptive ones.

Now, beyond the consumer protections I've outlined, reform will also rein in the abuse and excess that nearly brought down our financial system. It will finally bring transparency to the kinds of complex and risky transactions that helped trigger the financial crisis. Shareholders will also have a greater say on the pay of CEOs and other executives, so they can reward success instead of failure.

And finally, because of this law, the American people will never again be asked to foot the bill for Wall Street's mistakes. (Applause.) There will be no more tax-funded bailouts—period. (Applause.) If a large financial institution should ever fail, this reform gives us the ability to wind it down without endangering the broader economy. And there will be new rules to make clear that no firm is somehow protected because it is "too big to fail," so we don't have another AIG.

That's what this reform will mean. Now, it doesn't mean our work is over. For these new rules to be effective, regulators will have to be vigilant. We may need to make adjustments along the way as our financial system adapts to these new changes and changes around the globe. No law can force anybody to be responsible; it's still incumbent on those on Wall Street to heed the lessons of this crisis in terms of how they conduct their businesses.

The fact is every American—from Main Street to Wall Street—has a stake in our financial system. Wall Street banks and firms invest the capital that makes it possible for start-ups to sell new products. They provide loans to businesses to expand and to hire. They back mortgages for families purchasing a new home. That's why we'll all stand to gain from these reforms. We all win when investors around the world have confidence in our markets. We all win when shareholders have more power and more information. We all win when consumers are protected against abuse. And we all win when folks are rewarded based on how well they perform, not how well they evade accountability.

In the end, our financial system only works—our market is only free—when there are clear rules and basic safeguards that prevent abuse, that check excess, that ensure that it is more profitable to play by the rules than to game the system. And that's what these reforms are designed to achieve—no more, no less. Because that's how we will ensure that our economy works for consumers, that it works for investors, that it works for financial institutions—that it works for all of us.

This is the central lesson not only of this crisis but of our history. Ultimately, there's no dividing line between Main Street and Wall Street. We rise or fall together as one nation. So these reforms will help lift our economy and lead all of us to a stronger, more prosperous future.

And that's why I'm so honored to sign these reforms into law, and I'm so grateful to everybody who worked so hard to make this day possible. Thank you very much, everybody. (Applause.)

(The bill is signed.) (Applause.)

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Unit Five Assessment

Description: Students write an essay in response to the following question: What is the proper role of government in the economy?

Suggested Timeline: 1 class period

Student Directions: Write a multiparagraph essay in response to the question: What is the proper role of government in the economy? Use evidence gathered throughout the unit and your knowledge of social studies to develop and support your explanation.

Resources:

- [Social Studies Extended Response Checklist](#)

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.1.1, C.4.7-8, C.6.1-5, C.7.1-5. They also meet the expectations for [ELA/Literacy Standards](#): RH.9-10.1, RH.9-10.2, RH.9-10.6, RH.9-10.7, RH.9-10.8, RH.9-10.9, RH.9-10.10, WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10.

Use the [social studies extended response rubric](#) to grade this assessment. Note: Customize the Content portion of the rubric for this assessment. Use the Claims portion of the rubric as written.

Unit Six Overview

Description: Students increase their financial literacy.

Suggested Timeline: 4-5 weeks

Civics Content	Civics Claims
Personal Finance	How can financial decisions affect your life?

Topics (GLEs):

1. [Financial Literacy](#) (C.7.5, C.8.1-5)

Unit Assessment: Students write a self-reflection about the financial knowledge and understandings they have gained.

Unit Six Instruction

Topic One: Financial Literacy (C.7.5, C.8.1-C.8.5)

Connections to the unit claim: In the previous unit, students examined the macroeconomic implications when consumers fail to act optimally and considered the role of government in protecting consumers from making unwise choices. In this unit, students learn how to arm themselves with the appropriate knowledge to make informed financial decisions. First students examine the labor market to consider the return on investment associated with higher education. Then students work collaboratively to design a personal finance course.

Suggested Timeline: 20 class periods

Use this sample task:

- [Labor Market](#)
- [Making Sense of Dollars and Cents](#)

To explore these key questions:

- Does it matter what I want to be when I grow up?
- Why is financial literacy important and how can it be achieved?

That students answer through this assessment:

- Students engage in a class discussion about careers. Use a [discussion tracker](#) to keep track of students' contributions to the discussion and use this information to assign a grade to students. ([ELA/Literacy Standards](#): SL.9-10.1, SL.9-10.2, SL.9-10.6)
- Students write a one-page reflection in response to the following prompt: To what extent has my thinking about careers shifted as a result of completing this task? Collect and grade for completion and demonstrated understanding of the labor market. ([ELA/Literacy Standards](#): WHST.9-10.4, WHST.9-10.5, WHST.9-10.10)
- Students work in groups to develop lesson plans for a personal finance mini-course for high school students. Grade according to established criteria.

Civics Instructional Task: Labor Market¹⁶⁰

Unit Six: Personal Finance, Topic One: Financial Literacy

Description: Students investigate labor market trends and the return on investment associated with higher education.

Suggested Timeline: 5 class periods

Materials: [“Labor Market”](#) inquiry, [“Student Interest Survey for Career Clusters,”](#) [“The Most Common Job in Every State”](#) interactive map, [“Fastest Growing Occupations”](#) chart, [US Bureau of Labor Statistics](#) website, [“The Labor Market”](#) video, [“The Skills Gap in US Manufacturing: 2015 and Beyond,”](#) [“Is the ‘Skills Gap’ Really a Thing?,”](#) [“College: Learning the Skills to Pay the Bills?”](#) (teacher’s guide), [“The New Normal: 4 Job Changes by the Time You’re 32,”](#) [conversation stems](#), [discussion tracker](#)

Instructional Process:

1. Ask: “How many of you already know for certain what you will be when you grow up?”
2. Call on one or more students who raised their hands. Ask: “How did you decide?”
3. Call on one or more students who did not raise their hands. Ask: “How do you plan to decide?”
4. Have students complete a job interest inventory, such as the [“Student Interest Survey for Career Clusters”](#) from the [CTE](#) website.
5. Post the compelling question for the task: Does it matter what I want to be when I grow up?
6. Say: “To answer this question, first we will investigate labor market trends over the last few decades.”
7. Project the [“The Most Common Job in Every State”](#) interactive map from *Planet Money*. Explore together as a class. Have students take turns reading aloud the text below the map. Ask students to restate the limitations of the source (i.e. the way the government categorizes jobs).
8. Project [“Fastest Growing Occupations”](#) chart from the US Bureau of Labor Statistics. Click on a few of the occupational profiles, according to student interests. Point out that these occupations have the highest percentage rates of growth, but the number of jobs may still be small (e.g. wind turbine technicians).
9. Provide students with digital access to perform research on the [US Bureau of Labor Statistics](#) website. Direct them to investigate one or more career options of personal interest and the answer the following questions:
 - a. What is the median annual wage? Is it greater or less than the median annual wage of all workers?
 - b. What training/education is required? How well does the median wage reflect the amount of training/education required?
 - c. How are future employment prospects? What is the current total employment and percentage growth rate?
10. Provide students with access to “The Polarization of Job Opportunities in the US Labor Market: Implications for Employment and Earnings” from the Brookings Institute ([pages 11-13 of the original task](#)). Direct students to

¹⁶⁰ This task is loosely adapted from the [“Labor Market”](#) inquiry developed for the New York State Social Studies Resource Toolkit. “Labor Market” is licensed under a [Creative Commons Attribution-Noncommercial-ShareAlike 4.0 International License](#), which allows for it to be shared and adapted as long as the user agrees to the terms of the license.

read independently and then verbally paraphrase each of the bulleted main conclusions (page 12) with a partner.

11. Conduct a class discussion. Ask: “Based on these three sources, what major trends can you identify in the labor market over the last few decades?”
12. Say: “Next we will examine how producers are affected by the labor market supply.”
13. Watch “[The Labor Market](#)” video from the *Economic Lowdown* series by the Federal Reserve Bank of St. Louis.
14. Provide students with access to “[The Skills Gap in US Manufacturing: 2015 and Beyond](#)” by Deloitte Manufacturing Institute. Direct students to read page 2 and skim the text and charts on pages 5-11.
15. Provide students with access to Paul Krugman’s *New York Times* editorial, “Jobs and Skills and Zombies” ([pages 16-17 of the original task](#)) and direct them to read it independently.
16. Listen to “[Is the ‘Skills Gap’ Really a Thing?](#)” by Sonari Glinton from *NPR*.
17. Conduct a class discussion. Possible questions:
 - a. What are the values and limitations of each source?
 - b. Is the “skills gap” really a thing?
 - c. What are the potential benefits and costs of intentionally pursuing training/education to fill a particular “skills gap”?
18. Provide students with access to “[College: Learning the Skills to Pay the Bills?](#)” by Scott A. Wolla from the Federal Reserve Bank of St. Louis. Direct them to read the source independently and answer the questions on page 4 of the [teacher’s guide](#). Review answers as a class.
19. Provide students with access to “[The New Normal: 4 Job Changes by the Time You’re 32](#)” by Heather Long from *CNN Money* and direct students to read independently.
20. Conduct a class discussion of the compelling question: Does it matter what I want to be when I grow up?
21. Encourage students to use the [conversation stems](#) and track student contributions with a [discussion tracker](#).
22. Direct students to write a one page reflection in response to the following prompt: To what extent has my thinking about careers shifted as a result of completing this task?
23. Collect and grade for completion and demonstrated understanding of the labor market.

Civics Instructional Task: Making Sense of Dollars and Cents

Unit Six: Personal Finance, Topic One: Financial Literacy

Description: Students design a personal finance course.

Suggested Timeline: 15 class periods

Materials: [“The Economic Importance of Financial Literacy”](#) by Annamaria Lusardi Olivia S. Mitchell from the National Bureau of Economic Research, [“Financial Education Is All the Rage but Does It Work?”](#) by Dan Kadlec from *Time*, [“Not All Financial Education Is Effective: Here are Four Ideas that Work”](#) by Gabrielle Emanuel from *NPR*, [Backward Design Template](#), [Sources for Personal Finance Mini-Course](#)

Instructional Process:

1. Say: “In the Great Recession task, we considered the role consumers played in the financial crisis and how they were impacted by it. What knowledge or understandings might have prevented individuals from making poor financial decisions?”
2. Ask: “Why is personal financial literacy important?”
 - a. To individuals and households?
 - b. To the economy overall?”
3. Record student responses on the board.
4. Provide students with access to [“The Economic Importance of Financial Literacy”](#) by Annamaria Lusardi and Olivia S. Mitchell and direct them to read the “Introduction” on pages 1-2 (stopping at “One of our goals...”).
5. Call on students to verbally summarize main ideas, adding information to the board, as necessary.
6. Ask: “What is the best way to go about improving Americans’ financial literacy?”
7. Record student responses on the board.
8. Say: “Your next task is to design a personal finance mini-course to teach high school students how to make wise budgeting, borrowing, and investing decisions. Before we begin, though, let us investigate some of the issues associated with financial education.”
9. Provide students with access to [“Financial Education Is All the Rage but Does It Work?”](#) by Dan Kadlec from *Time* and direct them to read independently and then answer the following questions with a partner:
 - a. What are the advantages of just-in-time financial education?
 - b. What are the limitations of just-in-time financial education?
 - c. Summarize the author’s argument about K-12 financial education.
10. Play [“Not All Financial Education Is Effective: Here are Four Ideas that Work”](#) by Gabrielle Emanuel from *NPR*.
11. Instruct students to listen for and write down the four ideas that work. Call on students to restate the ideas and post them on the board.
12. Say: “Our goal is to provide *highly effective* instruction that both increases student understanding of key financial topics and has a positive influence on their behavior. You have one important advantage over the experts- your intimate understanding of the way high school students think and act.”
13. Ask: “How are we going to achieve this goal? What should the instruction look like?” Conduct a class discussion to collectively establish a list of guiding principles. Note: Wording may vary slightly from class to class, but

students must understand by the end of the discussion that the lessons need to be relevant, engaging/experiential, and accessible.

14. Develop a rubric/criteria for grading tailored to the students' list of guiding principles. Discuss expectations prior to assigning topics. Consider the following:
 - a. How well is the lesson aligned to the assigned GLE(s)?
 - b. What portion of the lesson requires audience interaction (discussion, practicing skills, performing calculations, engaging in a role-play or simulation, etc.)?
 - c. How well does the lesson demonstrate relevance of the content for high school students?
 - d. How well does the lesson make the content accessible? (Are complex financial lingo and concepts explained in an easy-to-understand way?)
 - e. How well do(es) the assessment(s) measure student understanding of the assigned GLE(s)?
15. Provide students with a lesson plan template, such as the [Backward Design Template](#). Provide directions for how to complete the template.
16. Divide the class into groups of 3-5 using an established classroom routine. Assign each group one of the following topics:
 - a. Budgeting and goal setting
 - C.8.2 Create a family budget and explain its importance in achieving personal financial goals and avoiding negative financial consequences
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud
 - b. Banks and alternatives
 - C.8.3 Compare and evaluate types of credit, savings, investment, and insurance services available to the consumer from various institutions
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud
 - c. Saving and investing
 - C.8.3 C.8.1 Compare and evaluate types of credit, savings, investment, and insurance services available to the consumer from various institutions
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud
 - d. Credit and credit scores (excluding college loans)
 - C.8.3 Compare and evaluate types of credit, savings, investment, and insurance services available to the consumer from various institutions
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud
 - e. Post-secondary education (ROI and financing)
 - C.8.3 Compare and evaluate types of credit, savings, investment, and insurance services available to the consumer from various institutions
 - C.8.1 Explain the relationship between education, training, and career options to future earning potential (also discussed in Labor Market task)
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud

- f. Insurance and avoiding fraud
 - C.8.3 Compare and evaluate types of credit, savings, investment, and insurance services available to the consumer from various institutions
 - C.8.4 Apply given financial data to real life situations such as reconciling a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud
17. Consider assigning group roles, such as:
- a. leader/facilitator - keeps group members focused on task; tracks progress and monitors deadlines; ensures all voices are heard and group members are respected
 - b. manager of engagement - ensures instruction is relevant, interesting, and interactive
 - c. manager of accessibility - ensures instruction is presented in an understandable way
 - d. manager of alignment and intergroup relations - ensures instruction is well-aligned to GLEs; works with other groups to ensure content is not repeated/missing; serves as primary intermediary with the teacher
 - e. manager of logistics - ensures all deliverables (lesson plan, presentations, student handouts, etc.) are polished, free of errors, and ready on time; coordinates any technology needed for the lesson
 - f. Note: “Presenter” should not be one of the roles; all members of the group should share this responsibility.
18. Set a deadline for submission of the lesson plan.
19. Provide students with digital access and the list of [Sources for Personal Finance Mini-Course](#). Instruct all groups to review the sources listed in the “General” category for applicability to their topic. Tell students they may look for other resources not listed, but they should seek teacher permission before using them. Encourage students to plan within their groups before beginning a review of sources.
20. Serve as the “instructional guru.” Float between the groups, providing support both with content mastery and lesson plan development. Support students with locating materials and technological resources, as necessary. Foster intergroup collaboration to resolve issues of overlapping content.
21. Offer feedback on the lesson plans and allow groups time to revise before presentations occur.
22. Provide class time for groups to conduct their lessons for the class. During the lessons, instruct the audience to take notes on the following:
- a. key information worth remembering
 - b. areas where they would like additional clarification or information
 - c. understandings they believe are likely to influence their future behavior
23. Grade lesson plans and execution according to established criteria.

Sources for Personal Finance Mini-Course

General/Content Overlaps Multiple Groups

[“Katrina’s Classroom Curriculum Unit,”](#) Federal Reserve Bank of Atlanta

[“It’s Your Paycheck Curriculum Unit”](#) and [“It’s Your Paycheck Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Making Personal Finance Decisions Curriculum Unit,”](#) Federal Reserve Bank of St. Louis

[“No Frills Money Skills Video Series,”](#) Federal Reserve Bank of St. Louis

[“Personal Finance 101 Chats,”](#) Federal Reserve Bank of St. Louis

[“Personal Finance 101 Conversations,”](#) Federal Reserve Bank of St. Louis

[“Getting Real about Interest Rates - The Economic Lowdown Podcast Series,”](#) Federal Reserve Bank of St. Louis

[“Paying and Receiving Interest Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Personal Finance 101 Financial Forms Explained,”](#) Federal Reserve Bank of St. Louis

[“Present Value Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Smoothing the Path: Balancing Debt, Income, and Saving for the Future,”](#) Federal Reserve Bank of St. Louis

[“The Bank of Good Habits,”](#) Federal Reserve Bank of Atlanta

[“Making Finance Personal: Project-Based Learning for the Personal Finance Classroom,”](#) Federal Reserve Bank of Atlanta

[“PSAs in the Classroom,”](#) Federal Reserve Bank of Richmond

[“Personal Finance Task,”](#) Louisiana Department of Education

[“Building Wealth,”](#) Federal Reserve Bank of Dallas

[“Financial Fundamentals from the Fed,”](#) Federal Reserve Bank of Kansas City

[“The Money Circle,”](#) Federal Reserve Bank of Kansas City

[“6-12 Financial Literacy Lessons,”](#) Council of Economic Education

[MyMoney.Gov](#)

[Money Smart,](#) FDIC

Budgeting and Goal Setting

[“Choices Are Everywhere: Why Can't We Just Have It All?,”](#) Federal Reserve Bank of St. Louis

[“Budgeting 101 Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Sample Personal Budget Template,”](#) Federal Reserve Bank of St. Louis

[“Dollars and Sense,”](#) Federal Reserve Bank of Richmond

Banks and Alternatives

[“All About Debit Cards,”](#) Federal Reserve Bank of St. Louis

[“Alternative Financial Services Infographic,”](#) Federal Reserve Bank of St. Louis

[“Inside the Vault, Fall 2014: Payday Loans: Time for Review,”](#) Federal Reserve Bank of St. Louis

[“Infographic: Where Do you Bank?,”](#) Federal Reserve Bank of Atlanta

Saving and Investing

[The Stock Market Game,](#) SIFMA Foundation

[“Tools for Enhancing the Stock Market Game,”](#) Federal Reserve Bank of St. Louis

[“Capital Markets Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Diversification and Risk,”](#) Federal Reserve Bank of St. Louis

Return to [Civics Social Studies: How to Navigate This Document](#)

[“Stock Market Strategies: Are You an Active or Passive Investor?”](#), Federal Reserve Bank of St. Louis

[“myRA: A New Way To Save for Retirement,”](#) Federal Reserve Bank of St. Louis

[“Predicting Your Future Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Soar to Savings Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Saving and Investing Infographic,”](#) Federal Reserve Bank of Atlanta

Credit and Credit Scores

[“Credit Cred Online Course*,”](#) Federal Reserve Bank of St. Louis

[“Understanding How a FICO Credit Score is Determined - Continuing Education Video Series,”](#) Federal Reserve Bank of St. Louis

[“The Amazing \\$2,000 Pizza - Continuing Education Video Series,”](#) Federal Reserve Bank of St. Louis

[“Cards, Cars, and Currency Curriculum Unit, Lesson 2,”](#) Federal Reserve Bank of St. Louis

[“Inside the Vault, Spring 2014: The CARD Act: Has It Made a Difference?”](#) Federal Reserve Bank of St. Louis

[“Infographic: Why Is Good Credit Important?”](#)

[“A Loan at Last,”](#) Federal Reserve Bank of Kansas City

Post-Secondary Education

[“College 101 Infographic,”](#) Federal Reserve Bank of St. Louis

[“Inside the Vault, Fall 2013: College Degrees: Why Aren’t More People Making the Investment?”](#) Federal Reserve Bank of St. Louis

[“Investing in Yourself: An Economic Approach to Education Decisions,”](#) Federal Reserve Bank of St. Louis

[“Is a College Cap and Gown a Financial Ball and Chain?”](#) Federal Reserve Bank of St. Louis

[“Invest in What’s Next: Life after High School,”](#) Federal Reserve Banks of Richmond and San Francisco

[“Is College Worth It?”](#) Federal Reserve Bank of San Francisco

[“You’re Going to College,”](#) Council of Economic Education

[“Saving for College - Continuing Education Video Series,”](#) Federal Reserve Bank of St. Louis

Insurance and Avoiding Fraud

[“Insurance: Managing Risk and Balancing Responsibility with Affordability,”](#) Federal Reserve Bank of St. Louis

[“Con ‘Em If You Can Game,”](#) Federal Reserve Bank of St. Louis

[“Scam Meter,”](#) FINRA

[“Risk Meter,”](#) FINRA

[“Trick\\$ of the Trade*,”](#) Federal Reserve Bank of St. Louis

*Online courses require registration. See teacher for assistance.

Unit Six Assessment

Description: Students write a reflective essay.

Suggested Timeline: 1 class period

Student Directions: Use your notes from the presentation to write a two-page reflective essay in response to the following prompt: How *effective* was the personal finance course we designed?

- a. What new knowledge have I gained?
- b. How relevant is the knowledge? How likely am I to remember key concepts?
- c. Did I get enough practice applying the knowledge and performing calculations?
- d. Do I feel confident that I can find the information I need in the future before making major financial decisions?
- e. Where did we fall short of the goal? (What am I still unclear about? What information or advice am I likely to forget/ignore? What could have made the lessons more effective?)
- f. How do I plan to address any gaps in my understanding?

Teacher Notes: In completing this task, students meet the expectations for social studies GLEs C.8.1-5. They also meet the expectations for [ELA/Literacy Standards](#): WHST.9-10.1a-d, WHST.9-10.4, WHST.9-10.5, WHST.9-10.9, WHST.9-10.10)

Civics Learning Tools

The following tools are used in multiple units throughout this Civics course.

1. [The Constitution of the United States](#)
2. [Conversation stems](#)
3. Social studies extended response rubric
 - a. [Content](#)
 - b. [Claims](#)
4. [Discussion tracker](#)

The Constitution of the United States

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I. - The Legislative Branch

Section 1 - The Legislature

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2 - The House

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

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

(Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.) (The previous sentence in parentheses was modified by the 14th Amendment, section 2.) The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3 - The Senate

The Senate of the United States shall be composed of two Senators from each State, (chosen by the Legislature thereof,) (The preceding words in parentheses superseded by 17th Amendment, section 1.) for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; (and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.) (The preceding words in parentheses were superseded by the 17th Amendment, section 2.)

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

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4 - Elections, Meetings

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Place of Chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall (be on the first Monday in December,) (The preceding words in parentheses were superseded by the 20th Amendment, section 2.) unless they shall by Law appoint a different Day.

Section 5 - Membership, Rules, Journals, Adjournment

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6 - Compensation

(The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.) (The preceding words in parentheses were modified by the 27th Amendment.) They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7 - Revenue Bills, Legislative Process, Presidential Veto

All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8 - Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9 - Limits on Congress

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

(No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.) (Section in parentheses clarified by the 16th Amendment.)

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.

Section 10 - Powers prohibited of States

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II. - The Executive Branch

Section 1 - The President

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

(The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not lie an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.) (This clause in parentheses was superseded by the 12th Amendment.)

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

(In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.) (This clause in parentheses has been modified by the 20th and 25th Amendments.)

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2 - Civilian Power over Military, Cabinet, Pardon Power, Appointments

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3 - State of the Union, Convening Congress

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4 - Disqualification

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III. - The Judicial Branch

Section 1 - Judicial powers

The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Section 2 - Trial by Jury, Original Jurisdiction, Jury Trials

(The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.) (This section in parentheses is modified by the 11th Amendment.)

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3 - Treason

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV. - The States

Section 1 - Each State to Honor all others

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2 - State citizens, Extradition

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

(No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due.) (This clause in parentheses is superseded by the 13th Amendment.)

Section 3 - New States

New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4 - Republican government

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V. - Amendment

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI. - Debts, Supremacy, Oaths

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII. - Ratification

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names.

Go Washington - President and deputy from Virginia New Hampshire - John Langdon, Nicholas Gilman Massachusetts - Nathaniel Gorham, Rufus King Connecticut - Wm Saml Johnson, Roger Sherman New York - Alexander Hamilton

New Jersey - Wil Livingston, David Brearley, Wm Paterson, Jona. Dayton

Pennsylvania - B Franklin, Thomas Mifflin, Robt Morris, Geo. Clymer, Thos FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

Delaware - Geo. Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco. Broom

Maryland - James McHenry, Dan of St Tho Jenifer, Danl Carroll Virginia - John Blair, James Madison Jr.

North Carolina - Wm Blount, Richd Dobbs Spaight, Hu Williamson

South Carolina - J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia - William Few, Abr Baldwin Attest: William Jackson, Secretary

The Amendments

The following are the Amendments to the Constitution. The first ten Amendments collectively are commonly known as the Bill of Rights.

Amendment 1 - Freedom of Religion, Press, Expression. Ratified 12/15/1791.

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

Amendment 2 - Right to Bear Arms. Ratified 12/15/1791.

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

Amendment 3 - Quartering of Soldiers. Ratified 12/15/1791.

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

Amendment 4 - Search and Seizure. Ratified 12/15/1791.

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

Amendment 5 - Trial and Punishment, Compensation for Takings. Ratified 12/15/1791.

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

Amendment 6 - Right to Speedy Trial, Confrontation of Witnesses. Ratified 12/15/1791.

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

Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791.

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

Amendment 8 - Cruel and Unusual Punishment. Ratified 12/15/1791.

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

Amendment 9 - Construction of Constitution. Ratified 12/15/1791.

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

Amendment 10 - Powers of the States and People. Ratified 12/15/1791.

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

Amendment 11 - Judicial Limits. Ratified 2/7/1795.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment 12 - Choosing the President, Vice-President. Ratified 6/15/1804.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice- President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment 13 - Slavery Abolished. Ratified 12/6/1865.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Congress shall have power to enforce this article by appropriate legislation.

Amendment 14 - Citizenship Rights. Ratified 7/9/1868.

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

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment 15 - Race No Bar to Vote. Ratified 2/3/1870.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment 16 - Status of Income Tax Clarified. Ratified 2/3/1913.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment 17 - Senators Elected by Popular Vote. Ratified 4/8/1913.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment 18 - Liquor Abolished. Ratified 1/16/1919. Repealed by Amendment 21, 12/5/1933.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

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This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment 19 - Women's Suffrage. Ratified 8/18/1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment 20 - Presidential, Congressional Terms. Ratified 1/23/1933.

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment 21 - Amendment 18 Repealed. Ratified 12/5/1933.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

The article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment 22 - Presidential Term Limits. Ratified 2/27/1951.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President, when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment 23 - Presidential Vote for District of Columbia. Ratified 3/29/1961.

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment 24 - Poll Tax Barred. Ratified 1/23/1964.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or

Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment 25 - Presidential Disability and Succession. Ratified 2/10/1967.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty eight hours for that purpose if not in session. If the Congress, within twenty one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty one days after Congress is required to assemble, determines by two thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment 26 - Voting Age Set to 18 Years. Ratified 7/1/1971.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment 27 - Limiting Congressional Pay Increases. Ratified 5/7/1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

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Grades 9-12 Conversation Stems¹⁶¹

Purpose: Clearly express your ideas.	
Listener Prompt	Speaker Response
<ul style="list-style-type: none"> What do you think about ____? How did you answer __ [the question]__? 	
<ul style="list-style-type: none"> What is the most important idea you are communicating? What is your main point? 	<ul style="list-style-type: none"> Overall what I'm trying to say is ____. My whole point in one sentence is ____.
Purpose: Make sure you are listening carefully and clearly understand the ideas presented.	
Listener Prompt	Speaker Response
<ul style="list-style-type: none"> Let me see if I heard you correctly. Did you say ____? I heard you say _____. Is that correct? Put another way, are you saying ____? 	<ul style="list-style-type: none"> Yes/no. I said ____.
<ul style="list-style-type: none"> Tell me more about ____ or Say more about ____. I'm confused when you say _____. Say more about that. Give me an example. 	<ul style="list-style-type: none"> Sure. I said __ [restate what was said and add further explanation or examples]__. An example is ____ because __ [explain why]__.
<ul style="list-style-type: none"> Who can rephrase what X said? 	<ul style="list-style-type: none"> _____ said _____.
Purpose: Dig deeper and provide evidence to support your claims.	
Listener Prompt	Speaker Response
<ul style="list-style-type: none"> What in the text makes you think so? How do you know? Why do you think that? Explain how you came to your idea. 	<ul style="list-style-type: none"> According to the text ____. This means _____. If you look at ____, it says _____. This means _____. I think _____ because _____.
Purpose: Establish new ways of thinking by elaborating on or challenging the thinking of others.	
Listener Prompt	Speaker Response
<ul style="list-style-type: none"> Who can add to what X said? 	<ul style="list-style-type: none"> Adding to what X said, _____. I agree, and I want to add _____.
<ul style="list-style-type: none"> Who agrees/disagrees with X? Who wants to challenge what X said? Why? 	<ul style="list-style-type: none"> What X said supports what I am saying because _____. I agree/disagree with X because _____. I see it similarly/differently because _____. I agree/disagree with X's view that _____ because in the text, _____. I agree that _____, but we also have to consider _____. Although I grant that _____, I still maintain that _____. While it is true that _____, it does not necessarily follow that _____. On one hand I agree with X that _____. But on the other hand, I insist that _____. I agree/disagree with X's view that _____ because in the text, _____. Certainly _____, but _____.

¹⁶¹ Adapted from Michaels, S., & O'Connor, C. (2012). *Talk Science Primer* [PDF]. Cambridge, MA: TERC. Retrieved from https://inquiryproject.terc.edu/shared/pd/TalkScience_Primer.pdf

	<ul style="list-style-type: none"> Perhaps ____, yet ____.
<ul style="list-style-type: none"> How does that idea compare with X's idea? What do you think about X's idea? 	<ul style="list-style-type: none"> X's point ____ is important/flawed because ____.
<ul style="list-style-type: none"> Whose thinking has changed as a result of this conversation? How and why has it changed? 	<ul style="list-style-type: none"> Before I thought ____, but now I think ____ because ____. My new thinking is ____ because ____.
<ul style="list-style-type: none"> Now that you've heard __[summarize the conversation so far]__, what are you thinking? What are you still wondering about? 	<ul style="list-style-type: none"> I still think ____, but now I wonder ____.

TO DISAGREE	TO AGREE--WITH A DIFFERENCE	TO QUALIFY
<ul style="list-style-type: none"> I think X is mistaken because she overlooks ____. X's claim that ____ rests upon the questionable assumption that ____. I disagree with X's view that ____ because in the text, ____. X contradicts herself. On the one hand, she argues _____. But on the other hand, she also says _____. By focusing on ____, X overlooks the deeper problem of ____. 	<ul style="list-style-type: none"> X is surely right about ____ because, as she may not be aware, recent studies have shown that ____. X's theory of ____ is extremely useful because it sheds insight on the difficult problem of ____. I agree that ____, a point that needs emphasizing since so many people believe ____. Those unfamiliar with this school of thought may be interested to know that it basically boils down to ____. 	<ul style="list-style-type: none"> Although I agree with X up to a point, I cannot accept his overall conclusion that ____. Although I disagree with much that X says, I fully endorse his final conclusion that ____. Though I concede that ____, I still insist that ____. X is right that ____, but I do not agree when she claims that ____. I am of two minds about X's claim that _____. On the one hand I agree that _____. On the other hand, I'm not sure if ____.

Social Studies Extended Response Rubric

The response should be scored holistically on its adherence to two dimensions: Content and Claims. Each response should be given the score that corresponds to the set of bulleted descriptors that best describes the response.

Dimension: Content	
Score	Description
4	The student's response: <ul style="list-style-type: none"> ● Reflects thorough knowledge of [CONTENT] by incorporating ample, focused factual information from prior knowledge and the sources; ● Contains accurate understandings with no errors significant enough to detract from the overall content of the response; ● Fully addresses all parts of the prompt.
3	The student's response: <ul style="list-style-type: none"> ● Reflects general knowledge of [CONTENT] by incorporating adequate factual information from prior knowledge and the sources; ● Contains mostly accurate understandings with minimal errors that do not substantially detract from the overall content of the response; ● Addresses all parts of the prompt.
2	The student's response: <ul style="list-style-type: none"> ● Reflects limited knowledge of [CONTENT] by incorporating some factual information from prior knowledge and the sources; ● Contains some accurate understandings with a few errors that detract from the overall content of the response; ● Addresses part of the prompt.
1	The student's response: <ul style="list-style-type: none"> ● Reflects minimal knowledge of [CONTENT] by incorporating little or no factual information from prior knowledge and the sources; ● Contains few accurate understandings with several errors that detract from the overall content of the response; ● Minimally addresses part of the prompt.
0	The student's response is blank, incorrect, or does not address the prompt.

Dimension: Claims	
Score	Description
4	<p>The student's response:</p> <ul style="list-style-type: none"> ● Develops a valid claim that effectively expresses a solid understanding of the topic; ● Thoroughly supports the claim with well-chosen evidence from the sources; ● Provides a logically organized, cohesive, and in-depth explanation of the connections, patterns, and trends among ideas, people, events, and/or contexts within or across time and place.
3	<p>The student's response:</p> <ul style="list-style-type: none"> ● Develops a relevant claim that expresses a general understanding of the topic; ● Supports the claim with sufficient evidence from the sources; ● Provides an organized explanation of the connections, patterns, and trends among ideas, people, events, and/or contexts within or across time and place.
2	<p>The student's response:</p> <ul style="list-style-type: none"> ● Presents an inadequate claim which expresses a limited understanding of the topic. ● Includes insufficient support for the claim but does use some evidence from the sources; ● Provides a weak explanation of the connections, patterns, and trends among ideas, people, events, and/or contexts within or across time and place.
1	<p>The student's response:</p> <ul style="list-style-type: none"> ● Does not develop a claim but provides evidence that relates to the topic; OR develops a substantially flawed claim with little or no evidence from the sources; ● Provides a vague, unclear, or illogical explanation of the connections among ideas, people, events, and/or contexts within or across time and place.
0	The student's response is blank, incorrect, or does not address the prompt.

