



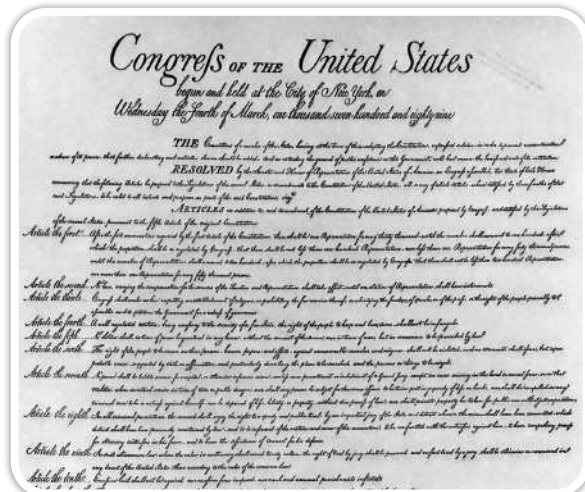
Foundations of Freedom

Student Volume 2

Voting



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Port of New Orleans



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Foundations of Freedom

Student Volume 2



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Foundations of Freedom



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Unit 3: Government Policies



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Topic 1

Government Policy and Spending



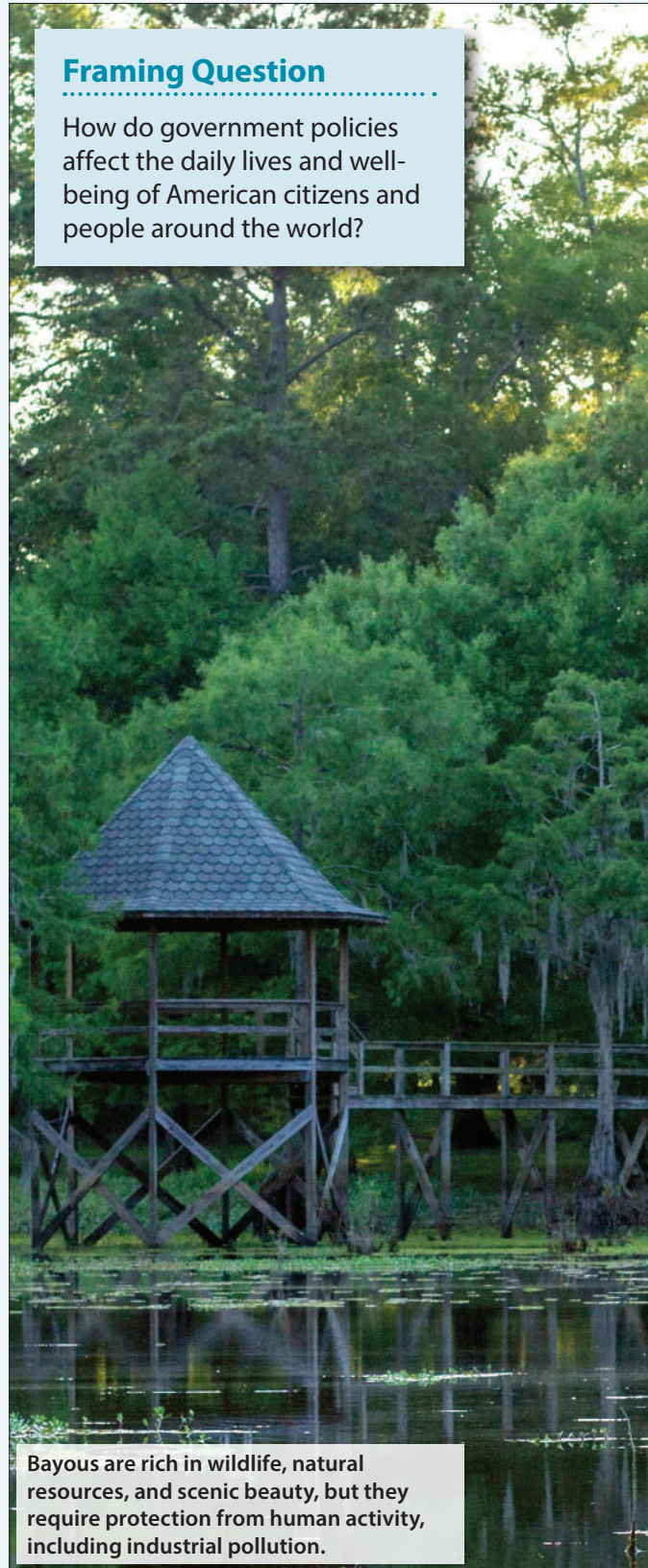
Conservation: A Team Effort

*A little more than half an hour from New Orleans, on the northeast shore of Lake Pontchartrain, is a stretch of water known as Bayou Bonfouca (/bahn*foo*kah/). Located near the city of Slidell, the bayou was the site of a wood treatment plant that, for almost a century, released chemicals into the surrounding water and soil. When the plant burned down in 1970, large volumes of a tar-based substance called creosote leached into the bayou. The site was now considered toxic. Local children were warned not to play nearby, and barricades and Danger! signs were put up to keep people away from the polluted water.*

These days, Bayou Bonfouca is very different. Picturesque strands of mossy oak trees overhang a body of water that is much cleaner than it was fifty years ago. There is now a park on the site with a playground, picnic facilities, and an amphitheater for shows and concerts. The water itself, no longer toxic, has transitioned from a hazard to avoid to an attraction in its own right; visitors stroll alongside it on the Heritage Park boardwalk or ride on it in boats boarded from the nearby public launch. Those who

Framing Question

How do government policies affect the daily lives and well-being of American citizens and people around the world?



Bayous are rich in wildlife, natural resources, and scenic beauty, but they require protection from human activity, including industrial pollution.



fish now consider Bayou Bonfouca an up-and-coming destination for catching bass.

Cleaning up Bayou Bonfouca was a team effort among all levels of government: federal, state, and local. At the federal level, the Environmental Protection Agency (EPA) designated the bayou a Superfund site—a heavily contaminated place that urgently needed to be cleaned and rehabilitated. This freed up money and other resources for the task of remediating, or restoring, the site. Over many years, the EPA worked with the Louisiana Department of Environmental Quality (LDEQ) to dredge (dig up) pollution and filter out pollutants from the water. The city of Slidell helped, too, by keeping residents informed in the meantime and by repurposing the site when the cleanup was complete. When the bayou was deemed sufficiently safe, the city built a park on the site—Heritage Park—to help people enjoy the newly remediated land and water.



U.S. Domestic Policy: An Overview

The story of Bayou Bonfouca is a story of government making and carrying out policy to take action on an issue. Since the 1980s, the Environmental Protection Agency (EPA) has focused attention and resources on places where serious cleanup efforts are needed. Louisiana Department of Environmental Quality (LDEQ) policies involve protecting the state's natural resources and monitoring for pollution. Slidell, like many cities around the country, uses public funds to build parks and other recreational amenities. All of these examples show how *policy* simply refers to the government's plan of action.

Today, under the Constitution, the federal government has considerable power in many areas of domestic and foreign policy.

Domestic policy refers to matters within the United States, such as protecting our natural environment and providing people with education and health care. **Foreign policy** includes the ways that the United States engages with other countries. International **diplomacy**, delivery of humanitarian aid, and military activity in other countries are examples of foreign policy. To cover the costs of domestic and foreign policy and to help regulate the economy, the U.S. government also uses **economic policy** that involves domestic policy issues such as taxation and

spending as well as foreign policy issues such as global trade.

Policymaking: Why and How

When setting domestic policy, legislators do not regulate every individual detail that might be relevant to the people of their state or district. They set income tax rates, for example, but they do not decide exactly how many people should answer the phone lines dedicated to taxpayer questions at the Internal Revenue Service (IRS, the organization responsible for collecting U.S. federal taxes). Similarly, legislators allocate funds for environmental cleanup, but they do not specify how many or what kinds of trees to plant on a specific site. Laws that spell out every such detail would be too long to read, nearly impossible to debate, and difficult to enforce.

Instead, Congress typically creates laws that broadly authorize the government to handle a certain area of policy or solve a certain problem. As you learned in Unit 2, the agencies, or government groups, that are created under such laws are part of the executive branch of the government. They work within the boundaries set by the legislation and are often led by a cabinet secretary (such as the administrator of the Environmental Protection Agency) who in turn reports to the president. Typically, these agencies employ experts who are well equipped to figure out the practical details of a policy, such as the chemists and

engineers who helped remediate Bayou Bonfouca. As society's needs change, the agencies may revise their policies, and Congress may pass additional laws specifying what the agencies can and cannot do to achieve their goals.

Legislators and those who work for government agencies are not supposed to make policy decisions in a vacuum, or without input. As you read in Unit 2, congressional committees gather data and hold hearings so that legislators can be informed about the many details of the laws they may eventually pass. Policymakers also need to consider the views of the people they represent. For members of Congress, this generally means trying to represent the interests of people and organizations in their home state or district. Individuals often write, email, call, or even visit with their representatives and senators to express their views on important matters. Likewise, members of Congress often hold town halls and other meetings to learn the priorities and interests of their **constituents**. For example, the impacted residents of Slidell may have contacted their local, state, and federal representatives in an effort to initiate the cleanup of Bayou Bonfouca.

Another important way that people can influence the way legislators craft policy is through lobbying. **Lobbyists** are people who work, usually on a professional basis, to influence the decisions that legislators make. (The term *lobbying* comes from a

previous practice of gathering in the lobby of the Capitol to meet with legislators in an attempt to persuade them on policy matters.) They represent **special interest groups**—groups of people, businesses, or other organizations that have shared political goals. There are groups representing retirees, conservationists, military veterans, people with disabilities, and many others. Most industries in the United States, from automotive manufacturers to restaurant operators, have special interest groups that carry out lobbying activities in Washington and various state capitals.



Debate continues over how much influence lobbyists should have in U.S. politics.

Money in Politics

Lobbying is often controversial because lobbyists have sometimes provided financial incentives to lawmakers to try to change how they vote on certain legislation. To prevent organizations from “buying” votes, many reformers have proposed limits on what lobbyists may and may not do—for instance, by restricting lobbyists’ access to legislators or imposing reporting requirements on how they spend their money. Laws such as the Lobbying Disclosure Act of 1995 have been passed to make the lobbying process more transparent to the public.

Different special interest groups have different—and sometimes opposite—goals. Given this, lobbying can become a tug-of-war between interest groups that want a certain law to be stricter or more lenient or a certain tax to be set higher or lower. For example, lobbyists for a chemical manufacturer may want less stringent environmental regulations so that it will be easier and cheaper for their clients to build new factories. Lobbyists for a river conservation group may instead want legislators to make those same regulations stricter to protect the nation’s waterways from pollution. Similarly, one special interest group might favor enacting harsher and longer penalties for certain crimes, while another group might emphasize the need to give criminal offenders a chance to rejoin society sooner.

The creation of domestic public policy is not fixed; rather, it is fluid. Making public policy is a continuously evolving process that changes depending on the outcomes of previous policies, how society reacts to past and present events, the perceived cost of certain policies, and the different opinions of voters and the leaders that they put in charge. The debate over public policy in the United States is representative of the many diverse and differing beliefs that Americans hold. In a nation of more than 330 million people, coming up with solutions on which everyone agrees is a challenge.

Think Twice

What are the various groups that can impact domestic policy?



Areas of Domestic Policy

The government sets policy within the United States in a wide range of different areas. Many important services, such as education, health care, and the provision of water and electricity, are overseen by government agencies. Business and industry are also regulated by domestic policies, such as those preventing companies from cheating or misleading consumers. Transportation, too, is a domestic policy arena; the government monitors the safety of railways and airlines and regulates what kinds of vehicles are allowed on highways. Although some countries treat immigration and naturalization as foreign policy issues, in the

United States, they are customarily considered a part of domestic policy.

While foreign policy is almost entirely the responsibility of the federal government, the responsibility for domestic policy issues is often shared among federal, state, and local governments. The Constitution, together with a long history of cases decided by the Supreme Court, grants states substantial power over what occurs within their borders. This sharing of power can be a source of cooperation, as in the case of environmental cleanup efforts like that at Bayou Bonfouca. It can also be a source of conflict as state and local agencies, concerned about their autonomy, try to maintain their independence from each other or the federal government. Often, state politicians worry that one-size-fits-all solutions at the federal level will not be well suited to their state's demographics, geography, economy, or culture.

There is no one permanent, perfect way to allocate federal and state responsibilities, and the balance between the two levels of government is constantly shifting in ways large and small. However, one common justification for federal government involvement is when an issue affects people in multiple states. Remember from Unit 2 that under the commerce clause of the Constitution, Congress has power over interstate commerce—including when products are manufactured in one state, then shipped to and sold in others. For example, the Food and Drug

Administration (FDA) was created in 1906 to oversee the purity and quality of products that are sold across state lines. Its authorizing legislation, the Pure Food and Drug Act, responded to a scandal surrounding conditions in the meatpacking industry. The foods involved in that scandal were being processed in Chicago; however, because those products were distributed nationwide, all Americans had an interest in their safety and purity. The issue had implications beyond the city limits of Chicago or the state borders of Illinois. As you will read in the next topic, legislation like



The Food and Drug Administration, first established through provisions in the Pure Food and Drug Act, is responsible for inspecting food, medicines, cosmetics, and other products to ensure they are safe and effective.

PRIMARY SOURCE: *THE JUNGLE*, UPTON SINCLAIR, 1906

Upton Sinclair wrote his novel The Jungle to expose the appalling working conditions in the meatpacking industry. His description of diseased, rotten, and contaminated meat shocked the public and led to new federal food safety laws, including the Pure Food and Drug Act (1906) and the Meat Inspection Act (1906).

Of the butchers and . . . the beef-boners and trimmers, and all those who used knives, you could scarcely find a person who had the use of his thumb. . . .

. . . There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of . . . germs. There would be meat stored in great piles in rooms; and the water from leaky roofs would drip over it, and thousands of rats would race about on it. It was too dark in these storage places to see well, but a man could run his hand over these piles of meat and sweep off handfuls of the dried dung of rats. These rats were nuisances, and the packers would put poisoned bread out for them; they would die, and then rats, bread, and meat would go into the hoppers together.

Source: Sinclair, Upton. *The Jungle*. New York: Doubleday, Page, 1906, pp. 116, 161.

PRIMARY SOURCE: THE PURE FOOD AND DRUG ACT, 1906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated [impure] or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor [minor offense], and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment . . .

Source: Pure Food and Drug Act. Pub. L. No. 59-384, 34 Stat. 768 (1906).

the Pure Food and Drug Act became more widespread throughout the twentieth century as the federal government took a more active role in health care, social welfare, and other policy areas.



Think Twice

What are some domestic policy issues that the government must resolve?



U.S. Foreign Policy: An Overview

If domestic policy defines the government's response to issues within the United States' borders, foreign policy refers to the relationships the United States has with the rest of the world. Foreign policy includes all the varying ways that the United States interacts with other countries and the global community, including trade, diplomacy, warfare, and humanitarian aid.

The United States, like many other countries, attempts to achieve goals using the tools of foreign policy. One basic but important goal is national security, or keeping the country safe, which is the original and primary purpose of the U.S. military. Another goal is to promote the economic interests of the country and its people—for example, by finding markets abroad for American products while protecting American industries from being undercut by foreign competitors. Still another goal is to promote peace and stability

worldwide, not only because these conditions favor American security and prosperity, but also because they are conducive to democracy and basic human rights.

Diplomacy is a key tool in promoting commercial interests and advocating for the interests of the country. In Topic 3 of this unit, you will read about a series of negotiations that demonstrate how the diplomatic process has played out with U.S. neighbors and trade partners Mexico and Canada. Another tool of U.S. foreign policy is foreign aid, such as food aid to famine-stricken countries or loans to help nations develop their power and transportation infrastructure. This sort of aid can help nations build back after wars, natural disasters, epidemics, and other crises.

What would motivate a country to intervene in another country's or region's affairs? This is a fundamental question in foreign policy when determining to what degree a country should involve itself in global affairs. Answers to this question fall on a spectrum between the opposing ideologies of **isolationism** and **interventionism**. In an attempt to *isolate* itself from the rest of the world's issues, a country with an isolationist foreign policy works to avoid involvement in conflicts and commitments abroad. Under an interventionist policy, a country actively *intervenes* in causes that serve its interests worldwide, forming alliances and taking sides in international conflicts as necessary. In the sections that follow, you will learn about

foundational foreign policy decisions that occurred earlier in our country's history.



Think Twice

How would a country's approach to foreign policy differ under isolationism and under interventionism?

Early Isolationism

From its revolutionary founding, the United States favored an isolationist foreign policy. As he left the presidency in 1796, George Washington argued that the United States should strive to build "commercial relations"

with other countries without becoming politically entangled with them. During that time, the nation's main potential allies, whether in terms of military or economics, were several European countries. Washington's argument, which would be echoed in one form or another for much of the next 150 years, was that Europe's distant problems were "a very remote" concern to the United States. Indeed, he argued that the United States should have "as little political connection as possible" with other countries.

In the two decades that followed, the United States expanded its territory westward through both the displacement of Indigenous

PRIMARY SOURCE: FAREWELL ADDRESS, PRESIDENT GEORGE WASHINGTON, 1796

Having declared his intention to not seek another term as president of the United States, George Washington shared his thoughts on the future course the nation should take in his Farewell Address.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. . . .

In the execution of such a plan nothing is more essential than that . . . just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual [repeated] hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. . . .

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. . . .

It is our true policy to steer clear of permanent alliances with any portion of the foreign world.

Source: Washington, George. *Washington's Farewell Address to the People of the United States*.

Washington, D.C.: Government Printing Office, 2000, pp. 22–23, 26–27.

peoples and the acquisition of colonial land from France, Spain, and the United Kingdom. However, the U.S. government largely heeded Washington's advice, avoiding involvement in conflicts in Europe, Asia, and Africa.

The Monroe Doctrine: A Turn Toward Interventionism

By the 1820s, it had become evident that the United States could not remain isolated and still achieve the political and economic freedom it desired. European countries had established numerous colonies in other parts of the Americas, and by the early nineteenth

century, many of these colonies had gained independence. U.S. leaders saw these newly independent nations as valuable allies for trade and for strategic reasons due to their proximity to the United States. However, they were also concerned that European empires, especially Spain, might attempt to overthrow these new governments, reestablish colonial rule, and reclaim control.

The answer to this issue was a step toward interventionism known as the Monroe Doctrine. Named for President James Monroe, this foreign policy stance declared in 1823 that the United States would honor and protect the independence of any Latin



This political cartoon from 1898 shows how U.S. policy in the Western Hemisphere gradually expanded under the Monroe Doctrine. Here, Uncle Sam helps representatives of Puerto Rico, Cuba, the Philippines, and the Mariana Islands (formerly called the Ladrone Islands) into a wagon filled with other cheering, flag-waving children.

PRIMARY SOURCE: THE MONROE DOCTRINE, PRESIDENT JAMES MONROE, 1823

The Monroe Doctrine was articulated in President James Monroe's seventh annual message to Congress on December 2, 1823.

The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. . . .

. . . The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. . . . We . . . declare that we should consider any attempt on [the part of the European powers] to extend their system to any portion of this hemisphere as dangerous to our peace and safety. . . .

. . . Our policy in regard to Europe . . . is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it. . . .

. . . It is still the true policy of the United States to leave the parties to themselves, in hope that other powers will pursue the same course.

Source: Monroe, James. Message at the commencement of the first session of the Eighteenth Congress, December 2, 1823. Records of the United States Senate, 1789–1990, Record Group 46. National Archives.

American country. Additionally, any attack on these countries would be considered an act of war against the United States itself. In effect, Monroe and his cabinet declared that the Western Hemisphere was closed and off-limits to any further European colonization.



Think Twice

How did the independence of former colonies in the Americas influence U.S. foreign policy?

The Spanish-American War

Gradually, the Monroe Doctrine shifted from a policy statement aimed at preserving the existing diplomatic status quo to a justification for the United States to expand its own territory. A major catalyst for this shift was the Spanish-American War of 1898. When the United States won this war, it acquired former Spanish colonies in the Caribbean and the Pacific. In part, the United States

sought control of these colonies to prevent them from falling under the sway of other European powers, thus risking yet another war. However, the territorial expansion also advanced American commercial and military interests by establishing friendly ports, new sources for raw materials and manufactured goods, and sites for military bases.

Though it had long expanded westward, for the first time in American history, the United States was acting in an **imperialist** fashion worldwide. Its new territorial acquisitions were controversial and led to significant political backlash from those Americans who believed that imperialism was inconsistent with independence and democracy. Though it retained control of Cuba until 1902, the Philippines until 1946, and Puerto Rico up to the present day, the United States never built an expansive territorial empire like that of the United Kingdom or Spain.



Think Twice

Why did the acquisition of overseas territories offend many Americans?

The Roosevelt Corollary

By the early twentieth century, President Theodore Roosevelt, who was in office from 1901 to 1909, had proposed an expanded role for the United States—not only in the Americas but also in the Pacific. He argued that under the Monroe Doctrine, the United States had the right and the responsibility to “police” other

nations if they acted aggressively or corruptly. This expansion of the Monroe Doctrine is sometimes referred to as the Roosevelt Corollary. In proposing it to Congress, Roosevelt outlined rather loose criteria for what would cause a country to run afoul of the United States, such as social disorder and “chronic wrongdoing.” He argued that some countries required intervention from “civilized” nations like the United States and that such intervention would ultimately benefit those affected.

In mathematics, a *corollary* is a statement that follows directly from something already proved. There are many cases in geometry, for instance, where proving one fact about triangles or circles makes several other facts very easy to establish, or even obvious. The sense in which Roosevelt’s policy is a “corollary” of Monroe’s may be a little harder to spot. The immediate context that he likely had in mind was a debt crisis in Venezuela (1901–3) that seemed to be setting the stage for a European invasion to seize assets from that South American country by force.

Roosevelt’s viewpoint was that the United States should be able to intervene in such cases to avoid having to assert the Monroe Doctrine against better-armed and commercially more influential European powers. In other words, he held that if the United States was truly opposed to European intervention in the Western Hemisphere, it should have the proactive power to prevent or remedy situations that made European

PRIMARY SOURCE: THE COROLLARY TO THE MONROE DOCTRINE, PRESIDENT THEODORE ROOSEVELT, 1904

In his annual messages to Congress in 1904 and 1905, President Theodore Roosevelt expanded on the Monroe Doctrine, resulting in what is known as the Roosevelt Corollary.

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries



Interventionism, which some saw as imperialism, provoked mixed reactions among Americans. In the wake of the Spanish American War, President Theodore Roosevelt (1901–9) favored peaceful negotiation with other countries in the Americas, backed by the threat of military force. This combination was informally called “big stick” diplomacy.

stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant [obvious] cases of such wrongdoing or impotence, to the exercise of an international police power.

Source: Roosevelt, Theodore. Annual message to Congress, December 6, 1904. House Records HR 58A-K2, Records of the U.S. House of Representatives, Record Group 233. Center for Legislative Archives, National Archives.

intervention seem attractive. The United States did not take any military action during the Venezuelan crisis, though it did use diplomatic means to help broker a solution. You will soon read how the United States continued to shift from a more isolationist worldview to one of increased interventionism in the twentieth and twenty-first centuries.



Think Twice

What is foreign policy, and what are some different approaches?



U.S. Economic Policy: An Overview

The economic policy of the United States straddles the line between domestic and foreign policies. It includes **fiscal policy** (taxation and government spending), **monetary policy**, and a series of trade policies aimed at safeguarding and advancing U.S. interests internationally.

Economic Systems

The United States is sometimes said to have a capitalist or free-market economy. As you learned in Unit 1, this means that private companies, and the people who run them, are in charge of industry and trade. You will read more about philosopher Adam Smith and how his ideas influenced the U.S. economy on the next page. The opposite end of the spectrum is a socialist economy, in which productive

assets, such as farms and factories, are held in common and their use is controlled by the government. (One form of this system was suggested by German philosopher Karl Marx in the mid-eighteenth century.) These assets, along with the labor and money needed to use them, are often called the **factors of production**.

Under pure capitalism, the government takes a hands-off approach to the economy and lets companies (which economists typically call *firms*) determine how much to produce and what prices to charge, in response to what consumers will buy. The amount produced is known as the supply, and the amount that consumers are willing to purchase under different conditions is known as demand. Under pure socialism, the government—representing the people—is the sole economic decision-maker of any consequence. It must determine the supply of different products by collecting data about people's needs and consumption habits.

Think Twice

Explain the differences between a capitalist economy and a socialist economy.



The Government's Role in a Mixed Economy

In reality, calling the United States a capitalist economy somewhat overstates the matter. Like nearly all other modern countries, it

Adam Smith and the Invisible Hand



Today, the concept of a market where businesses compete to “win” consumers may seem unremarkable or even obvious. Companies from movie studios to automakers seems to try to stand out by creating better products, selling them more cheaply, or marketing them more attractively. But how do businesses know what to make and how much to produce? If nobody is in charge of the economy overall, what prevents wasteful overproduction of some goods and severe scarcity of others?

Among the first to give a systematic answer to these questions was the Scottish philosopher Adam Smith (1723–90), whose book *The Wealth of Nations* (1776) is sometimes considered the first great work on economics. Smith argued, perhaps surprisingly, that an orderly economy could emerge from the desires and actions of

individuals, without a ruler or leader to coordinate them. He said that these actions would balance one another out as though an “invisible hand” were guiding the economy. Smith’s ideas formed the basis of what we now call the principles of supply and demand.

To get the gist of Smith’s reasoning, consider a simple product such as pretzels. If pretzel makers overproduce, some of them will want to lower their prices to convince consumers to choose their product. At the new lower price, some producers will no longer find it profitable to make pretzels and will retool their factories to make, say, crackers or potato chips. In a relatively short time, pretzel production will fall to match the amount that people are actually willing to buy. If pretzel makers are underproducing, the opposite happens: Some (though not all) people will pay a higher price for the scarce snacks, and new companies will enter the pretzel market because of the money to be made there.

According to Smith’s theory, these adjustments happen all the time in response to anything that might affect the availability or price of pretzels. Food trends, poor wheat harvests, a craze for a completely different snack food—it all gets factored in, automatically, by companies that are trying to attract buyers and turn a profit.

is better described as a mixed economy, meaning it lies somewhere on the spectrum between capitalism and socialism; in the case of the United States, the economy is closer to the former than the latter. Private businesses are the main producers of most goods—physical items such as food, clothing, and furniture—and services, a term that in economics covers everything from legal counsel to hairstyling. However, the government also plays an important role in the U.S. economy. In fact, it plays several roles, including the following:

1. The government sets and enforces the laws and regulations—the “rules of the game”—that businesses must follow. These include some of the domestic policies discussed earlier, such as regulating the quality and ingredients of foods and medicines that businesses produce. By creating and enforcing a consistent rule of law, the government ensures that both producers and consumers know what to expect and can make effective decisions.
2. The government helps keep the market competitive by preventing the formation of **monopolies**, in which only one company supplies a good or service without **competition**. Competition increases quality and drives down costs as suppliers compete for business. Without competition, monopolies can charge overly high prices.

3. The government redistributes income, collected by various taxes, via a multitude of social welfare programs. It also provides credit—in other words, lends money—through a variety of programs to help people afford college tuition, start and expand businesses, or buy homes.
4. The government helps keep the economy stable during turbulent times—for example, by increasing spending and cutting taxes when the economy is slow and by doing the opposite when prices are too high.

Due to the diverse beliefs and economic realities of Americans, economic policies and decisions are debated regularly and can change based on factors such as governmental leadership, present conditions, budgetary concerns, and domestic and foreign policy conditions. For example, as you will read later in this unit, World Wars I and II led the U.S. government to support manufacturing for the war effort and impose rationing schemes to control people’s consumption of basic goods such as food and gasoline. In peacetime, such measures would be hard to justify politically. Outside of crises such as wars and recessions, economic indicators—statistics about how different parts of the economy are performing—often provide policymakers with guidance in deciding when and how to intervene. These include figures on home construction, factory outputs, retail sales, and a host of other activities.

PRIMARY SOURCE: U.S. CONSTITUTION, ARTICLE I, SECTION 8

Article I, Section 8 of the United States Constitution establishes the enumerated powers of the legislative branch. Among these are several powers related to fiscal and monetary policy.

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 . . .

Source: The Constitution of the United States. U.S. National Archives.

As you read in Unit 2, economic regulatory powers and responsibilities can be traced to Article I of the Constitution. Section 8 authorizes Congress to collect taxes, create and regulate currency, and “regulate Commerce” both domestically and abroad. Section 10 of the same article clarifies that “coin[ing] Money” (which also includes the printing of bills) is a federal power, not a state power.



Think Twice

In what sense is the United States a mixed economy?

Fiscal Policy

There are two main branches of economic policy: fiscal policy and monetary policy. Fiscal policy involves how the government raises revenue—the money that will fund its programs—and how it then spends that money across different areas and departments. You will learn about monetary policy in the next section.

Both the legislative branch and the executive branch have important roles in overseeing fiscal policy. Each year in February, the president proposes a budget for congressional approval. This budget includes projections of how much money will be raised through taxes and outlines how money will be spent. It also reflects the president’s policy goals, which might include cutting taxes for individuals, increasing military spending, or providing greater funding for social services. Congress then adjusts this budget during the spring—sometimes drastically—to create the budget resolution, which is Congress’s response to the president’s proposed budget.

Within the budget resolution, usually passed in April, Congress allocates specific amounts of money to different parts of the government through a series of appropriations bills. For example, there are separate bills for spending on agriculture, transportation and urban development,

and homeland security. Each of these bills is then separately debated and, once agreed on by both houses of Congress, enacted into law by the end of June (usually). Thus, the executive branch proposes fiscal policy, while Congress's job is to allocate spending and set taxes. The day-to-day implementation of that policy, such as awarding research grants to scientists or paying wages to government employees, is once again the responsibility of the executive branch.

At the federal level, almost all government revenue—more than 90 percent—comes from income and payroll taxes. Spending, meanwhile, varies from year to year, but typically about two-thirds of federal money is spent on **mandatory programs**. These include government programs such as Social Security, Medicare, Medicaid, and various other initiatives that mainly promote social welfare and cover health care costs. (You will learn more about these programs in the next topic.) Most of the remaining money is spent on **discretionary programs**, which take their name from the broad discretion, or freedom, that Congress has to set the amounts of their annual funding. In the context of a personal budget, the phrase “discretionary spending” might conjure up images of luxuries or nice-to-have items, as opposed to basic goods and services such as food and housing. However, most discretionary government programs do not fit this sense of the word; instead, they

support such functions as national defense, law enforcement, scientific research, and education. Likewise, the mandatory programs are not necessarily more important than the government's other activities. They get their name from the fact that existing laws require them to be funded, even without a new annual spending bill.

The amounts of money raised and spent by the federal government never line up exactly. When more money is raised than spent, a **surplus** is said to exist. When more money is spent than raised, there is a **deficit**, and the government must borrow money to make up the difference. It does this by selling bonds to investors through the Department of the Treasury, including savings bonds that are purchased by individuals. The collective amount that has been borrowed in this way is called the **national debt**. National debt is the total amount of money that a country's government owes or has not paid for yet, as



Fiscal policy deals with balancing the government's budget, which can include borrowing money to make up for a deficit. The National Debt Clock in New York City tracks the country's debt.

it is accumulated through borrowing to fund the government's activities or services.

Although it seldom makes the news except when there are budget disagreements, fiscal policy has an effect across many areas of everyday life. The more expansive the government's programs are, the more money it must raise in taxes to cover them. Higher taxes lead to less disposable income for individuals and households, and hence less opportunity for activities like travel or shopping trips. Conversely, when Congress approves tax cuts, people have more money to spend, but there is less public money available to repair roads, provide social welfare programs, and fund responses to emergencies. Government spending can enhance the lives of the people living in a country, but a significant national debt can result in higher taxes, reduced public services, increased borrowing costs, higher interest rates, economic instability, and long-term economic challenges for future generations.



Think Twice

How does the government spend and collect revenue?

Monetary Policy

While fiscal policy manages the raising and spending of money, monetary policy seeks to control the availability of money in

general. In the modern United States, this is done mainly by influencing the **interest** rates at which money is lent. Interest, whether charged by a lender to a consumer or by one bank to another, is the “price” of borrowing money—the extra amount that is paid when the borrowed money is returned. Instead of being set directly by elected officials, monetary policy in the United States is the responsibility of the Federal Reserve, the nation's central banking system. This system is overseen by a federal agency that has a great deal of independence from the rest of the federal government.

Informally known as the Fed, the Federal Reserve was created in 1913 to address a persistent issue in the American banking system at the time. Since its founding, the United States—like many other countries—had repeatedly tried to establish a central bank. Unlike the banks that serve consumers, these are banks that issue currency and exercise some control over a country's entire banking system; the “customers” of a central bank's lending and depository services are not individuals but other banks.

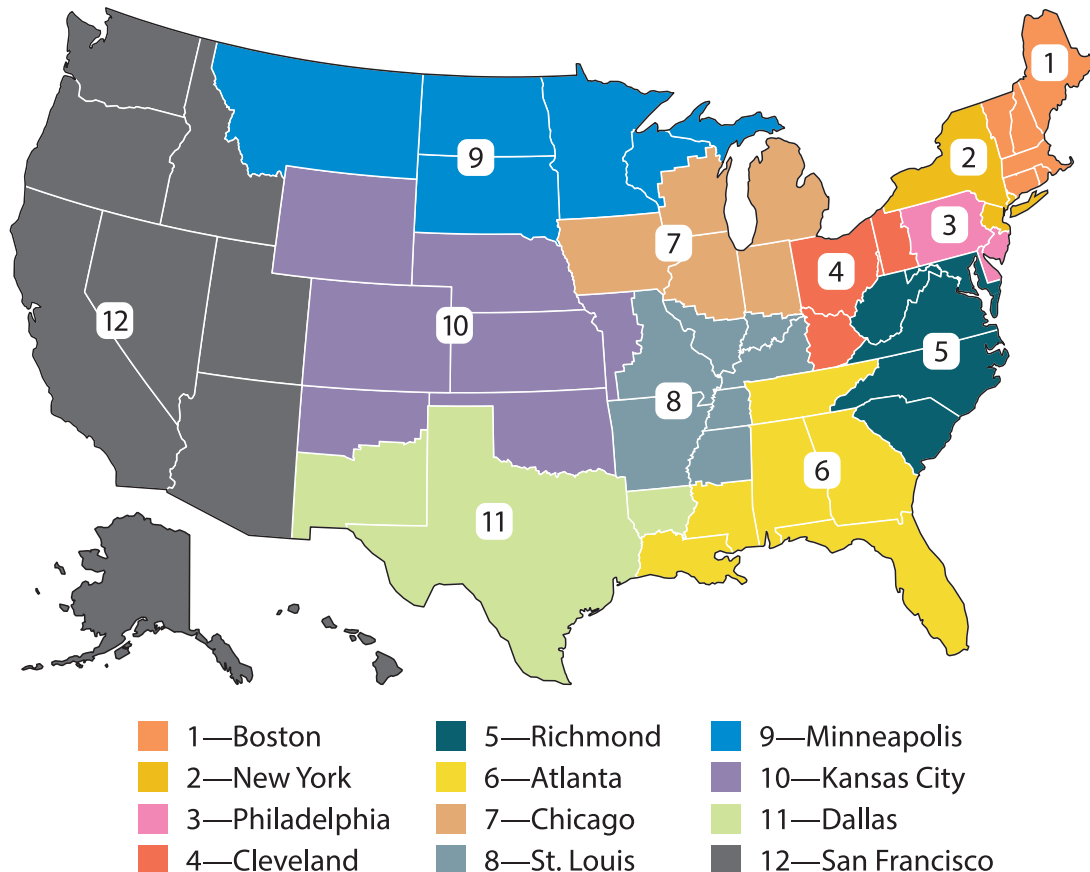
In the United States, however, central banking was a controversial political issue that pitted the states against the federal government. As a result, none of the early attempts at a central bank endured in the long run. Thus, by the late nineteenth

century, banking services were instead provided by a mixture of private and state-chartered banks with no systematic connections to one another. When one of these decentralized banks lacked the funds to pay its depositors, panic often set in as other people learned of the situation and rushed to demand their own money back from the bank's coffers. This mass behavior of withdrawing money all at once is known

as a bank run. The fear of losing one's money could then easily spread to other banks and create widespread economic turmoil, as there was no guarantee that unaffected banks would—or even could—come to the rescue of those affected.

True to its name, the Federal Reserve was founded to provide a backstop against these repeated episodes of bank panic. It accomplishes this goal by providing banks

Federal Reserve Banks and Districts



The Federal Reserve banks are organized into districts that serve different areas of the United States. The districts are larger in the historically less populous western and midwestern states and smaller in the densely urbanized Atlantic region.

with a place to store reserve funds (money that may be needed later) at a nominal interest rate and by offering guaranteed short-term loans to help pay their depositors on demand. The Federal Reserve system is divided into twelve districts, each with its own reserve bank located in a major city. For example, the Federal Reserve Bank of Atlanta serves the Sixth District, which includes thirty-eight parishes in southern Louisiana. The remaining twenty-six parishes are served by the Federal Reserve Bank of Dallas as part of the Eleventh District. The direct “customers” of these Federal Reserve banks are not individuals but other depository institutions, such as commercial banks, credit unions, and savings and loan associations.

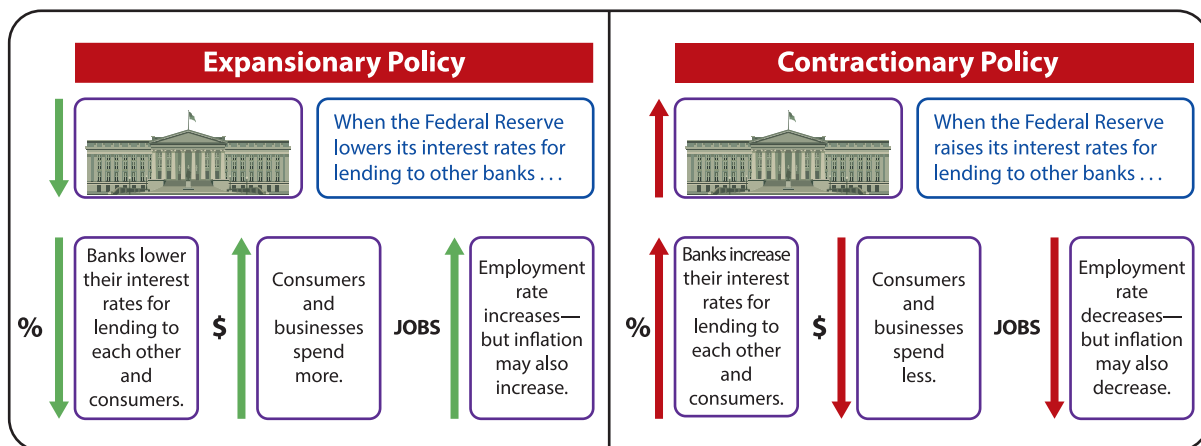
By providing other banks with lending and depository services, the Federal Reserve has been able to prevent bank runs in all but a few exceptional cases, such as the Great Depression (1929–39) and the Great Recession (2007–9)—two periods of intense financial strain and economic woes. In each of these cases, many economists argue that the Fed did not recognize the severity of the problem quickly enough; these crises were also global in scale, meaning that no one country could solve them.

The Federal Reserve’s responsibilities do not stop at ensuring banks have enough money to pay their depositors. The Federal

Reserve Act—the law that created the Fed—mandates three goals for U.S. monetary policy: “maximum employment, stable prices, and moderate long-term interest rates.” (Here, “stable prices” is another way to say the Fed tries to control **inflation**, or the rate at which prices increase over time.) In practice, the Federal Reserve focuses on keeping employment high and keeping prices stable, with the intention that this will also promote moderate interest rates. Thus, although there are three stated goals, they are sometimes called the **dual mandate** of the Federal Reserve.

The main tool that the Federal Reserve uses to fulfill its mandate is the overnight federal funds rate: the short-term interest rate that banks pay to borrow money from one another. The Fed does not change this rate directly. Instead, by changing the interest it will pay to the banks that deposit with it, the Federal Reserve influences the interest rates that those banks offer each other, and thus the rates they offer consumers and other businesses. Various other interest rates, controlled directly by the Federal Reserve, play a supporting role in shaping monetary policy.

When the Federal Reserve works to drive interest rates lower overall, it is pursuing an **expansionary** monetary policy that aims to boost employment at the cost of potentially increasing inflation. The lower



rates make it cheaper not just for banks but also for consumers and businesses to borrow money. As a result, both consumer spending and business investments increase. This greater spending creates greater demand across the economy—including greater demand for labor, which leads to additional hiring. Conversely, when the Federal Reserve raises interest rates, it is taking a **contractionary** approach to monetary policy. The higher rates make it more expensive for banks to borrow money from one another, and that cost is passed along to consumers and businesses borrowing from the banks. Consumer spending and business investments decrease, hiring slows, and inflation cools. Thus, contractionary policy lowers inflation rates at the cost of decreasing employment rates.

In a sense, the tools of monetary policy are numbers on a balance sheet. However, their

effects on everyday life are far-reaching. The creation and maintenance of banking reserves mean that consumers can bank with greater confidence and not worry about their local savings and loan suddenly running out of money. Every newspaper headline about out-of-control inflation or local news segment on rising unemployment represents a problem that monetary policy can attempt to alleviate, if not necessarily solve. However, Federal Reserve is subject to the same give-and-take as the rest of the government. Far from simply “printing money” to solve its problems, the Fed must carefully balance the dual goals of high employment and low inflation.

Think Twice

What are the roles of fiscal and monetary policy in the economy of the United States?



Topic 2

The Role of the Government in Domestic Affairs



On the border between Arizona and Nevada, a sixty-story concrete wall rises up and out of the Colorado River. This is the Hoover Dam, built to control the river's rushing waters for flood prevention, irrigation, and power generation. Photos and videos do an underwhelming job of conveying the sheer size and scale of this structure, which at night seems to hang across the canyon like an enormous white curtain. Lake Mead, the reservoir created by the Hoover Dam, is the largest manufactured body of water in the United States.

Equal parts engineering marvel and national symbol, construction of the Hoover Dam started in 1931 under President Herbert Hoover and was completed in 1935 under President Franklin D. Roosevelt. Although construction began before the implementation of Roosevelt's New Deal programs to help the United States recover from the Great Depression, the dam came to be seen as an iconic creation of the New Deal's economic reforms. Its construction employed more than twenty thousand workers at a time

Framing Question

What is the role of the government in domestic affairs?






when unemployment was rampant in many parts of the country. Moreover, by taming devastating seasonal floods and improving the water supply, the dam changed the lives of farmers and residents throughout the Southwest. The electricity it generates now powers more than a million homes.

The Hoover Dam presents an interesting opportunity to think about the government's involvement in domestic affairs. On the one hand, the benefits of the dam have been undeniable, both for the regional economy and for the livelihoods of individuals. Even before its completion, the Hoover Dam served as a rallying point for a country that had been shocked by the demoralizing economic impact of the Great Depression. Without government funding, it is hard to imagine such a massive and expensive project being built at all; if constructed today, the dam would cost more than \$800 million. Moreover, the resources provided by the dam—a source of electricity, a supply of water, and a means of flood control—are critically important to the people who live in the region. By investing in projects like the Hoover Dam, the government sends a strong message that it is interested in helping people bring fresh water to their crops and keeping floodwater out of their homes.

On the other hand, when Congress authorizes an infrastructure project like the Hoover Dam, the money for such an undertaking comes from the public via taxes. That includes taxes paid by people who may never personally benefit from the dam, or even visit it as a tourist attraction. How do the people, through their elected representatives, decide where, when, and how the federal government should get involved in solving a problem? What limits exist, or should exist, on the use of the vast federal powers of the government?



Federalism: A Continuous Balancing Act

In the previous topic, you learned some basic definitions related to the United States' domestic, foreign, and economic policies. You discovered that the policymaking process involves federal, state, and sometimes local governments—often collaborating, but sometimes negotiating the powers and responsibilities that belong to each in our system of federalism.

The balance between federal and state government powers is one of the defining features of U.S. policy and politics. As you read in Unit 1, other countries with a federal system of government may call their smaller political units provinces, territories, or cantons, but the principle is the same. Deciding who holds the power to make and enact policy—and bears the burden of solving specific problems—is an ongoing and challenging task.

As you read in Unit 2, the U.S. Constitution provides the fundamental framework for the relationship between the federal and state governments, especially four parts:

1. **Necessary and proper clause:** Article I, Section 8, sets real, if wide, limits on the lawmaking powers of the U.S. Congress. This “elastic clause” or “sweeping clause”—so nicknamed for the flexibility of

interpretation it can allow—stipulates that the legislature, through implied powers, can make laws that are needed and appropriate for exercising the other rights and responsibilities of the federal government. For example, Congress has the power to impose taxes and spend tax revenue.

2. **Supremacy clause:** Article VI states that the Constitution and federal law are “the supreme Law of the Land.” As you know, this means that as long as a federal law is constitutional, it overrides any state law or local ordinance that might conflict with it. Yet Congress cannot simply override state laws at will. There must be a specific conflict between a state law and a federal law or constitutional provision for the state law to be invalidated. It is also important to note that the supremacy clause does not mean that state governments must conduct themselves in the same exact way as the federal government. To give one example, many states raise revenue using a statewide sales tax, even though no such tax exists at the national level.

3. **Commerce clause:** Also part of Article I, Section 8, this is the clause that grants Congress the power to “regulate Commerce”—meaning business, or the buying and selling of goods and services—across state, national, and tribal borders. The commerce clause has often been closely connected to domestic policymaking. For example, in the previous topic, you

learned about the Pure Food and Drug Act, which established the Food and Drug Administration (FDA) in response to a crisis over food safety and purity. This law stems from the commerce clause because the FDA oversees food and medication sold across state lines. As with the other clauses, there are limits to the powers granted to Congress by the commerce clause. Congress is authorized to regulate commerce among the states, but not within them. To return to the food safety example, the FDA does not regulate restaurants, farmers' markets, or food trucks. These sorts of retail establishments sell food only locally and are regulated by state and local governments.

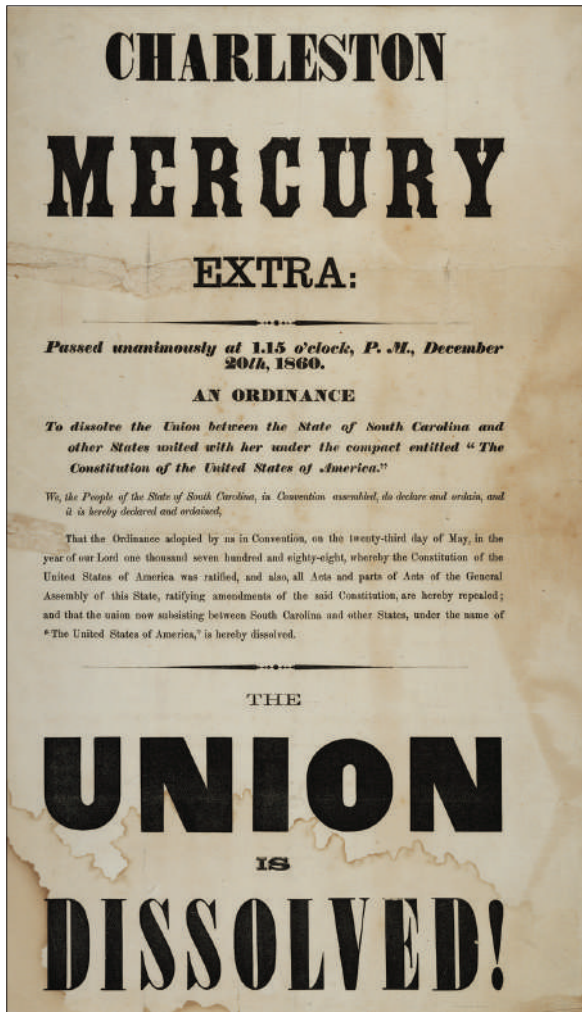
4. **Tenth Amendment:** The last amendment of the ten that make up the Bill of Rights, the Tenth Amendment makes it clear that when a right is not given specifically to the federal government, it belongs either to the states or to the people. You will see shortly that although the Tenth Amendment may appear to favor the states, numerous conflicting interpretations of federalism have been proposed over the years. The resolutions of these conflicts have shaped the U.S. government in profound ways.

Several early landmark Supreme Court cases—along with the Civil War and its aftermath—further shaped the definition of federalism. These include cases that will be familiar to you, such as 1819's *McCulloch v. Maryland* (which established the range of the necessary and

proper clause) and 1824's *Gibbons v. Ogden* (which confirmed the federal government's authority over interstate commerce).

In the second half of the nineteenth century, the Civil War and the subsequent period of Reconstruction posed many challenges to the federalism of the day. In seceding from the Union in 1861, the states of the Confederacy openly and directly challenged the key tenet of federalism. Jefferson Davis, who became the president of the Confederacy, argued that individual states, not the federal government, were sovereign. In this context, sovereignty means that states are independent and can govern themselves without outside control. President Abraham Lincoln rejected this position as “anarchy.” When the Union won the war, it dealt a serious blow to Davis's state sovereignty theory. Emancipation of enslaved people and subsequent Reconstruction policies further extended federal power in the interest of expanding civil liberties and preventing retaliation against newly freed African American citizens. For instance, the Fourteenth Amendment requires states, like the federal government, to grant due process and equal protection to all of their citizen residents.

Federalism continued to be further defined in the first quarter of the twentieth century—the period known as the Progressive Era. During that era, antitrust laws, food and drug regulations, an amendment (the Sixteenth)



The secession of Southern states to form the Confederate States of America challenged the idea of federalism and how the concept of state sovereignty fit within it.

that allowed the federal government to collect income taxes, and the passage of the Nineteenth Amendment (which prohibited the government from denying women the right to vote) all expanded the powers of the federal government.

Since the late twentieth century, Supreme Court decisions have moved toward a so-called new federalism in which some powers have shifted back to the states, such

as in *United States v. Lopez* (1995). As you learned in Unit 2, the court ruled in this landmark decision that the commerce clause did not justify a 1990 federal law creating gun-free school zones. Whatever Congress's intentions may have been in enacting that law, the Supreme Court found that the presence or absence of firearms in schools was not related to interstate commerce, or at most was related in such an "indirect and remote" way that the clause did not apply. It should therefore be left to the states to decide what was permissible within school zones.

Think Twice



How have changes in federalism in the United States affected the distribution of power between the federal government and the states?

Domestic Policy in Action

You have already read some examples of domestic policy in action, in settings that range from banks to bayous. There are many more ways that the federal government, along with state governments, shapes daily life for Americans. To get a sense of the scale, consider that the cabinet—the group of executive leaders who directly advise the president—includes the heads of fifteen different departments. These departments make and

enforce policies related to workers' rights, homeland security, nuclear power, homes and mortgages, and the National Park System, to name just a few.

Now you will learn about four key domestic policy areas where the federal government's influence is felt in day-to-day life. These are areas where policy has changed over the years, and where intense political debate has happened and continues to happen. Think back to the tug-of-war metaphor from Unit 1: Whenever the government commits resources to solving a problem, those resources ultimately come from taxpayers. This leaves plenty of room for disagreement about when the country should tackle issues with tax dollars and when individuals and businesses should be expected to solve issues on their own. By considering these cases in detail, you will get a better sense of how responsibilities are shared across different departments and how state governments play their own varying roles in fulfilling policy goals.

Example 1: Health Care

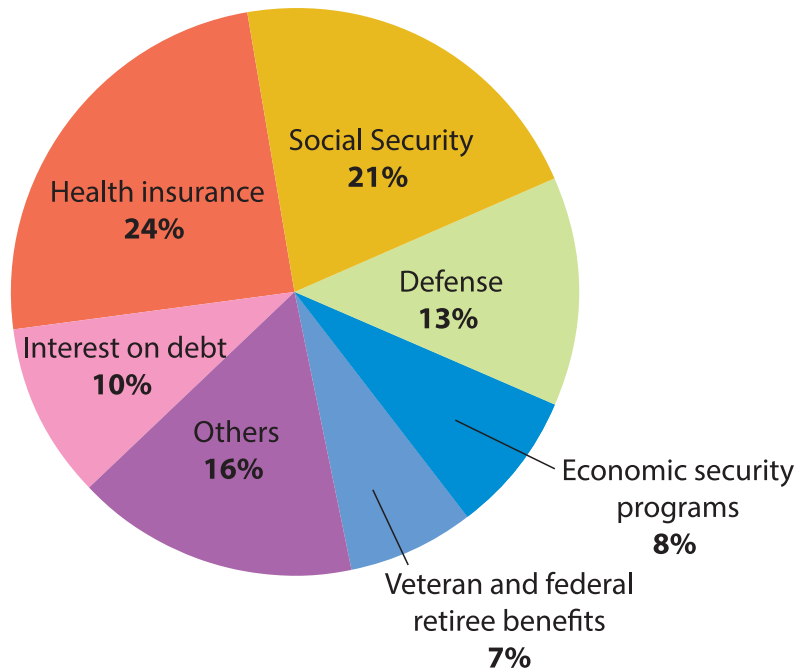
In the twenty-first century, the U.S. government's main involvement in health care is through the provision of insurance—in other words, protection from and reimbursement for medical expenses. Through the Department of Veterans Affairs, the government also directly operates hospitals and clinics that serve the country's

military veterans. Since 1965, the government has funded two programs that provide health care access for specific populations: Medicare for senior citizens and Medicaid for individuals with limited income.

The expansion of the government's role in health care has been debated since the 1940s, but in the early 1960s, a growing population of senior citizens brought the issue to the forefront. Up to this point, about half of older Americans had hospital insurance, but this did not cover the out-of-hospital medications and outpatient treatments that are often needed to manage illnesses. Federal and state governments provided some support for those with the greatest financial hardship, but many middle- and working-class Americans remained daunted by the cost of health care as they aged.

Even so, opponents criticized the Medicare and Medicaid plans as overreaching on the part of the federal government. Proponents pointed out that because they often need more health care services, older Americans were considered too risky by private insurers. As a result, they were either charged high premiums or denied coverage. Likewise, they noted that preventative health care services often cost much less than treating illnesses and injuries that have had time to worsen. The ultimate decision was that the federal government, working with the states, could and should publicly fund insurance for these individuals.

Federal Government Spending by Category



Health insurance programs—including Medicare, Medicaid, and Affordable Care Act subsidies—have made up the single largest category of federal spending in recent years, with Social Security close behind.

With the passage of the Affordable Care Act in 2010, the federal government further committed itself to expanding access to health insurance by creating marketplaces where such insurance could be bought, **subsidizing** (paying part of the cost of) insurance premiums, and offering states a chance to expand the group of people eligible for Medicaid. The debate around the Affordable Care Act was remarkably similar to that over Medicare and Medicaid five decades earlier: Detractors warned of “socialized medicine” and government overreach, while supporters argued that only the government—not private insurers—had the

ability to close the gaps in insurance coverage and affordability.

A look at health care policy reveals a few key issues that recur in many other domestic policy arenas. One is the relationship between federal and state governments, which, as you know, has been debated since the founding of the country. For example, Medicare is largely managed by the federal government and funded through federal income and payroll taxes. However, while the federal government provides the basic framework and much of the funding for Medicaid, it is partly funded and mostly managed by individual states. In Louisiana,

PRIMARY SOURCE: SPEECH ON THE AFFORDABLE CARE ACT, PRESIDENT BARACK OBAMA, 2009

President Obama strongly supported the Affordable Care Act (ACA), informally known as Obamacare, which was passed into law in 2010. The ACA aimed to increase the accessibility and affordability of health care for Americans by requiring individuals to have health insurance, expanding Medicaid, and establishing health insurance marketplaces.

Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. . . . Some can't get insurance on the job. Others are self-employed, and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or expensive to cover. . . .

. . . There are now more than thirty million American citizens who cannot get coverage. In just a two year period, one in every three Americans goes without health care coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But the problem that plagues the health care system is not just a problem of the uninsured. Those who do have insurance have never had less security and stability than they do today. More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too. More and more Americans pay their premiums, only to discover that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care.

Source: Obama, Barack. "Excerpts of the President's Address to a Joint Session of Congress Tonight, September 9, 2009." National Archives. Obama White House Archives.

for instance, administering Medicaid is the responsibility of the Louisiana Department of Health. This means that states vary in the services they provide under this program. When Medicaid was expanded under the Affordable Care Act, states were given

the option—but not the obligation—to adopt the expanded coverage and receive additional federal funds for their populations. Most, including Louisiana, eventually opted to do so, but several did not for political or budgetary reasons.

Another important policy issue revealed by health care policy is the perennial debate between big and small government. With the notable exceptions of veterans and active service members, most Americans receive health care from private organizations, which may operate as nonprofits or for-profit businesses. Yet there is a widespread understanding that health care is not like other products or services; a person with a chronic illness cannot simply take less medication when money is scarce the way they might reduce leisure spending. Therefore, most Americans today support some amount of government intervention in health care. The question that legislators debate when funding these programs is how *much* intervention is acceptable. Again, the debate over the government's role in health care mirrors much of the debate related to other roles and responsibilities of the government: What can the government do to protect its citizens without overstepping its bounds?



Think Twice

What are the purpose and role of the federal government in American health care?

Example 2: Social Welfare

Health care is part of a larger network of **social welfare** programs provided in the United States. They alleviate poverty and make sure that people, especially children and seniors, have access to necessities such

as adequate food and a place to live. They were mostly created in the twentieth century; many were established during the Great Depression, when the government took a more active role in providing social services. The most prominent of these is Social Security, a federal program that collects a payroll tax and uses it to make monthly payments to retirees, people with disabilities, and in some cases their children and spouses. President Franklin D. Roosevelt, whose New Deal policies helped stimulate the economy and relieve unemployment during the Great Depression, proposed the Social Security Act. The law took effect in 1935, and monthly payments to eligible individuals began in 1940. These payments continue today; however, a larger U.S. population of older adults has raised questions about how the government will continue to fund the program in coming decades.

Social Security is the largest social welfare program run by the federal government, but there are many others. A common arrangement is for the federal government to collect and distribute the funds for welfare programs, while states bear the costs of administering the programs to their residents and deciding how the programs will be implemented. For example, the Supplemental Nutrition Assistance Program (SNAP) is a federal program of the U.S. Department of Agriculture, designed to ensure that lower-income households can afford adequate nutrition. The federal government pays for

the benefits out of its budget, while states (and sometimes counties) administer SNAP and work to ensure that the benefits are appropriately distributed. Likewise, the federal

program called Temporary Assistance for Needy Families (TANF) is known by different names in different states; in Louisiana, it is called the Family Independence Temporary

PRIMARY SOURCE: "SOCIAL WELFARE IN THE UNITED STATES," ARTHUR J. ALTMAYER, 1964

Arthur J. Altmeyer was part of President Franklin D. Roosevelt's Committee on Economic Security, which drafted the original legislative proposal for Social Security in 1934. He was a member of the three-person Social Security Board created to run the new program, and he served first as chairman of the board and then as commissioner for Social Security from 1937 to 1953.

It is difficult to fix limits to a discussion of social welfare in the United States. This is primarily because . . . the application of this concept in a pluralistic society and a Federal-State system of government, such as we have in the United States, is so varied and complex. . . .

In this discussion, we shall not attempt to cover all programs that may indirectly contribute to social welfare, but only those programs which are directly concerned with the economic and social well-being of individuals and families. . . .

The term "social security" has sometimes been used synonymously with "social welfare" in its widest sense. It is also used in a more restricted sense to mean a government program designed to prevent destitution by providing protection against major personal economic hazards such as unemployment, sickness, invalidity, old age, and the death of the breadwinner. . . .

"Social security," as used with reference to the Social Security Act in the United States, also encompasses some of what we call "welfare" or "needs" or "assistance" programs. These are programs of grants to States for aid and services to needy families with children, maternal and child welfare, aid to the blind, aid to the permanently and totally disabled, and medical assistance to the aged. The term also encompasses programs of unemployment benefits to be administered by the States, and unemployment benefits for Federal employees and ex-servicemen. In addition, the term is frequently used in referring to programs not encompassed by the Social Security Act such as Workmen's Compensation (Employment Accident Insurance) administered by every State and at the Federal level . . .

Source: Altmeyer, Arthur J. "Social Welfare in the United States." 1964. Social Security Administration.



As this older version of the Social Security card shows, the Social Security program was not created as an identification program. However, because Social Security numbers are unique, they have come to be widely used to identify individuals in government and private recordkeeping.

Assistance Program (FITAP). As both the federal and state names imply, this program is meant to provide temporary financial help to families experiencing hardship so children can be cared for within the home and parents can find secure, gainful employment. For this program, states provide additional funds to match the federal grants.



Think Twice

What are the purpose and role of the federal government in social welfare?

Example 3: Education

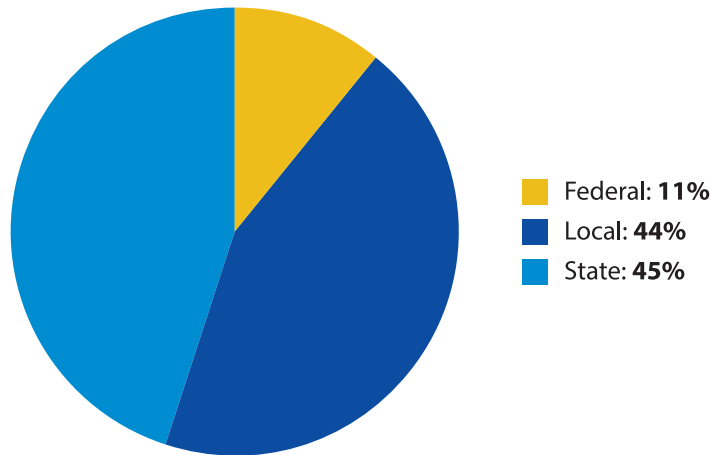
Education, like health care and social welfare, exemplifies the federal–state relationships by which policy goals are often accomplished in the United States. However, in contrast to those other areas, education policy is largely decided at the state level. The federal Department of Education allocates funding through grants at all grade levels, from early childhood

education through college, and oversees antidiscrimination policies. These federal funds are distributed for a variety of specific purposes, such as helping underfunded schools and supporting special education programs. Other federal funding comes from the Department of Agriculture (for school lunch programs), the Department of Health and Human Services (preschool), and the Department of Labor (vocational and job training). However, state and local governments provide most of their own funding for public schools, with local governments often raising their share through property taxes. One challenge of this system is that property taxes are often higher in more affluent parts of a city or state, so the schools in one area may end up being very well funded even as neighboring schools struggle.

In some countries, there is a national curriculum that is required to be taught in all schools. In the United States, no such standards are created or imposed by the federal government. In fact, the law directly prohibits the Department of Education from mandating a standard curriculum for the states to follow. Instead, individual states can decide to adopt the standards recommended by various groups of educators and experts. They are equally free to adapt those standards or to develop their own. Like many other states, Louisiana has its own official standards that define the curriculum for the state's schools.

Even though there is no national curriculum, the states teach broadly similar things in their

Public Education: Where Does the Money Come From?



Education funding varies by state, but state and local contributions outweigh federal grants across the country. This graph shows national percentages for funding. In Louisiana, approximately 13 percent comes from federal funding, 44 percent from the state, and 43 percent from local school districts.

kindergarten through high school classrooms. Still, there is some variation to accommodate the diverse needs of different states and different local school districts. Language education provides a good example. For instance, while the French language has a special status in Louisiana's heritage and history, and offering instruction in it in schools is mandated by state law, that is not true everywhere in the United States. The provision of French language courses, and even the establishment of French-language schools, may not have the same significance in other parts of the country. Other communities have similar ties to their own locally important languages; for instance, on the small Massachusetts island of Martha's Vineyard, where one of the United States' first Deaf communities was formed, American Sign Language is taught as an elective in the local high school.

Languages are not the only area where education policies respond to local needs. Depending on where they are located and whether they serve rural or urban populations, school districts may also make it a priority to offer courses that focus on agricultural sciences, technology, or the performing arts.

Think Twice

What are the purpose and role of the federal government in education?



Example 4: Immigration and Naturalization

Immigration policies affect different states in different ways, and in the late nineteenth century, some U.S. states even enacted

their own immigration laws. You will read more about the ways the United States has addressed immigration in the next unit.

Today, many states have complicated relationships with immigration policies and practices. Those on the country's long southern border with Mexico are often concerned about border security. States such as Georgia and New York, both home to major cities that are hubs for international migration via air travel, have their own concerns and priorities. Whose responsibility is it to determine who can enter, remain in, and become citizens of the United States?

Today, the usual answer—and the one enshrined in law—is that immigration is a federal issue. The government regulates immigration through three different agencies, each of which is part of the Department of Homeland Security. U.S. Citizenship and Immigration Services (USCIS) handles the lawful immigration process for those who come to the country with a **visa** or who have been granted refugee status or **asylum**. Customs and Border Protection (CBP) patrols the United States' borders, and Immigration and Customs Enforcement (ICE) enforces immigration law within the country's borders.

The creation of the Department of Homeland Security dates to shortly

after the terrorist attacks of September 11, 2001. (Before that time, immigration policy was administered by the Department of Justice.) In the wake of the attacks, there were widespread concerns about border security and a widely shared fear of additional terrorist attacks. Propositions to further tighten immigration policy became popular, leading to a surge in enforcement funding and activity.

In the decades since, debates have repeatedly arisen over how the U.S. government treats those seeking to immigrate. On one side are those who consider the current policies too lenient to deter people from entering the country illegally. On the other side, advocates for more permissive policies argue that immigration is a humanitarian problem and that overly strict policies are harmful to children and families looking to improve their lives. Few areas of U.S. domestic policy today are as divisive as the question of how



New Orleans, now a well-known port for cargo and cruise ships, was once a major port of entry for immigration as well.

to handle immigration in a way that is legally fair, consistent, and humane.



Think Twice

What are the purpose and role of the federal government in immigration and naturalization?



U.S. Domestic Policy and the Economy

You have already learned about the two major tools of U.S. economic policy: fiscal policy and monetary policy. Recall that these are ways that Congress, the president, and the Federal Reserve attempt to keep employment high and inflation reasonably low. Now you will read about a variety of other ways in which U.S. domestic policy affects the economy.

Preventing Monopolies

The previous topic mentioned the prevention of monopolies as one policy goal of the United States. When a monopoly is present, there is just one business providing a good or service. In the classic board game Monopoly, you win by eliminating your competitors (other property owners) and becoming the sole real estate business on the board. In real life, monopolies also exist when competition is absent. Similar to a monopoly is an **oligopoly** (/all*eh*gah*peh*lee/), in

which just a few companies dominate the market. The cell phone industry, where a few manufacturers control most of the market share, is sometimes cited as an example.

There are also different kinds of competition. One that often arises in the real world is **monopolistic competition**, in which many businesses produce similar but not identical products. Consider the different options for purchasing footwear online. There are many websites selling running shoes, but some people will prefer the extra-cushioning brand at Online Retailer A, others the durable brand at Online Retailer B, and still others the sustainable materials used to make the brand at Online Retailer C. As the term suggests, this situation has some aspects of a monopoly and some aspects of a competitive market. In a sense, Online Retailer A has a “monopoly” on its specific brand of shoes, but if it charges too much, consumers will come to see the running shoes at other stores as good enough. In that sense, the stores are in competition with each other.

The opposite of a monopoly is **perfect competition**, in which all firms compete directly to offer the lowest possible prices to consumers. Although there are no truly perfectly competitive markets in real life, some real-world settings come close. Think of a farmers’ market, where all the vendors are small businesses and many of them sell, for instance, tomatoes. If one vendor is selling tomatoes for \$4 per pound and another is

selling them for \$6, the \$4 vendor is likely to win more business—if the tomatoes are of the same quality. In general, the advantages of the capitalist system depend on the market being as competitive as possible.

Monopolies do not have to be large; for example, if a small town has just one place to buy ice cream, it is technically true that the shop holds a local monopoly on ice cream. But the federal government is mainly concerned with monopolies that stretch across large regions—or the entire country—and may affect millions of individuals. The laws against monopolies are sometimes called **antitrust** laws, after the name of a specific business structure, the trust, that was used

to create monopolies in the past. (A trust is an arrangement by which stockholders of several companies transfer their shares to a single set of trustees.) In general, monopolies are considered harmful to consumers because a company with no competitors can charge much higher prices. In the ice cream example, the potential for serious harm is very limited: Even if they would prefer ice cream, consumers who find the store too expensive might simply buy other things to eat. The economic term for these alternatives is substitute goods; buyers are said to “substitute away” from the expensive ice cream. The ability to do so provides a natural check on monopolies in some industries.



The Sherman Antitrust Act was a step forward, but not the last step, in the fight to rein in trusts, whose monopolies are depicted here as overtaking American life.

Consider, however, what would happen if a company held a monopoly on a lifesaving drug or a basic commodity such as steel. In those cases, it would be much harder for buyers to substitute away from the product in question. Patients who need that specific drug—or at least their insurance companies—would have to pay whatever the pharmaceutical company dictated, no

matter the cost. Without any competition, the pharmaceutical company would have no economic incentive to lower its prices so that more people could benefit from the treatment. Likewise, under a steel monopoly, builders would pay much more for steel and likely construct fewer buildings than they would in a freely competitive market. Without competition, a steel monopoly would have no

PRIMARY SOURCE: THE SHERMAN ANTITRUST ACT, 1890

Toward the end of the nineteenth century, trusts had come to dominate several major industries, destroying competition. The Sherman Antitrust Act of 1890 was the first measure passed by Congress to prohibit trusts, under its constitutional power to regulate interstate commerce.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. . . .

Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor. . . .

Sec. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, . . . or with foreign nations, . . . is hereby declared illegal. . . .

Sec. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy . . . mentioned in section one of this act, . . . shall be forfeited to the United States, and may be seized and condemned . . .

Source: Sherman Anti-Trust Act. 26 Stat. 209, 15 U.S.C. §§ 1–7 (1890).

economic incentive to improve its products for safety concerns or lessen the cost.

In some very specific cases, however, economists agree that monopolies can be beneficial, and the government treats them as such. Utilities provide the most common example; they must build extensive infrastructure (pipes, power lines, etc.) to reach all the homes and businesses that they supply. If a dozen companies competed to supply water to the same homes, there would be the extremely wasteful expense of building a dozen sets of water pipes. Consumers would be much better served if that money could be spent on making the water supply safer, more efficient, and more resilient. In those cases, the government has decided that it makes sense to allow a monopoly but to keep a close eye on it through regulation. This includes setting rules about the prices utility companies may charge, the quality of service they must provide, and their impact on the environment. This practice is not without controversy, however. Some economists argue that the government is effectively “picking winners” by allowing certain companies to hold on to their monopolies and that competition would drive utility prices down as it does for other goods and services.



Think Twice

Why is the prevention of monopolies a part of U.S. economic policy?

Stimulating Economic Growth

One way the federal government has historically stimulated the economy is by providing employment opportunities. This was another cornerstone of the New Deal policies promoted and enacted by President Franklin D. Roosevelt to combat the Great Depression. Although there was some controversy about the government competing with private businesses, many of the New Deal programs accomplished tasks that private businesses were unwilling or unable to undertake, such as the Hoover Dam. Federally employed workers built roads, bridges, dams, levees, and hospitals, among many other public works. They did this through two main programs: the Public Works Administration (PWA, established in 1933) and the Works Progress Administration (WPA, established in 1935). The PWA focused on large-scale



The Cabildo, New Orleans's famed courthouse-turned-museum, was just one of many civic buildings renovated by the WPA. Built during the Spanish Colonial period, it served as the site where the Louisiana Purchase was formalized.

PRIMARY SOURCE: TWO NEW DEAL SPEECHES BY FRANKLIN D. ROOSEVELT

In the first excerpt below, presidential candidate Franklin D. Roosevelt outlines his plans if elected. The second excerpt, from soon after Roosevelt took office, is one of a series of evening radio addresses he made to the nation.

from Campaign Address about Long-Range Planning, Franklin D. Roosevelt, 1932

We have two problems: first, to meet the immediate distress; second, to build up a basis of permanent employment.

As to "immediate relief," the first principle is that this nation . . . owes a positive duty that no citizen shall be permitted to starve. . . .

In addition to providing emergency relief, the Federal Government should and must provide temporary work wherever that is possible. You and I know that in the national forests, on flood prevention, and on the development of waterway projects . . . , tens of thousands, and even hundreds of thousands of our unemployed citizens can be given at least temporary employment. . . .

Finally, . . . we call for a coordinated system of employment exchanges, the advance planning of public works, and unemployment reserves.

from Second Fireside Chat, President Franklin D. Roosevelt, 1933

Today we have reason to believe that things are a little better than they were two months ago. Industry has picked up, railroads are carrying more freight, farm prices are better, but I am not going to indulge in issuing proclamations of over enthusiastic assurance. We cannot bally-ho ourselves back to prosperity. . . .

It is wholly wrong to call the measure that we have taken Government control of farming, control of industry, and control of transportation. It is rather a partnership between Government and farming and industry and transportation, not partnership in profits, for the profits would still go to the citizens, but rather a partnership in planning and partnership to see that the plans are carried out.

Sources: Roosevelt, Franklin D. "The New Deal: Address on Long-Range Planning." October 31, 1932. Pepperdine School of Public Policy, Pepperdine University.

Roosevelt, Franklin D. "May 7, 1933: Fireside Chat 2: On Progress During the First Two Months." Miller Center, University of Virginia.

infrastructure projects such as roads and public buildings; work for the WPA included some construction as well as childcare and elder care and even the creation of murals and sculptures. These programs endured until the United States began readying its economy for a different sort of collective effort: arming and supplying the Allies in World War II.

The New Deal was certainly not the last time that the U.S. government intervened to help the national economy. In 2009, American lawmakers were reckoning with the Great Recession, a period of economic decline that had begun in late 2007 and affected many countries around the world. Their response was to pass the American Recovery and Reinvestment Act (ARRA) to provide direct financial relief to many Americans, extend unemployment benefits and health insurance coverage, and temporarily reduce individual income taxes. Like the New Deal programs, ARRA also included spending on federally funded energy and infrastructure projects, including billions of dollars to repair and upgrade roads and railways. Moreover, like Roosevelt's set of proposals, ARRA drew both controversy and legal challenges for the amount of government spending it involved: Adjusted for inflation, its programs cost almost 30 percent more than those of the New Deal.



Think Twice

Explain two ways the federal government stimulates economic growth.

Subsidizing Infrastructure and Industries

The government does not employ people only in times of crisis. Today, roughly three million people work for the federal government in a civilian capacity, and nearly that number serve in the various branches of the U.S. military. Thus, even in relatively steady economic times, the federal government is the country's single largest employer, with only a handful of private companies coming close.

Moreover, even laws that are not "about" the economy can have a wide-ranging impact on American economic life. Consider the interstate highway system, created in the 1950s under President Dwight D. Eisenhower. In addition to the many individuals and families who use these roads for work or leisure travel, businesses large and small rely on this extensive network of highways and the freight trucking industry that it supports. Without them, interstate commerce would be much more difficult to carry out.

The government also directly protects certain industries that are deemed vital to the country's security and well-being, with agriculture being a prominent example. A law signed into law by Franklin D. Roosevelt in 1933, the Agriculture Adjustment Act, has led to the ongoing legislative tradition of farm subsidies. Every five years or so,

PRIMARY SOURCE: AMERICAN RECOVERY AND REINVESTMENT ACT, 2009

The purposes of this Act include the following:

- (1) To preserve and create jobs and promote economic recovery.
- (2) To assist those most impacted by the recession.
- (3) To provide investments needed to increase economic efficiency by spurring [encouraging the creation of] technological advances in science and health.
- (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
- (5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

Source: American Recovery and Reinvestment Act of 2009. Pub. L. No. 111-5, 123 Stat. 115.

Congress passes a new package of such legislation known as the Farm Bill. Like their New Deal predecessor, these laws subsidize the production of major crops, guaranteeing farmers a minimum price for their produce. Farm Bill funding also helps farmers obtain insurance against disasters and crop failure and loans to purchase land, livestock, equipment, and seeds. Together, these subsidies have a large effect on what American farmers grow and sell, but the rationale for the Farm Bill is not simply economic. A strong agricultural industry is considered important to the United States' food security, and increasingly to the country's production of fuel and industrial chemicals. Thus, when Congress subsidizes

crop prices and farm insurance premiums, that industry's resiliency is part of what it pays for. As with other legislation, however, there is some compromise. Grains, soybeans, and cotton account for much of the subsidy money, while fruit and vegetable growers see little of it. Because much of the grain then goes into animal feed rather than feeding people directly, some critics have charged that Farm Bill subsidies make the American diet less healthy.

Think Twice



What is the role of the federal government in regulating and influencing the national economy, and how has this role changed over time?

Topic 3

The United States in World Affairs



In a thicket near Zhegoc, Kosovo, white clouds billow from a smoke grenade. Through the smoke steps a group of armed and camouflaged soldiers, some from the United States, others from Europe. Methodical and alert, they move through the leafless brush as if suspecting an ambush. It is a chilly January day, and the haze from the grenade mixes with cold fog from the nearby woods. The scene could well be one from a war film—except that these soldiers are not in Kosovo to wage war. Instead, they are training to fulfill a peacekeeping mission.

In April 1999, Serbian forces captured the village of Zhegoc as part of the wider Kosovo War. That conflict formally ended in June of that year, but tensions remain high in the small southeastern European country. Serbs largely consider Kosovo a part of Serbia, but Albanian Kosovars—

Kosovo's majority ethnic group—have long sought independence as a new republic. Given the region's long history of conflict, the sight of these gas-masked soldiers in the mist might seem eerie or threatening. For others, though, their presence is a source of security. Although the

Framing Question

How have foreign policy decisions affected the United States at home and abroad?



Soldiers from the NATO peacekeeping force in Kosovo (KFOR) push through smoke from a grenade as part of a training exercise.



United Nations has worked to broker a diplomatic solution to the Kosovo conflict, the presence of international peacekeeping coalition forces remains a necessary part of the process.

But what are U.S. soldiers doing in Kosovo in the first place? One answer is that they are there for humanitarian reasons; if regional, interethnic tensions spill over into another war, many people could be killed and many more displaced. Another reason is that they are helping uphold the commitments that the United States has within the global community. As a founding member of the North Atlantic Treaty Organization (NATO), the United States provides personnel and supplies whenever that alliance commits itself to action. Because NATO has undertaken the task of keeping the peace in Kosovo, the United States has accepted a share of the responsibility. There is also a third answer: The American soldiers are safeguarding U.S. interests in the region. Peace and stability in Europe are strategically and economically advantageous to the United States and the global community, whereas the chaos and disorder of war are not.

As you read about the history and principles of U.S. foreign policy, bear in mind that all three of these answers can coexist. The United States can—and does—act to uphold ideals, honor responsibilities, and secure its own political and economic interests at the same time. Indeed, many important and interesting foreign policy debates involve the balance among these three factors. A policy may enhance the wealth and power of the United States but still be unpopular with the American public if it appears undemocratic. On the other hand, a policy with seemingly noble aims may lose public support if the human or financial cost of implementation becomes too high. These trade-offs are typical for U.S. decision-makers, not only in military interventions, but also in choices regarding trade, diplomacy, and foreign aid.



The United States in the Global Economy

The United States has one of the largest economies in the world—in fact, by some standards, it *is* the largest economy in the world. It plays an enormous role in **trade**, or the international buying and selling of goods and services. U.S. **exports**—goods made here and sold abroad—include petroleum, cars and other vehicles, and electronics of all kinds; they can be found in countries as near as Canada and as far as Japan. The United States also leads the world in **imports**, or goods

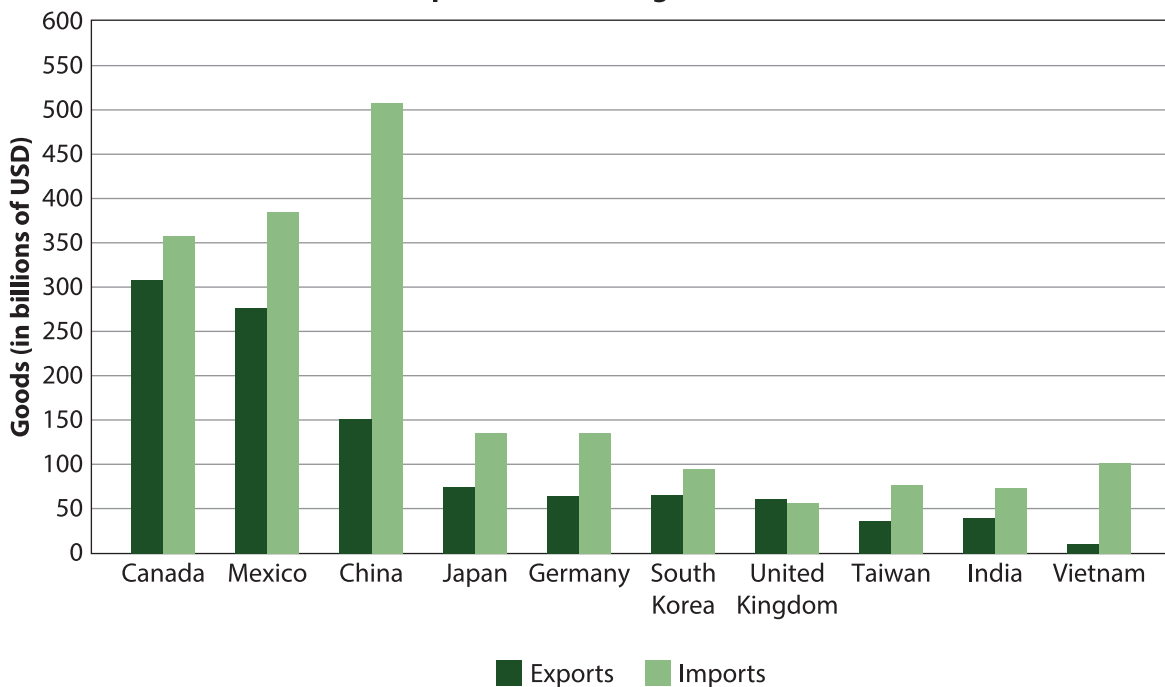
bought from other countries by American consumers and businesses.

As a result of such economic power, the decisions made by U.S. presidents and legislators regarding trade and other monetary matters can have a global impact. Throughout the country's history, and particularly in modern times, American policymakers have leveraged the nation's economic influence as a negotiating tool in global politics, even in situations that may initially appear unrelated to trade.

Globalization

Globalization is the process of increasing the connection among places around the world. The term refers to a mixture

Top Ten U.S. Trading Partners, 2022



The United States participates in an extensive network of global trade. In 2022, its three largest trading partners were Canada, Mexico, and China. Notice that in most cases, the United States imports considerably more goods (by dollar value) than it exports to a given country.

of economic, technological, and cultural connections that are sometimes difficult to separate from one another. This process arguably began as far back as the days of the Silk Road, a massive network of trade routes that connected Europe, East Asia, and the Middle East. First used when China's Han dynasty opened trade with western regions around 130 BCE, the Silk Road lasted—with some interruptions—for about 1,500 years. Globalization further advanced through maritime trade, exploration, and colonization by various world powers, then accelerated still further during the Industrial Revolution (c. 1760–1840). The rise of information

technology, especially the Internet, in the twentieth and early twenty-first centuries has significantly advanced the global exchange of ideas, goods, and services around the world.

One example of how globalization unites economies and cultures—and the role of technology in this process—can be seen in the spice aisle of a typical American grocery store. These products come from various continents and are cultivated in regions with very diverse climates. For instance, there may be cinnamon from Vietnam, paprika from Spain, chili pepper paste from Peru, and vanilla from Madagascar, all on the same shelf. This modern form of the Silk



The impact of globalization can be seen in the rise of multinational brands. This photo from Hong Kong International Airport shows the global spread of fast-food restaurants that serve recognizably American fare, including cheeseburgers, bagels, and fried chicken.

Road is facilitated by technology, specifically shipping infrastructure, which transports these products around the world. Air, sea, and overland transport via train or truck are all part of the routes through which spices and other goods reach American consumers. This same process applies to more complex products, like cell phones or automobiles, whose raw materials and parts may originate from different countries.

Modern globalization has both pros and cons. Proponents of globalization argue that it enables people to access goods, services, and funds that they would not otherwise be able to get. However, skeptics warn of the exploitation of smaller or less affluent countries, where natural resources are often extracted for sale abroad instead of being used locally. For example, in several West African countries, cacao beans are a major crop, yet harvested beans are mainly shipped overseas to be made into chocolate. In general, globalization has had a positive effect on the economy of the United States, leading it to evolve into a high-income **service economy** that generates a significant portion of its wealth from finance, technology, and other services. However, manufacturing and agriculture remain highly important in the United States, and in these sectors, globalization is sometimes considered a mixed blessing. This is largely because manufactured goods and farm produce can often be shipped cheaply from

abroad, potentially undercutting the profits and wages of American manufacturers and growers. Much of modern U.S. trade policy revolves around trying to maximize the benefits of participation in the global market while minimizing the drawbacks.

Think Twice



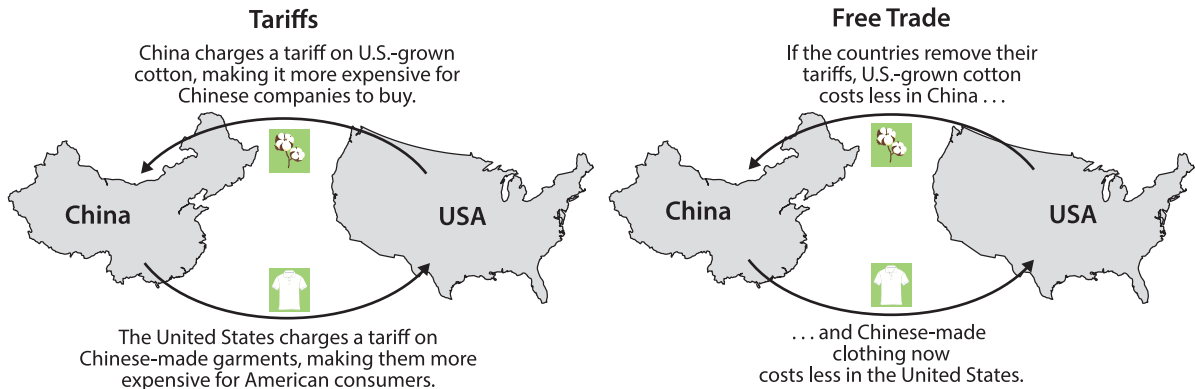
How has globalization evolved over time, and what role has technology played in this process?

Free Trade

In the global economy, countries have to make various decisions about international trade. They need to decide if and when to favor goods made within their own borders (domestic products) as opposed to ones from abroad, which they can do by limiting or taxing imports. They must also determine which other countries, including political allies and economic partners, will receive any special treatment under established rules. In striking a balance between economic freedom and the protection of national industries, most governments have formed different trade rules and relationships with different countries. The United States, despite the unique size and scale of its economy, is no exception.

For roughly the first century of its existence, the United States had a primarily **protectionist** trade policy, aimed at protecting domestic industries from being undercut by cheaper

Tariffs Versus Free Trade



Tariffs raise the prices of imports, both raw materials and manufactured goods. This makes domestic goods more attractive and affordable by comparison.

Benefits and Drawbacks of Free Trade

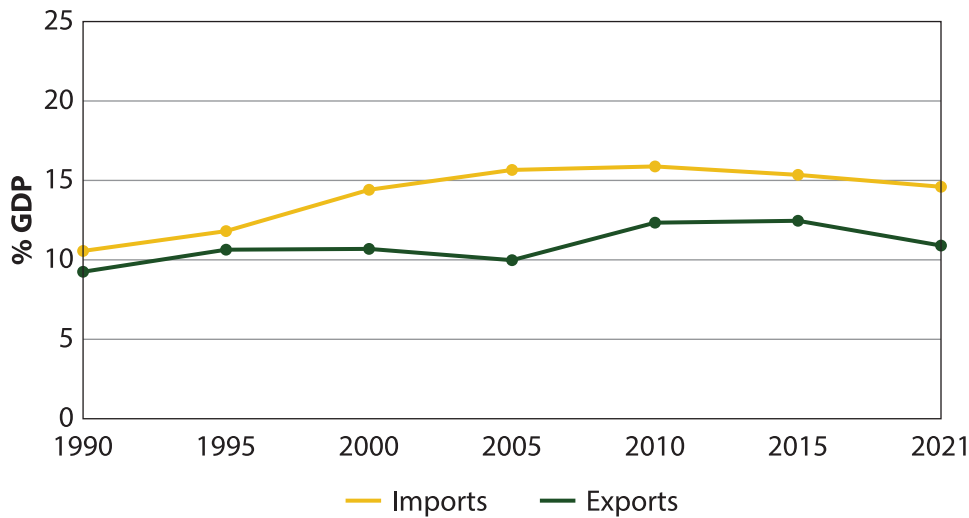
Benefits	Drawbacks
Increase in economic performance	Increase in jobs sent overseas
Global knowledge transfer	Harm to natural resources
More variety and lower prices for consumers	Potential overdependence on trade partners

There are both pros and cons to free trade, some of which are listed in this table.

imported goods. Like many other aspects of U.S. foreign policy, the decision reflected a regional divide. Northern states, which were more reliant on manufacturing, considered themselves more vulnerable to international competition. Southern states, which had primarily agricultural economies, preferred to sell their products abroad. Ultimately, the more economically influential northern states generally prevailed, and federal laws were enacted to set high **tariffs** (import and export taxes). By taxing goods imported from other countries, the U.S. government made it more enticing to buy goods made at home.

The Great Depression brought an end to this early protectionist era. Seeking to restart the U.S. economy, President Franklin D. Roosevelt implemented the Reciprocal Trade Agreements Act in 1934. This was the first major U.S. legislation focused on global trade, and it authorized the creation of nearly twenty trade agreements with individual countries. The substance of these agreements was that the United States and the partner country would both lower tariffs for each other's goods, allowing for a freer flow of imports and exports between them. That helped American producers find a wider

U.S. Imports and Exports as a Percentage of Gross Domestic Product



This graph shows U.S. imports and exports as a percentage of gross domestic product (GDP). Often considered an economic “vital sign,” a country’s GDP is the total value of goods and services produced within its borders.

market for goods abroad as the world started to recover from the Great Depression, while struggling American consumers could buy some goods more cheaply than before.

Since the 1980s, the United States has sought and maintained free trade agreements with twenty other countries, most of which are in the Americas. Of these agreements, the most politically and economically significant are those with the United States’ two largest neighbors, Canada and Mexico. **Free trade** in this context means the countries do not impose any special restrictions on the sorts of products that can be imported or exported between them. Nor do they collect tariffs on goods imported from each other. Sometimes, the term is used more loosely, for situations in which trade restrictions are lenient or few.

Free Trade and the Law

A free trade agreement allows the import and sale of goods between countries, but it does not override each country’s laws about what goods are legal. For example, Mexican tomatoes can be brought into the United States or Canada and sold just like locally grown ones because there are no laws against tomatoes in North America. However, there are different safety standards for cars in each country, so a car that can be legally driven in Mexico might not be allowed in the United States. A free trade agreement like the United States–Mexico–Canada Agreement (discussed on the next page) does not eliminate these types of requirements just because the car is from a neighboring country.

There have been two major pieces of legislation governing free trade in North America. The first, called the North American Free Trade Agreement (NAFTA), went into effect in 1994. The goals of NAFTA were detailed in a list of objectives, but the overriding principle was that all three countries—Canada, the United States, and Mexico—would benefit from increased opportunities to sell their goods and services to one another and to invest in each other's

markets. The original agreement was revised and updated a quarter-century later in the form of the United States–Mexico–Canada Agreement (USMCA), which went into effect in 2020. These agreements are effective because each participating country anticipates gaining more than it loses by reducing trade barriers. When there are fewer obstacles or hurdles hindering trade, each participating country can achieve greater economic success.

PRIMARY SOURCE: NORTH AMERICAN FREE TRADE AGREEMENT, ARTICLE 102, 1992

The North American Free Trade Agreement was an agreement between the United States, Canada, and Mexico that was signed on December 17, 1992, and went into effect on January 1, 1994.

The objectives of this Agreement, as elaborated more specifically through its principles and rules, including national treatment, most-favored-nation treatment and transparency, are to:

- a) eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the Parties;
- b) promote conditions of fair competition in the free trade area;
- c) increase substantially investment opportunities in the territories of the Parties;
- d) provide adequate and effective protection and enforcement of intellectual property rights in each Party's territory;
- e) create effective procedures for the implementation and application of this Agreement, for its joint administration and for the resolution of disputes; and
- f) establish a framework for further trilateral [three-sided], regional and multilateral cooperation to expand and enhance the benefits of this Agreement.

Source: North American Free Trade Agreement. Can.-Mex.-U.S., December 17, 1992, 32 I.L.M. 289 (1993).

PRIMARY SOURCE: UNITED STATES–MEXICO–CANADA AGREEMENT, PREAMBLE, 2018

The Government of the United States of America, the Government of the United Mexican States, and the Government of Canada (collectively “the Parties”), resolving to:

STRENGTHEN ANEW the longstanding friendship between them and their peoples, and the strong economic cooperation that has developed through trade and investment; . . .

REPLACE the 1994 North American Free Trade Agreement with a 21st Century, high standard new agreement to support mutually beneficial trade leading to freer, fairer markets, and to robust economic growth in the region;

PRESERVE AND EXPAND regional trade and production by further incentivizing the production and sourcing of goods and materials in the region;

ENHANCE AND PROMOTE the competitiveness of regional exports and firms in global markets, and conditions of fair competition in the region; . . .

FACILITATE trade between the Parties by promoting efficient and transparent customs procedures that reduce costs and ensure predictability for importers and exporters, and encourage expanding cooperation in the area of trade facilitation and enforcement; . . .

FACILITATE trade in goods and services between the Parties by preventing, identifying, and eliminating unnecessary technical barriers to trade . . .

PROMOTE transparency . . . and eliminate bribery and corruption in trade . . .

Source: United States–Mexico–Canada Agreement. Can.-Mex.-U.S., November 30, 2018. Office of the United States Trade Representative.

One key factor is that the countries’ economies are substantially different from one another; the USMCA nations are not just competing to sell the same sets of products in the same amounts. Sometimes, ample supply in one country meets equally ample demand in another. For instance, Canada and Mexico both export substantial amounts of oil to the United States, whose

industries and consumers have a greater demand for petroleum than can be met domestically. Another factor is **comparative advantage**, in which a good is easier or less expensive to produce in one country than another relative to other goods it might produce. For example, Mexico is the world’s leading producer of avocados. This is due to the country’s ideal climate for large-scale

avocado cultivation, especially in the tropical western state of Michoacán. Only a few regions of the United States, such as parts of California, are suitable for growing avocados. In Canada, the cold winters make it impossible—or at least prohibitively expensive and impractical—to grow avocados on a commercially profitable scale.



Think Twice

What are some potential advantages of participating in free trade agreements?

Barriers to Trade

The existence of free trade agreements raises a question: Why, and when, is trade *not* free? There are several reasons a country might want to impose barriers to trade. One reason already mentioned is to protect domestic industries from being undercut by lower prices for imported goods. For example, more than ten million U.S. workers are employed in manufacturing—a small share compared to some other economies, but still a significant percentage of the American workforce. When U.S. policymakers use tariffs or other barriers to protect American manufacturing, they often cite the need to protect the steady, high-paying jobs that this sector provides. They may also deem some manufactured products, such as machinery and electronics, too strategically important to rely entirely on imports from abroad. Because these goods have many military and security applications,

it is important that a country have some control over their production even in peacetime.

You have already read about other industries that policymakers consider strategic or sensitive, and thus worth protecting. Recall from the previous topic that the U.S. government pays sizable subsidies to American farmers to ensure that American agriculture—and hence the food supply—remains resilient. Likewise, even though the United States imports much of its fuel, it is understood that the country should not be too reliant on foreign nations for such a vital resource—even though the demand for oil and gas in the United States is far greater than the country's own supply. History has shown that hikes in fuel prices can harm a country that relies on imports, and in wartime, cutting off a nation's fuel supply can severely hamper its economy. (In fact, the United States followed this course against Japan during World War II, to devastating effect.) Thus,



Freight transport via trucks and trains is a critical part of the U.S. economy. Changes in fuel prices or availability can have a ripple effect on prices in many other sectors.

when dealing with fuel-exporting countries, U.S. policymakers balance low prices for consumers against the goal of energy independence.

In addition to tariffs, there are several other types of trade barriers that a country can employ. Under buy-national policies, countries require that their government or military purchases give priority to products made within the country. The U.S. government has a series of “Buy American” rules in place that govern its purchasing behavior. Because the federal government is a major buyer of everything from aircraft to office supplies, these rules effectively make part of the American market inaccessible to foreign manufacturers. **Quotas** are restrictions on the amounts of specific goods that can be imported from or exported to a given country. They are often used along with tariffs and serve a similar purpose.

Finally, trade policy can be used to send a political message or encourage a country to

change its own policies, rather than for purely economic reasons. One practice often used in this way is an **embargo**: a legal prohibition on doing business or conducting trade with a certain country. The longest-running example in modern times is the U.S. embargo against the island nation of Cuba, which originated in 1962 after the Cuban Revolution. The prohibition of nearly all trade with Cuba, apart from food and some humanitarian items, began after the Cuban government took control of U.S.-owned oil infrastructure on the island. The local Spanish name for this embargo is *el bloqueo*—literally, the blockade. However, that term strictly refers to a total embargo that is imposed by military force, often to force a population to run out of supplies.

Think Twice

Why might a country impose barriers to free trade?



Free Trade: Benefits and Drawbacks

Balancing the benefits and drawbacks of different trade policies is an ongoing challenge for U.S. and international policymakers. On the one hand, free trade usually means less expensive goods for consumers. Goods can often be produced more cheaply abroad than in the United States; wages, and thus the price of labor, are lower in many other countries, and growing conditions for many crops are



The U.S. government maintains a quota on imported sugar to encourage domestic sales and production. Here, sugarcane is harvested in south Louisiana.

better in countries with warmer climates. When imported and sold, these goods can further drive down the price of domestically produced competitors. Free trade also means that companies and consumers alike can access a greater variety of goods than they could source domestically, such as the many electronic products designed and built by the United States' East Asian trade partners. Lenient trade policies also help build and protect friendly political relationships between countries. When two nations rely heavily on each other as trade partners, as free trade encourages them to do, war between them carries a higher economic cost.

But as you have already learned, there are also some downsides to free trade. One additional drawback of free trade on a global scale is that taking such massive economic measures can have a negative impact on the environment. Crops that were produced at sustainable levels for their home market may require extensive land clearing to keep up with global demand. Additionally, when domestic products are too expensive to compete with imports, jobs can be lost to overseas firms. A country that relies too heavily on a given trade partner also becomes overdependent on that partner both economically and politically; its citizens need the goods that the partner country produces, and its leaders cannot afford to jeopardize the relationship with that partner.

Think Twice



What is the impact of tariffs and trade policies on the United States' relationships with other countries and its position in the global economy?



The United States and Foreign Policy

Earlier in this unit, you read a brief overview of the United States' foreign policy. You learned that since the country's founding, the United States has gone back and forth between isolationism and interventionism. You also saw how those stances were influenced by foundational foreign policy events up to the early twentieth century. Now, you will discover the history behind more modern approaches to foreign policy.

The World Wars

In the twentieth century, two world wars severely tested the United States' isolationism, ultimately forcing it to take a more interventionist stance in global politics. In the early days of World War I (1914–18), many Americans looked on with horror at the economic devastation and loss of life taking place throughout Europe. They widely opposed the involvement of U.S. troops in the conflict and considered the Great War

(as it was then called) a foreign issue. In agreement with the arguments of George Washington's farewell address more than one hundred years earlier, many Americans did not see a need or a reason to become embroiled in what was perceived as a distant European conflict. President Woodrow Wilson campaigned for a second term midway through the war on an "America first" isolationist policy. His best-known campaign slogan was a simple claim: "He kept us out of war."

Less than six months after his reelection, Wilson pivoted to urging the United States to go to war to "make the world safe for democracy." Several factors contributed to this seemingly abrupt change of policy. One was the increasing toll of submarine warfare in the Atlantic, in which American merchant ships, though officially neutral, became targets for German torpedoes. Another was the Zimmermann Telegram, a secret German message intercepted by British forces. In the telegram, German leaders offered to help Mexico recapture territory in the southwestern region of the United States if it would go to war against America. They also announced plans to escalate their submarine warfare and, in the process, sink more American ships. Although the Mexican invasion never took place, the disclosure of the telegram stoked public outrage against the German Empire.

Wilson called for a declaration of war in April 1917, and Congress swiftly approved it. U.S. troops were deployed to France and helped turn the tide of German encroachment there. Despite the Americans' role in an Allied victory, World War I, then the deadliest war in human history, was very unpopular with the American public. President Wilson was therefore keen to end the conflict in 1918. Once the war ended, the United States returned to its policy of isolationism and chose not to join the postwar alliance known as the League of Nations.

In the 1930s and early 1940s, hostilities broke out again in Europe, culminating in World War II (1939–45). Once again, Americans were conflicted. Even those who had originally



This World War I-era cartoon shows a gloved hand, adorned with the German eagle, carving up a map of the United States. The depiction of the German Empire as violent and greedy—reserving an enormous portion of the country "For Myself"—echoes popular sentiment in the United States following the discovery of the Zimmermann Telegram.

PRIMARY SOURCE: CONFLICTING VIEWS TOWARD ARMING THE ALLIES

These two speeches from late 1940 reflect differing views toward the proper role of the United States in World War II. The first is one of President Franklin D. Roosevelt's addresses to the country, in which he argues that the United States should help arm other democratic nations so that it will not have to fight in the war directly. The second is a speech by Senator Burton K. Wheeler of Montana, who was a leading spokesperson of noninterventionism right up until the Pearl Harbor attacks.

from Fireside Chat, President Franklin D. Roosevelt, December 29, 1940

The people of Europe who are defending themselves do not ask us to do their fighting. They ask us for the implements of war . . . which will enable them to fight for their liberty and for our security. Emphatically we must get these weapons to them . . . in sufficient volume and quickly enough, so that we and our children will be saved the agony and suffering of war which others have had to endure. . . .

If we are to be completely honest with ourselves, we must admit that there is risk in any course we may take. But I deeply believe that the great majority of our people agree that the course that I advocate involves the least risk now and the greatest hope for world peace in the future. . . .

We must be the great arsenal of democracy. For us this is an emergency as serious as war itself. We must apply ourselves to our task with the same resolution, the same sense of urgency, the same spirit of patriotism and sacrifice as we would show were we at war.

from Address, Senator Burton K. Wheeler, December 30, 1940

Just as I love the United States so do I dislike Hitler and all that he symbolizes. My sympathy for the British is both deep and genuine, and is exceeded only by the depth and sincerity of my Americanism. No anti-British feeling dictates my opposition to the evasion or repeal of the Johnson and Neutrality Acts. . . . I oppose all these because they lead us down that road with only one ending—total, complete, and futile war. . . .

Remember, if we lease war materials today, we will lend or lease American boys tomorrow. Last night we heard the President promise that there would be no American expeditionary force, but we received no promise that our ships and sailors and our planes and pilots

might not at some time within the near future be cast into the cauldron of blood and hate that is Europe today.

Our independence can only be lost or compromised if Germany invades the Western Hemisphere north of the equator. . . . This would require two or three thousand transports plus a fleet larger than our Navy, plus thousands of fighter-escorted bombers. Such a fleet cannot possibly be available. . . . If Hitler's army can't cross the narrow English Channel in 7 months, his bombers won't fly across the Rockies to bomb Denver tomorrow.

Sources: Roosevelt, Franklin D. "Fireside Chat." December 29, 1940. The American Presidency Project. <https://www.presidency.ucsb.edu/documents/fireside-chat-9>.

Wheeler, Burton K. Radio address, December 30, 1940. Reprinted in 86 Cong. Rec. 7030 (January 2, 1941), p. 7031.

supported the country's entry into World War I came to have second thoughts about the new economic and human cost of war in Europe. In the 1930s, Congress passed a series of laws known as the Neutrality Acts, aimed at preventing the United States from becoming economically, politically, or militarily involved in another global conflict. Despite President Franklin D. Roosevelt's efforts to provide more flexibility in aiding other nations, Congress, along with much of the American public, maintained its isolationist stance.

Thus, even as the Nazis overtook much of central and western Europe, U.S. leaders attempted to keep the country out of war despite gradually relaxing some restrictions on providing aid to the Allies. At least officially, they were optimistic that the

war could be won without U.S. personnel fighting in the conflict. Franklin D. Roosevelt campaigned for reelection on a promise that "your boys are not going to be sent into any foreign wars." This remained the U.S. government's official policy as late as March 1941, when Congress passed the Lend-Lease Act. Without repealing the Neutrality Acts, this legislation created a formal system for the United States to lend supplies to Great Britain and other allies—to function, in Roosevelt's words, as a "great arsenal of democracy."

The Axis powers—Germany, Japan, and Italy—were dissatisfied with a situation in which the United States imposed economic sanctions on them while arming their enemies. With the surprise Pearl Harbor bombing of December 7, 1941, the Empire of Japan sought to force the United States

to relax oil supply restrictions while severely weakening any naval response in the Pacific. Instead, the attack became a rallying point for Americans. The isolationism movement in the United States almost immediately evaporated following the Pearl Harbor attack, and Americans by and large came to see involvement in the war as not only inevitable but morally imperative.

For the next four years, winning the war in the European and Pacific theaters was the overarching concern of American foreign and domestic policy. The economy was heavily retooled to support the war effort, and rationing programs were enacted to conserve supplies for the military. This war economy



The day after the Pearl Harbor attack, President Roosevelt asked Congress to declare war on Japan. That declaration, which Roosevelt is shown signing, brought an abrupt end to a decade of American isolationism.

led to widespread societal changes, such as a mass migration toward the coasts—where most industrial infrastructure was located—and women’s greater participation in the workforce. Germany surrendered in May 1945, and Japan followed suit that August. World War II, the largest global conflict in human history, had ended—and so had any traces of U.S. isolationism.

Think Twice



How did the world wars reshape U.S. foreign policy during the early twentieth century?

The Cold War

After the Second World War, a new global political order emerged. Countries that had been enormously powerful in the nineteenth and early twentieth centuries, including the European colonial empires, found their influence waning. The United States and its major rival, the Union of Soviet Socialist Republics (U.S.S.R.)—commonly known as the Soviet Union—emerged as the two **superpowers** of the day: the two countries with unsurpassed influence on politics not only regionally but globally.

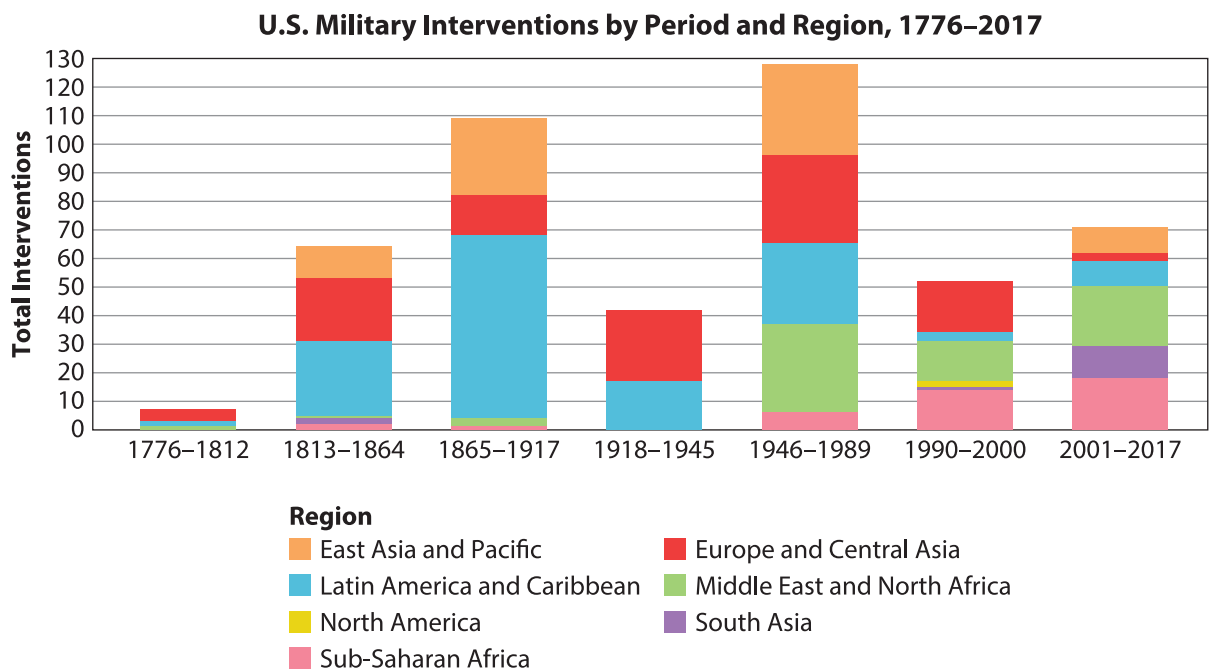
The period from 1947 to 1991 is often referred to as the Cold War because of the significant impact of the U.S.–Soviet rivalry on global political affairs. (*Cold* in this context refers to the absence of active fighting between the

United States and the Soviet Union; thus, to this day, political commentators sometimes warn that a regional rivalry may escalate into a “hot war.”) Although no full-scale, direct war erupted between the two, many smaller **proxy wars** were fought around the world, in which the Soviet Union backed communist factions and the United States supported anti-communist forces.

Ideologically, U.S. leaders justified their involvement in these conflicts—most notoriously, the costly and ultimately unpopular Vietnam War—as an attempt to halt or contain the spread of communism. President Harry S. Truman described this as a policy of containment; it is sometimes also known as the Truman Doctrine. By

supporting U.S. intervention around the world, Truman signaled that World War II was not a temporary interruption in U.S. isolationism but the beginning of an extended and more permanent interventionist era.

Truman’s successor, Dwight D. Eisenhower, likewise oriented U.S. foreign policy around the Cold War clash of ideologies. He popularized what is now called the domino theory: the belief that if one country “fell” to communism, its neighbors would be likely to follow. Keeping the “dominoes” from falling—in Asia, Africa, and Central and South America—was a major foreign policy goal of the United States throughout the Cold War. As you will learn shortly, nonmilitary forms of aid



This graph of historical U.S. military interventions—the use of military forces in another country’s affairs—coincides with some of the major trends in U.S. foreign policy.

were also used to encourage alliances on both sides of the ideological spectrum.



Think Twice

What were the foreign policy implications of the Cold War?

U.S. Foreign Policy Today

Although the Cold War ended with the collapse of the Soviet Union in 1991, modern U.S. foreign policy remains far more interventionist than that envisioned by George Washington centuries ago. Indeed, the United States continues to intervene for many of the same reasons that drove its Cold War-era policies. It uses military force, diplomacy, and economic bargaining power, though the first of these tends to draw the most attention and the most severe criticism.

Much like the Cold War imperative to halt the spread of communism, a few recurring principles are invoked to justify U.S. military involvement in other countries. Often, U.S. leaders explain their decisions to both the American public and the global community as efforts to promote democracy—or, especially in the decades since the September 11 attacks, to fight terrorism. Critics both within the United States and abroad point out that even if the United States does support pro-democratic and anti-terrorist factions in regional conflicts,

it often has much to gain economically and strategically from these interventions.

The United States also provides money to various foreign aid programs. The term **foreign aid** is broad and refers to almost any transfer of resources from one country to another. Some of the United States' aid programs directly provide supplies and funds to help with humanitarian crises and disaster relief, often in partnership with local and international organizations such as the Red Cross. Other aid money is spent to help countries build their economies, usually in the form of grants or loans with favorable terms.



The United States allocates different amounts of aid money to different countries, with humanitarian aid—including food—and health care being the top spending categories. Most of this aid is managed by the U.S. Agency for International Development (USAID).

Where natural disasters strike or poverty is widespread, many Americans want to help those affected. However, it is important to recognize that the foreign aid provided by governments, including the U.S. government, is not purely charitable; it is also a tool for building political relationships. During the Cold War, the United States used various foreign aid programs to gain potential allies against the Soviet Union, which pushed back with its own aid campaigns. Developing countries often faced pressure to align themselves with one superpower or the other in order to gain access to economic assistance and military protection. In the distribution of foreign aid, there is a symbiotic relationship between diplomatic relationships and economics.



Think Twice

What factors led to the transition of U.S. foreign policy from isolationism to interventionism, and how did this change shape the country's current role in international affairs?

International and Supranational Organizations

Part of the United States' foreign policy, like that of other nations, is to participate in a variety of international and **supranational** organizations. In these large groups, member

countries coordinate their trade, diplomatic, humanitarian, and military activities. You have likely heard of the United Nations (UN), the global organization created to maintain peace in the wake of World War II. Other notable groups include the World Bank, the World Trade Organization, and the International Monetary Fund, which deal with trade and financial matters, and the North Atlantic Treaty Organization (NATO), a military alliance between the United States and several other countries.

The League of Nations and International Law

Before the United Nations, there was the League of Nations. It was created after World War I with the hope of promoting world peace. Woodrow Wilson, the president who reluctantly led the United States into the war in 1917, enthusiastically promoted the League to Congress and the American people. However, he was unable to overcome opposition in Congress to ratification of the treaty. Without ratification, the United States would not become a member of the League. The lack of American involvement in the League arguably weakened the organization and hampered its ability to enforce its decisions on individual countries. In the decade leading up to World War II, the future Axis powers largely ignored the warnings and decrees of the League as they invaded neighboring countries. Ultimately, having

failed to prevent another world war, the League of Nations dissolved in 1946.

The League's failure highlights a more general problem with **international law**: the challenge of enforcement. Despite the creation of the League and later the UN, there is no single binding authority that can enforce laws among all the world's countries. Instead, countries form military treaties and trade agreements that provide incentives to cooperate and deterrents against outside interference. Sometimes, these groups also take on the task of helping enforce agreements between two nonmember countries. The Kosovo mission cited earlier is one example: The European Union—an organization you will learn about shortly—brokered the diplomatic arrangement whereby Serbia recognized

Kosovo's autonomy in 2013, but NATO bore the peacekeeping responsibility. Importantly, as neither Kosovo nor Serbia was a NATO member, the peacekeeping force was officially neutral and represented a coalition of more than thirty countries.

Think Twice

What were the goals of the League of Nations, and to what extent did it achieve them?

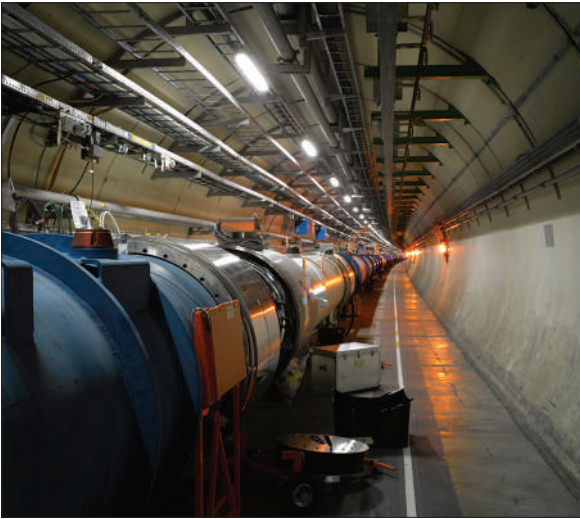


NGOs and IGOs

In addition to taking part in international political assemblies, the United States also collaborates with **nongovernmental organizations (NGOs)** and **intergovernmental organizations (IGOs)**. Despite their similar



This 1925 map of the League of Nations shows that the League's membership was extensive but far from universal. Notably absent from the League are the former Soviet Union (the large territory in gray in the upper right) and the United States.



The instruments used in international physics research can be truly gigantic in both size and cost. The Large Hadron Collider, shown here and located on the border of France and Switzerland, cost almost \$5 billion to build and occupies a tunnel seventeen miles (27 km) long.

names, these organizations represent different types of entities.

The members of NGOs are individuals or smaller organizations such as clubs or chapters, not the governments of countries. In general, NGOs exist to promote specific social or political causes, such as human rights or conservation. The American Red Cross, which provides disaster relief and coordinates blood donations—and often helps with post-hurricane recovery efforts in Louisiana—is one example of an NGO operating within the United States. Other countries have their own Red Cross, Red Crescent, or Red Crystal humanitarian NGOs that serve similar purposes locally. Most other charitable organizations, from local food banks to

international health care foundations, are also considered NGOs.

In contrast, IGOs are formed by countries, not individuals, to address specific purposes. For example, NATO coordinates military activities among member states to ensure collective security. Member countries agree to defend one another from attacks by nonmembers. However, IGOs also serve many other purposes. For example, scientific research is often coordinated by IGOs. One reason for this is that researchers in any given scientific field tend to come from many different countries and work at institutions around the world. The subject of the research may also be a worldwide phenomenon, such as the global climate or public health. In addition, some research assets, such as the enormous particle accelerators used by physicists, are so large that they cross national borders and so expensive that countries agree to share responsibility for the cost.

Think Twice



How do NGOs differ from IGOs, and what role does each type of organization play?

Supranational Organizations

Some international organizations exert a binding authority on their member countries. These are considered supranational

International and Supranational Organizations

Organization	Purpose
International Monetary Fund (IMF)	Supports global economic growth and prosperity
North Atlantic Treaty Organization (NATO)	Cooperatively guarantees security and freedom
United Nations (UN)	Maintains international security and peace through diplomacy, cooperation, and protection of human rights
World Bank	Works to reduce poverty and build long-term economic growth
World Trade Organization (WTO)	Promotes trade in the interest of economic growth and increased standards of living

Over the past century, several international and supranational organizations have been established in the interest of global security, health, and prosperity.

(literally, above nations) rather than merely international (between nations). Globally, the European Union (EU) is the most clear-cut example of a supranational union. Formed in 1993 to promote peace and coordinate policy among member states, the EU has grown to include twenty-seven countries. Its members are obligated to follow its directives and regulations on such matters as trade, marketing, labor practices, and environmental protection. In some ways, the relationship between EU law and the laws of its member states is similar to American federalism, in which federal law can supersede state laws.

The UN is also sometimes considered a supranational organization, though its ability to enforce its decisions is more limited than the EU's. Formed at the very end of World War II in the hope of preventing yet another global conflict, the UN has proven effective in defusing local and regional conflicts, keeping

the peace once those conflicts de-escalate, and channeling aid to impoverished or disaster-stricken parts of the world. However, its ability to succeed where the League of Nations failed—pulling the world back from the brink of a major conflict—has not yet been tested.

As a founding member of the UN and a permanent member of the UN Security Council, the United States has considerable influence on UN policies and declarations. Its seat on the Security Council means that, among other things, the United States has an ongoing role in making decisions about the deployment of UN peacekeeping missions and the imposition of **sanctions**—economic and political restrictions—on countries that sponsor terrorism, invade their neighbors, or otherwise flout international law. Sanctions can also be undertaken by individual governments or the EU and include

such measures as travel bans on a country's leaders, embargoes on certain goods, restrictions on trade, or reductions in foreign aid. The decision of whom to sanction, and what actions merit such a response, is often heatedly contested at the UN.

Not all of the United States' activities at the UN concern security and defense, however. Through the World Health Organization and the UN's other various humanitarian agencies, the United States also shares in the work of promoting public health, guarding against disease outbreaks, and responding to both natural and human-made disasters around the world. Although the United States does not always agree with UN



The multibuilding headquarters of the United Nations, which includes the General Assembly Hall shown here, is located in New York City. The physical site of the headquarters is owned by the UN, through a special-status agreement with the United States.

decisions, the U.S.–UN relationship has remained important since the organization was founded.

Think Twice



What are international and supranational organizations, and what is their role in the global community?

Global Trade and Finance

A handful of prominent international organizations have missions that focus on the global economy. Two of these organizations, the World Bank and the International Monetary Fund (IMF), came out of 1944 negotiations about the future of the global financial system following World War II. The World Bank lends money to countries with still-developing economies to help with building and infrastructure projects. The IMF, which is part of the United Nations, monitors economic development and assists struggling countries through advice and emergency loans. The terms of the loans have sometimes been criticized as harsh, but they have helped countries such as Brazil and Mexico recover from economic decline. The World Trade Organization, founded in 1995, serves to enforce the rules of international trade and to mediate between countries in commercial matters. Its members include most of the world's nations, together representing the vast majority of the world's economic activity.



Unit 4: Being a Citizen of the United States



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Topic 1

Civil Rights and Civil Liberties

Framing Question

What are civil rights and civil liberties, and how have they been interpreted and applied over time?

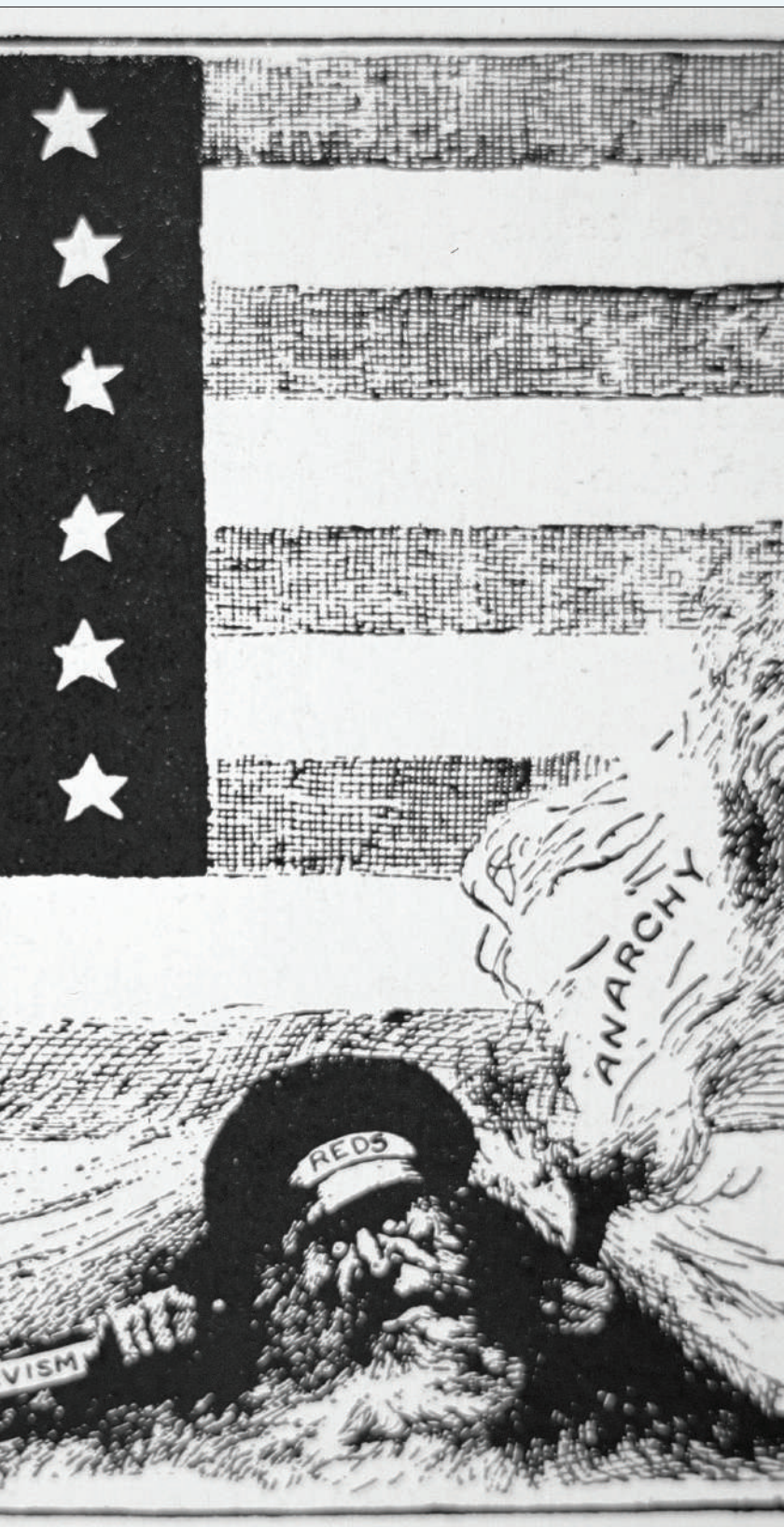


The Palmer Raids

*In 1917, Russia experienced significant domestic upheaval; a revolutionary group called the Bolsheviks overthrew Russia's government and made Russia a communist state. Two years later, the United States experienced its first "Red Scare" ("Red" being a reference to communism), a widespread panic based on fear that radicals in America were working to instigate a similar revolution in the United States. Several factors contributed to this growing fear, including nativist and anti-immigration sentiments and efforts by corporate interests to discredit the labor movement by characterizing them as **communists**.*



This 1919 political cartoon depicts communists sneaking into the country and bringing anarchy with them.



The scare started after postal workers discovered thirty-six packages containing dynamite-filled bombs addressed to prominent Americans—including politicians, judges, newspaper editors, and businesspeople. One of the packages, addressed to a former U.S. senator, reached its destination and exploded when a maid opened it, severely injuring the maid and the senator's wife.

In November 1919 and January 1920, U.S. attorney general A. Mitchell Palmer authorized raids in cities across the United States. In these Palmer Raids, government officials rounded up **anarchists**, communists, and labor activists for their suspected plans to overthrow the U.S. government. An anarchist is a person who rebels against or works to disrupt an established authority. The government arrested and detained thousands of people and seized their property without warrants.

Many attorneys and legal scholars disagreed with the Department of Justice's actions, arguing that the government had violated important constitutional rights. But government officials maintained that their actions were justified as necessary to protect national security. The Red Scare is just one of many instances in which the federal government and the public have struggled to define proper limits on the rights and liberties of citizens.



Civil Liberties and Civil Rights

In Unit 2, you learned that the Founders wrote a Constitution that enshrined specific principles that underpin our representative government, including consent of the governed, popular sovereignty, and separation of powers. To honor these principles, the document specifically protects a number of civil liberties and civil rights.

The terms *civil rights* and *civil liberties* have a lot in common; however, their differences in meaning are worth noting. **Civil rights** are government obligations to protect people against unlawful discrimination; they promise that all people—especially groups that were historically denied rights enjoyed by others—are treated equally. Civil rights also impose obligations on businesses and individuals. So, for instance, your civil rights require the government to protect you from racist attacks, but they also require every person not to discriminate against you.

While civil rights, generally speaking, relate to things the government must

do, **civil liberties** typically relate to things the government must not do. Civil liberties are individual freedoms from excessive or unwarranted action by the government. Civil liberties are included among the “unalienable Rights” that Thomas Jefferson referred to in the Declaration of Independence, including the right to life, the right to liberty, and the right to pursue happiness as we see fit. The Bill of Rights says that civil liberties are held by “persons,” implying that all people in the United States, regardless of their age, gender, race, criminal history, citizenship, or immigration status, for instance, are entitled to these liberties.

The Importance of Civil Rights and Civil Liberties

Civil rights and civil liberties play an important role in the United States. They protect individual freedoms, such as the First Amendment’s protections for freedom of religion and freedom of speech. Civil liberties and civil rights protect the natural right to the pursuit of happiness, outlined in the Declaration of Independence. They

Civil Rights	Civil Liberties
<ul style="list-style-type: none">• Protected by the Fourteenth Amendment• Defended by government action• Protect against discrimination• Apply to groups	<ul style="list-style-type: none">• Protected by the Bill of Rights• Safeguarded from unreasonable government interference• Limit government power• Apply to individuals



The civil rights and civil liberties that people in the United States enjoy, such as the right to education, the right to vote, and the right to express yourself freely, have not always been protected.

also protect our ability to pursue a variety of opportunities—including in education, housing, and employment—by making it illegal to discriminate on the basis of race, gender, disability, national origin, or sexual orientation. To this end, civil rights and civil liberties also help promote equality across our society and ensure that all people are accountable to the laws of our country. Finally, civil rights and civil liberties help the people defend our democracy; voting is a civil right of eligible U.S. citizens. When we vote, we hold the government accountable to the will and needs of the people.

Think Twice

What are civil rights and civil liberties?



Restricting Civil Liberties

As you've read in earlier units, constitutional protections have become more inclusive over time. From the document's adoption, historically excluded groups—including enslaved people, African Americans, Native Americans, Asian Americans, and women—have all been denied civil liberties and civil rights enumerated by the Constitution, such as owning property and voting in elections. This exclusion represented broader societal values and perceptions of the past that persisted for more than a century, many of which our country is still working to address today.

The federal government has denied people their civil liberties at other points in our country's history, too. For example, in 1798, as the United States prepared for potential war with France, Congress passed the Alien and Sedition Acts, a collection of four laws that changed the requirements for citizenship, gave broad powers to the president to deport noncitizens, and prevented newspapers from criticizing the government. In reality, the Alien and Sedition Acts were a way for President John Adams and his Federalist supporters to undermine political opponents. Thomas Jefferson and James Madison criticized the

acts on the grounds that they violated the First Amendment. The Alien and Sedition Acts were unpopular and harmed the reputation of the Federalists, who lost the next election.

You read about another example of depriving people of civil rights and civil liberties in Unit 2. In 1861, President Abraham Lincoln suspended the writ of habeas corpus in areas along rail lines that connected Washington, D.C., and Philadelphia. Recall that suspending the writ of habeas corpus meant that the government could ignore due process; it arrested and detained Confederate sympathizers without warrants and tried civilians in military courts. According to Article I, Section 9, of the Constitution, the ability to file such a writ, or court order, “shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” Confederate sympathizers and rioters fell into the broad categories of “Rebellion” and threats to “public Safety.” However, it is important to note that the suspension clause applies to Congress, not to the president, leading some to argue that Lincoln’s actions were unconstitutional and a violation of civil liberties. Later, in 1863, Lincoln received Congress’s approval to suspend the writ of habeas corpus for the rest of the war as needed.

But this is not the only instance where the government violated civil liberties during a time of war. On December 7, 1941, Japan launched a surprise attack on the U.S. Pacific

Fleet stationed at Pearl Harbor in Hawaii, resulting in more than 3,400 casualties and extensive destruction to battleships, aircraft carriers, planes, and other craft. The following day, Congress declared war on Japan, making the United States an official combatant in World War II.

The attack on Pearl Harbor rattled the United States and raised questions and fears about national security. It also heightened fears of a Japanese attack on the West Coast, where anti-Japanese sentiment was strong in the decades leading up to World War II. Thousands of Japanese people had settled there from the mid-1800s to the early 1920s; many Americans resented the economic success of Japanese immigrants, and states like California had passed laws restricting their freedoms. Some Americans, including military leaders, suspected that people of Japanese descent had helped facilitate the attack on Pearl Harbor and urged Congress and the president to remove them from the West Coast to prevent future acts of espionage.

President Franklin D. Roosevelt issued Executive Order 9066 on February 19, 1942, empowering the secretary of war to designate military zones, exclude certain groups from the military zones, and take necessary measures to carry out the order. California, Oregon, Washington, and Arizona were divided into military zones, and people of Japanese descent were asked to voluntarily leave the area. On March 29, the military

PRIMARY SOURCE: EXECUTIVE ORDER 9066, 1942

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities . . . :

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and

direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.



More than ten thousand people of Japanese descent were held at Manzanar in California. As at other camps, multiple families shared a single barrack, and the entire camp shared bathroom facilities.

Source: Exec. Order No. 9066. 7 Fed. Reg. 1407 (February 19, 1942).

PRIMARY SOURCE: JAPANESE INTERNMENT EXCLUSION ORDER

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION**
Presidio of San Francisco, California
April 1, 1942

INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY

Living in the Following Area:

All that portion of the City and County of San Francisco, State of California, lying generally west of the north-south line established by Junipero Serra Boulevard, Worchester Avenue, and Nineteenth Avenue, and lying generally north of the east-west line established by California Street, to the intersection of Market Street, and thence on Market Street to San Francisco Bay.

All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon Tuesday, April 7, 1942.

No Japanese person will be permitted to enter or leave the above described area after 8:00 a. m., Thursday, April 2, 1942, without obtaining special permission from the Provost Marshal at the Civil Control Station located at:

1701 Van Ness Avenue
San Francisco, California

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property including: real estate, business and professional equipment, buildings, household goods, boats, automobiles, livestock, etc.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence, as specified below.

The Following Instructions Must Be Observed:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or between 8:00 a. m. and 5:00 p. m., Friday, April 3, 1942.

began forced evacuations, giving Japanese Americans only forty-eight hours' notice to sell their homes and businesses and pack whatever items they could carry. This action by the government violated the natural right that no one should harm another's property, as articulated by John Locke, whom you learned about in Unit 1.

The government also violated the natural right to liberty by sending more than 120,000 people—adults and children alike—to internment camps in remote areas of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming. Many of the detainees were *Issei*, or first-generation Japanese Americans who had immigrated to the United States;

but nearly two-thirds were *Nisei*, or people of Japanese descent who had been born in the United States, making them American citizens. The detainees were never charged with a crime, which meant they couldn't exercise their right to appeal their imprisonment. Barbed-wire fences encircled the camps, and armed guards prevented people from escaping.

Not all people of Japanese descent complied with Executive Order 9066, and some challenged the government's actions in court, including twenty-three-year-old Fred Korematsu. Instead of reporting to an "assembly center" for relocation to a camp with his parents, Korematsu went into

Japanese Internment During World War II



Executive Order 9066 empowered the military to establish military exclusion zones on the West Coast, resulting in the mass evacuation of people of Japanese descent to "relocation" centers around the United States.

hiding. He changed his appearance and his name, and he lied about his ancestry. The Federal Bureau of Investigation arrested Korematsu on May 30, 1942, and charged him with violating Executive Order 9066. Korematsu's case was ultimately appealed to the Supreme Court. In *Korematsu v. United States*, the Supreme Court ruled on December 18, 1944, in a 6–3 decision that Executive Order 9066 was a “military necessity” and that it was not racially motivated. Justice Hugo Black wrote the majority opinion:

Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger. . . .

. . . To cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. Korematsu was not excluded from the Military Area because of hostility to him or his race. He *was* excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper

security measures, . . . and finally, because Congress . . . determined that they should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot—by availing ourselves of the calm perspective of hindsight—now say that at that time these actions were unjustified.

The three dissenting justices sharply disagreed with Justice Black, with Justice Owen J. Roberts writing:

This is not a case of keeping people off the streets at night . . . , nor a case of temporary exclusion of a citizen from an area for his own safety or that of the community, nor a case of offering him an opportunity to go temporarily out of an area where his presence might cause danger to himself or to his fellows. On the contrary, it is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States. If this be a correct statement of the facts disclosed by this record, and facts of which we take judicial notice, I need hardly labor the conclusion that Constitutional rights have been violated.

Evidence of Japanese sabotage and espionage in the United States was thin, and there were no major convictions of Japanese Americans for either act during the war. In fact, some thirty thousand Americans of Japanese descent served in the U.S. military with distinction during the war. The same day as the *Korematsu* decision, the Supreme Court also ruled in a separate case that the government did not have the power “to detain citizens against whom no charges of disloyalty or subversiveness have been made for a period longer than that necessary to separate the loyal from the disloyal.” The government began shutting down the camps shortly after.



Think Twice

How did Executive Order 9066 deprive people of Japanese descent of their civil liberties?

Equal Protection Under the Law

Earlier in the topic, you read that civil rights include the right to a public education and the right to vote, but how exactly did these become civil rights? In the Declaration of Independence, Thomas Jefferson wrote that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights.” And recall that the Bill of Rights echoes this sentiment by broadly

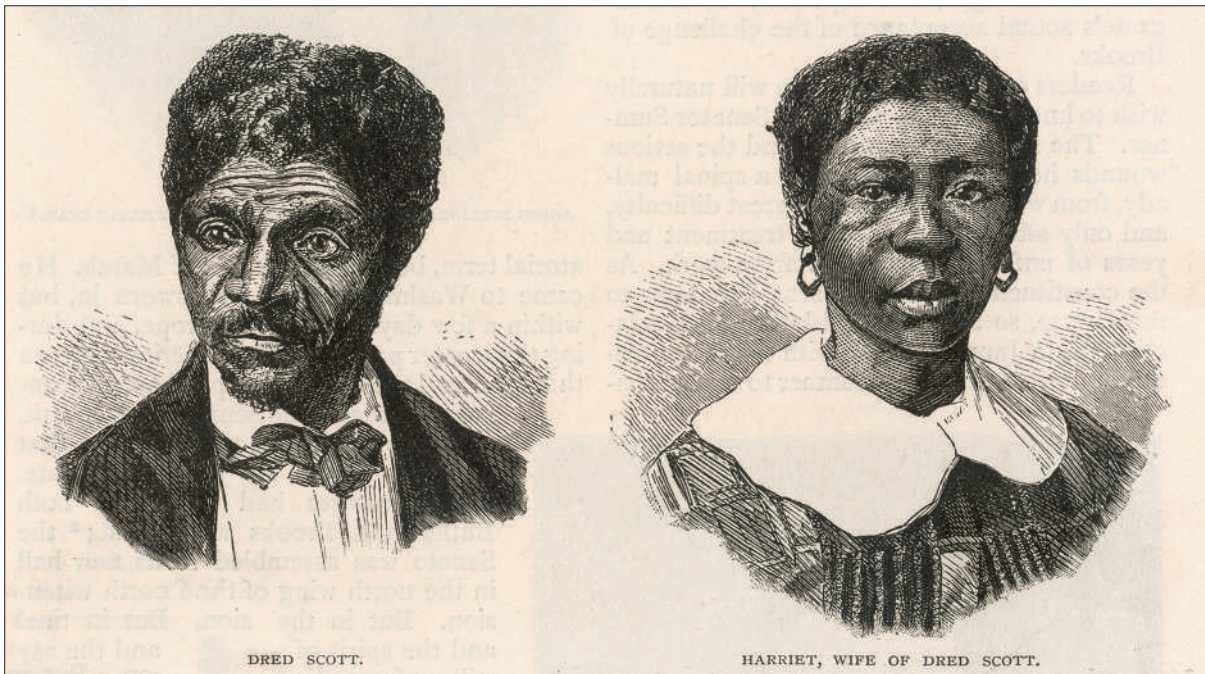
using the terms *person* and *persons* to indicate whom civil liberties belong to. For example, the Fifth Amendment to the Constitution states that “no person shall be . . . deprived of life, liberty, or property, without due process of law.” At face value, this suggests all people in the United States should have been treated fairly under the Constitution from the time of its adoption, but this was not true in practice.

In earlier units, you read about the many compromises the Founders made at the Constitutional Convention; these included the Three-Fifths Compromise, which calculated each state’s population by adding its free population to three-fifths of its enslaved population. This compromise and other parts of the Constitution actively dehumanized enslaved people; free African Americans, Native Americans, and other minority groups were denied basic freedoms. Women also had far fewer rights at this time than men, regardless of their race.

Equal protection under the law—the principle that the law must be applied to one person the same way it is to any other person in similar circumstances—did not begin to take shape until the 1860s, and its full effect took decades to realize.

Slavery in the United States

The struggle to end slavery in the United States is frequently associated with the struggle for equal protection under the



The Scotts' case gained national attention, and the Supreme Court's decision further heightened tensions between the North and the South. Today, the *Dred Scott* decision is considered one of the worst ever made by the Supreme Court.

law. During the early 1800s, the North and the South disagreed over the expansion of slavery in the Louisiana Purchase. After much debate, Congress reached the Missouri Compromise of 1820: Maine, in northern New England, would be admitted as a free state and Missouri as a slave state to maintain the balance of free and slave states in Congress. At the same time, Congress drew a line starting at Missouri's southern border, which was at 36°30' north latitude, straight across the rest of the Louisiana Purchase. Congress prohibited slavery in territories north of that line and permitted slavery in territories south of it. The Missouri Compromise factored heavily into a landmark Supreme Court decision

thirty-seven years later. In 1846, Dred and Harriet Scott, two enslaved people, sued for their freedom. They argued that even though they had been born into slavery, they had lived in free territories with their enslaver. If slavery was prohibited in these areas, that meant that living there made the Scotts free. After an eleven-year legal battle, the case of *Dred Scott v. Sandford* made its way to the Supreme Court in 1857. In a 7–2 decision, the court ruled against the Scotts, with Chief Justice Roger B. Taney (/taw*nee/) writing the majority opinion:

And if persons of the African race are citizens of a State, and of the United States, they would be entitled to all of these privileges and immunities in every

State, and the State could not restrict them. . . . And these rights are of a character and would lead to consequences which make it absolutely certain that the African race were not included under the name of citizens of a State, and were not in the contemplation of the framers of the Constitution when these privileges and immunities were provided for the protection of the citizen in other States. . . .

And upon a full and careful consideration of the subject, the court is of opinion, that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous.

In short, the Supreme Court ruled that even free African Americans were not considered citizens and had no rights under the Constitution. Furthermore, the Missouri Compromise of 1820 was unconstitutional; Congress did not have the power to restrict slavery in federal territories. The ruling also voided the principles of the Free-Soil movement, which argued that slavery should not be expanded into the new western territories. The *Dred Scott* case had far-reaching implications for the legal status of African Americans that would not be addressed until the Civil War.

Think Twice

What was the significance of the *Dred Scott* decision?



Reconstruction

After the Civil War ended, the United States entered a period called Reconstruction. You read a little bit about Reconstruction in Unit 2, including the ratification of the three Civil War Amendments, Andrew Johnson's clash with Republicans in Congress, and Louisiana's postwar constitutions. During this time, the federal government worked to reorganize and readmit former Confederate states to the Union.

In May 1865, following the assassination of Abraham Lincoln, President Andrew Johnson announced his plan to restore the Union. He restored voting rights to white adult men, with the exception of former Confederate military officers and wealthy landowners; the wealthy landowners could petition Johnson directly for presidential pardons and the restoration of their property lost during the war. Southerners also had to pledge loyalty to the Union, and state legislatures had to adopt new constitutions and ratify the Thirteenth Amendment, which abolished slavery. By the end of 1865, most of the Southern states qualified to rejoin the Union.

Republicans in Congress disagreed with Johnson's lenient approach; they also noted that while Southern states had given

up slavery, they had not changed their attitudes toward African Americans. Almost immediately after the Thirteenth Amendment was ratified, every single Southern state passed Black Codes to limit the freedoms of African Americans. These laws restricted their rights to own property, buy or lease land, conduct business, and move freely through public spaces. Some laws even placed limits on the types of employment African Americans could have and prevented them from changing jobs.

In response, Republicans began a new phase of Reconstruction called Radical Reconstruction. They passed the Civil Rights Act of 1866, the country's first civil rights law, which protected certain rights of formerly enslaved people, including the abilities to bring a lawsuit in court and to buy land. Congress then passed the Fourteenth Amendment to the Constitution, which made all people born in the United States citizens, extending civil and legal rights to formerly enslaved people. It also included the due process clause and the equal protection clause.

By the spring of 1867, Republicans controlled Congress. They canceled President Johnson's Reconstruction measures and enacted a new plan that established new requirements former Confederate states had to meet to rejoin the Union. These included holding a constitutional convention of elected delegates—including African American

delegates—to draft a new state constitution, ratifying the Fourteenth Amendment, and guaranteeing voting rights to all male citizens (except some rebels). Two years later, Congress passed the Fifteenth Amendment to prohibit states from denying voting rights based on race; it was ratified by the states in 1870.

Reconstruction was highly consequential; for the first time in U.S. history, African American men had real political power, and the racial makeup of state and federal governing bodies reflected this change. All told, Southern states elected 1,517 African American officeholders, 210 of whom were elected in Louisiana.

But the immediate effects of Reconstruction were short-lived. By the time Reconstruction officially ended with the Compromise of 1877, white Southerners had started to regain control of state legislatures. They found ways to restrict the rights of African Americans, particularly by finding workarounds to the Fifteenth Amendment. The Fifteenth Amendment prohibited states from denying voting rights based on race, so Southern states passed laws that targeted African American voters in other ways.

Poll taxes required people to pay a few dollars to vote in elections; this sum seems small today, but at the time, it was as much as a week's worth of wages. States also passed "grandfather clauses" that exempted individuals whose grandfathers had voting

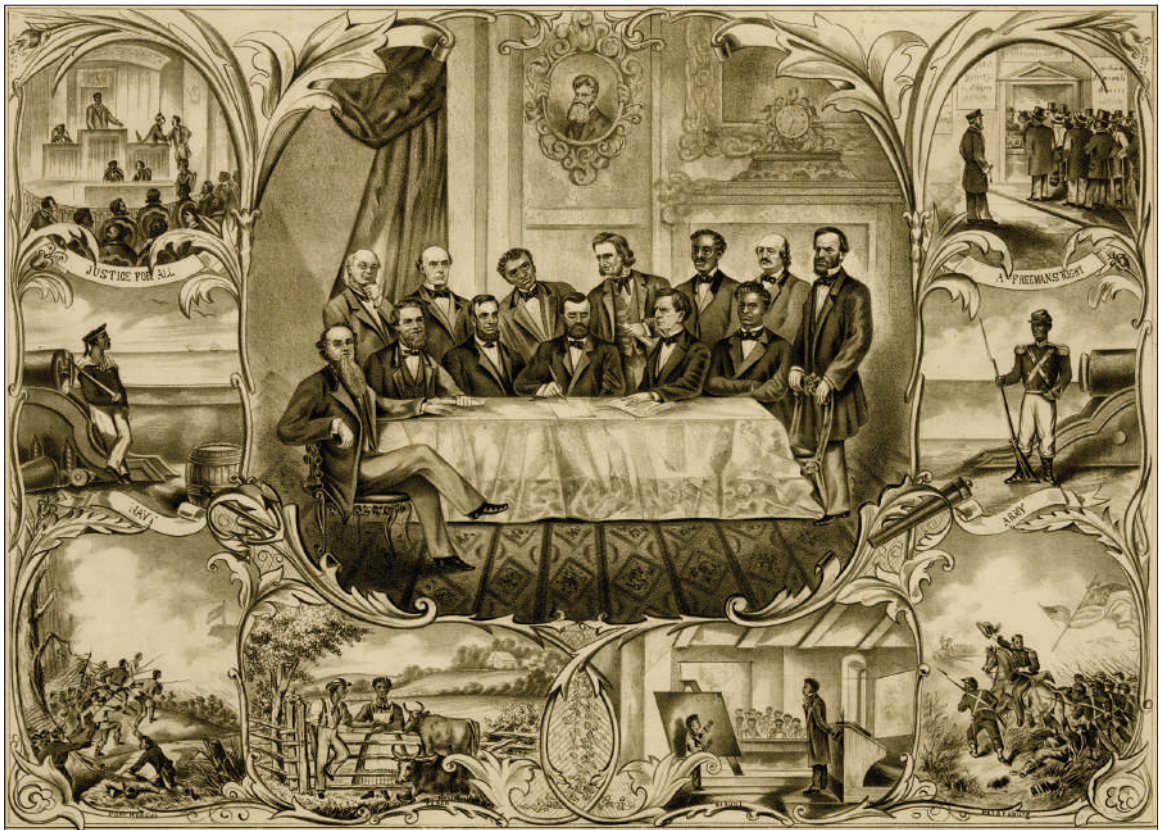
PRIMARY SOURCE: FIFTEENTH AMENDMENT TO THE U.S. CONSTITUTION

Section 1.

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—

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.



President Ulysses S. Grant signing the Fifteenth Amendment

Source: U.S. Constitution, Amendment XV. National Archives.

rights before the Civil War from paying poll taxes or passing literacy tests. This meant that white adult men who couldn't afford

the taxes or pass the tests were still able to vote. Many formerly enslaved people and poor white people did not know how

to read. Literacy tests were conducted discriminatorily and involved reading and interpreting a passage, often from the U.S. Constitution. The people administering the test could determine what passage to assign, what questions to ask about the passage, and how to assess the answers. This meant that even prospective voters who could read could still be prevented from passing.

States also circumvented the Fourteenth Amendment. Recall from Unit 2 that the Supreme Court ruled in 1883 that amendments to the U.S. Constitution did not apply to the states in the same way they applied to the federal government. Then, in 1896, in a 7–1 decision, the court ruled in *Plessy v. Ferguson* that “separate but equal” facilities did not violate the equal protection clause. States, including Louisiana, passed a new wave of laws, known as Jim Crow laws, that restricted the movements of African Americans. These laws mandated segregation in public places, such as schools, parks, restrooms, and buses. They also outlawed other rights, including the freedom to marry someone from another race. The doctrine of “separate but equal” was not overturned until the Supreme Court’s 1954 decision in *Brown v. Board of Education*.



Think Twice

How did Southern legislatures undermine the Fifteenth Amendment?

Civil Rights Legislation

You’ve read about how Congress passed the Fourteenth Amendment, which promised due process and equal protection to all Americans. Since then, the legislative branch has enacted other laws to protect and expand civil rights in the United States.

Due to Jim Crow and the *Plessy* decision, discrimination against African Americans persisted into the twentieth century. Popular resistance and legal challenges had little success until after World War II, when efforts to overturn racist laws and secure the rights of African Americans and other minorities grew to become known as the civil rights movement. Organizations such as the National Association for the Advancement of Colored People (NAACP, founded 1909), the Southern Christian Leadership Conference (SCLC, founded 1957), the Student Nonviolent Coordinating Committee (SNCC, founded 1960), and the Congress of Racial Equality (CORE, founded 1942) worked to organize protests, boycotts, sit-ins, and other nonviolent demonstrations to demand the desegregation of public spaces and call national attention to institutional inequalities, especially in the South.

One pivotal boycott occurred in Montgomery, Alabama, in 1955 and 1956. It began after an African American woman named Rosa Parks refused to give up her seat to a white man on a bus. She was

arrested, fined, and jailed. Within days of the arrest, a group of African Americans distributed flyers calling for a boycott of the bus system. About forty thousand African American bus riders, who made up the majority of the city's bus riders, began boycotting the buses to pressure the system to end its segregation of riders. A group of five African American women from Montgomery, represented by the NAACP, sued the city. The case eventually reached the Supreme Court, which upheld a lower court's decision that racially segregated seating violated the Fourteenth Amendment. The buses were integrated the

next day, on December 21, 1956, and the boycott ended.

On April 3, 1963, the SCLC and civil rights leaders began a campaign to desegregate Birmingham, Alabama. Despite a court order to stop the protests, the campaign persisted, and on May 3, the nation watched in horror as Birmingham's police—authorized by the city's public safety commissioner—used extreme force in the form of clubs, fire hoses, and police dogs against students and children.

Buoyed by a wave of public support, Dr. Martin Luther King Jr. and other leaders organized the March on Washington for



The civil rights movement gained momentum during the 1960s. This photograph shows protestors participating in the March on Washington for Jobs and Freedom in 1963.

Jobs and Freedom, which took place on August 28, 1963. A crowd of 250,000 people of all backgrounds gathered at the Lincoln Memorial in the nation's capital. King gave his famous "I Have a Dream" speech, in which he expressed a hope that one day people "will not be judged by the color of their skin but by the content of their character." The march and the words of Dr. King persuaded President John F. Kennedy to propose a strong civil rights bill to Congress. The legislation was eventually passed as the Civil Rights Act of 1964. It was signed into law on July 2, 1964, by President Lyndon B. Johnson.

In short, the Civil Rights Act of 1964 did three important things to expand equal protection under the law:

- It prohibited employment discrimination based on race, color, religion, sex, or national origin.
- It established the Equal Employment Opportunity Commission to enforce the law.
- It gave the federal government the power to desegregate public spaces.

The Civil Rights Act of 1964 also addressed voting rights. Earlier in 1964, on January 23, the states had ratified the Twenty-Fourth Amendment, which prohibited the use of poll taxes in federal elections. Together, the legislation and the amendment were significant steps forward, but they did not have an immediate impact for disenfranchised African American voters in the South, many

of whom faced substantial and sometimes violent obstacles to voting.

Civil rights leaders, including a young man named John Lewis, organized a march on March 7, 1965, in Selma, Alabama, to protest this injustice. More than six hundred marchers crossed the Edmund Pettus Bridge and encountered brutal violence by local authorities.

Free and Appropriate Public Education

Earlier in this topic, you read how people in the United States have a right to a public education. You may also remember the story of Ruby Bridges, who became the first African American child in the South to attend a school that had been segregated. It happened as a result of the Supreme Court's decision in *Brown v. Board of Education*, which helped reinforce the right to a public education by applying the equal protection clause to end segregation. Congress has also passed laws to protect the right to education for students of all needs and abilities. In 1975, Congress enacted legislation to guarantee all Americans access to a "free appropriate public education." This law affirms the right of students to learn in the best environment possible based on their individual needs and provides resources and support to families, educators, and school districts to make this a reality. It also gives individuals and families recourse to make sure that the law is followed.

PRIMARY SOURCE: CIVIL RIGHTS ACT OF 1964

TITLE I—VOTING RIGHTS . . .

(2) No person acting under color of law shall— . . .

(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting . . . ; or

(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days. . . .



After the assassination of President John F. Kennedy, support for civil rights legislation grew, leading President Lyndon B. Johnson to help push the Civil Rights Act of 1964 through Congress.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation . . . without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation . . . :

(1) any inn, hotel, [or] motel . . . ;

(2) any restaurant, cafeteria, lunchroom, lunch counter, [or] soda fountain . . . ;"

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment . . .

Source: Civil Rights Act of 1964. Pub. L. No. 88-352, 78 Stat. 241.

Images of these events, which came to be called Bloody Sunday, were broadcast on television, raising more awareness and building support for more action by Congress. Another march in Selma, held from March 21 to March 25, attracted twenty-five thousand participants and was completed under the protection of the National Guard. The Selma marches, along with voter registration campaigns in the South and pressure exerted by President Johnson, led Congress to pass the Voting Rights Act of 1965.

The Voting Rights Act of 1965, like the Civil Rights Act of 1964, was highly impactful. It increased federal oversight of elections and banned literacy tests and other methods of disenfranchising voters. It also accelerated the process of registering African American voters, helping fulfill the rights guaranteed by the Fifteenth Amendment.



Think Twice

How did the Civil Rights Act of 1964 expand equal protection under the law?

Other Voting Rights

In Unit 2, you read how the Nineteenth and Twenty-Sixth Amendments expanded one of our most important civil rights: suffrage. These and the Twenty-Fourth Amendment represent important expansions of equal protection under the law.

The Nineteenth Amendment prohibits states from denying women the right to vote.

Securing this right was not easy, and like the civil rights movement, it took decades to achieve.

One of the first women's rights conventions was held in 1848 in the town of Seneca Falls, New York. Led by Elizabeth Cady Stanton, women and men at the Seneca Falls Convention issued a declaration asserting the equality of women and men. Susan B. Anthony joined Elizabeth Cady Stanton in the cause of suffrage for women. Together, the two women helped found the National Woman Suffrage Association, and later, they became leaders of the National American Woman Suffrage Association.

In the late 1800s, a few Western territories and states—Wyoming, Colorado, Utah, and Idaho—granted women the right to vote, in part to attract more settlers from Eastern states. Before 1920, women gained the right to vote in a small number of other states as well. In the early 1900s, women such as Alice Paul, Carrie Chapman Catt, Mabel Ping-Hua Lee, and J. Frankie Pierce led the national suffrage fight. Some suffragists used the courts to challenge laws that limited voting rights to men, while others organized marches, picket lines, and hunger strikes. Women faced significant, often violent opposition in their pursuit of voting rights, sometimes enduring physical abuse.

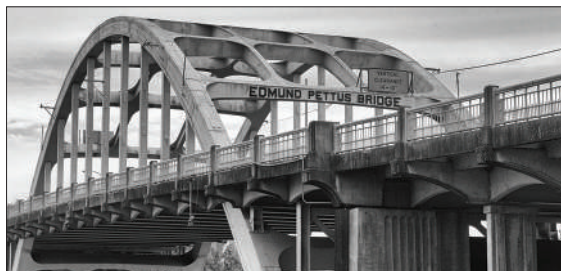
Support for a constitutional amendment securing women's suffrage finally gained traction around 1916, nearly thirty years after

PRIMARY SOURCE: VOTING RIGHTS ACT OF 1965

AN ACT

To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965."



A march at the Edmund Pettus Bridge in Selma, Alabama, helped lead to the passage of the Voting Rights Act of 1965.

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners . . . to enforce the guarantees of the fifteenth amendment. . . .

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State. . . .

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

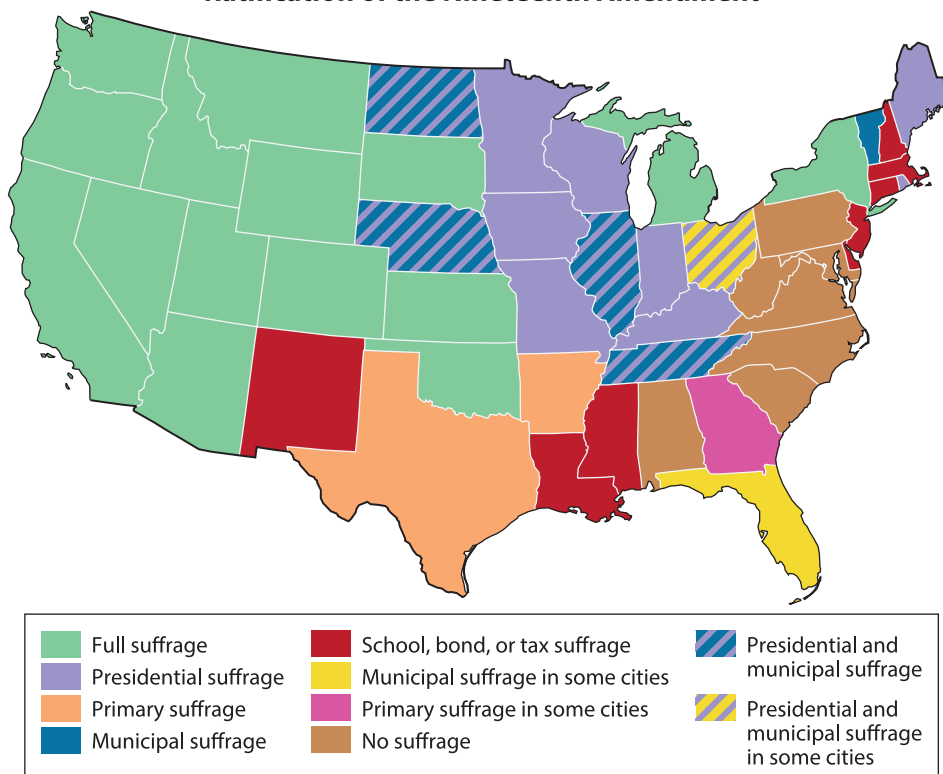
Source: Voting Rights Act of 1965. Pub. L. No. 89-110, 79 Stat. 437.

the idea was first introduced to Congress. Around this time, major women's suffrage organizations supported a constitutional amendment, and President Woodrow Wilson—once an opponent of women's voting rights—also voiced his support. Congress passed the amendment in the spring of 1919, and it was officially ratified on August 18, 1920.

You just read about how the Twenty-Fourth Amendment abolished poll taxes in the United States. Recall that after Reconstruction ended, Southern states passed laws that undermined the Fifteenth Amendment and restricted

the voting rights of African Americans. The Supreme Court upheld poll taxes during the 1930s on the grounds that the Constitution gave states the right to determine voting requirements as long as their laws did not violate the prohibitions in the Fifteenth and Nineteenth Amendments. The court also determined that such laws did not violate the equal protection clause of the Fourteenth Amendment because poll taxes applied to all voters. These arguments began to change in the 1950s, especially with the Supreme Court's ruling in *Brown v. Board of Education*.

Women's Suffrage in 1920, Before Ratification of the Nineteenth Amendment



Prior to ratification of the Nineteenth Amendment, women had varying degrees of suffrage in the United States. In Western states, women typically had full suffrage, meaning they could vote in all elections, while other states passed more limited forms of suffrage—such as Ohio, where women could vote in some city elections and in presidential elections.

PRIMARY SOURCE: TWENTY-FOURTH AMENDMENT TO THE U.S. CONSTITUTION

Section 1.

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.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

ORIGINAL

POLL TAX RECEIPT
STATE OF TEXAS
COUNTY OF BEXAR

PRECINCT 11 PAGE _____ LINE _____

1931 RECEIVED OF Mrs. Carrie Turk
the sum of One and 50/100 Dollars in payment of Poll Tax for the year 1931

ADDRESS 2154 First City Rd.

San Antonio, Texas, 128 1932

No **45073**

AGE	LENGTH OF RESIDENCE		
	State	County	City
<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>

Native Born } Citizen of United States and Naturalized } was born in Kans.

Occupation Hwof. Where Issued OK

Race - White - Colored Sex Male - Female

The said Tax Payer being duly sworn by me says that the above is correct. All of which I Certify.

By E. F. Mason Deputy. Mary Maverick
Tax Collector, Bexar County, Texas.

Receipts such as this one were once used to confirm that a poll tax had been paid, allowing a person to vote. The Twenty-Fourth Amendment banned the practice.

Source: U.S. Constitution, Amendment XXIV. National Archives.

The Twenty-Fourth Amendment (proposed by Congress in 1901 and ratified on January 23, 1901) explicitly prohibits the use of poll taxes in federal elections; two years later, the Supreme Court determined that the Fourteenth Amendment's equal protection clause extends this prohibition to the states, too.

Recall that the Constitution requires states to establish voting requirements, and the Twenty-Sixth Amendment prohibits states from denying voting rights to citizens eighteen or older based on their age. Up until 1971, many states set the legal voting age at twenty-one. Support for lowering the

PRIMARY SOURCE: TWENTY-SIXTH AMENDMENT TO THE U.S. CONSTITUTION

Section 1.

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.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Source: U.S. Constitution, Amendment XXVI. National Archives.

voting age had started to grow following the end of World War II, in which eighteen-year-olds had been drafted to serve. After U.S. involvement in the Vietnam War escalated in the 1960s, millions of American men were drafted, including large numbers of eighteen-, nineteen-, and twenty-year-olds. This led to more demands to lower the voting age. Proponents adopted the slogan "Old enough to fight, old enough to vote." They argued that an American who was old enough to defend their country was old enough to have a say in the government sending them into war. The Twenty-Sixth Amendment was passed by Congress on March 23, 1971, and was ratified less than four months later on July 1, 1971.



Think Twice

How has the understanding of "equal protection under the law" changed over time?

Freedoms of Speech and Religion

When James Madison drafted the Bill of Rights, he put the First Amendment first because the liberties it protects are some of the most important. These include freedom of expression, freedom of conscience, and freedom to participate meaningfully in one's government.

Protecting Religious Freedom

Americans' interest in freedom of religion began long before the Constitution was adopted; several of the English colonies were established by groups escaping religious persecution. Later, some colonies made religious toleration the law. The Founders enshrined two types of religious protections in the First Amendment with the establishment clause and the free exercise clause.

PRIMARY SOURCE: FIRST AMENDMENT TO THE U.S. CONSTITUTION

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.

Source: U.S. Constitution, Amendment I. National Archives.

The establishment clause prevents the government from establishing an official state religion. At first, this prohibition applied only to the federal government, but it was gradually extended to include state governments. The government may not dictate what religion people must practice. It also may not favor one religion over another, nor may it promote religion over non-religion. For example, the government may not pass a law that makes Christianity the official religion of the state, it cannot pass a law that prevents Hindus from practicing their beliefs, and it may not promote the belief in God over a lack of belief in God.

The First Amendment also protects the freedom of conscience and the freedom of assembly and association. Freedom of conscience is the right that people have to determine what they believe is moral and to express those beliefs. For example, during the civil rights movement, students staged sit-ins to protest legally segregated lunch counters in the South. Students exercised their freedom of conscience but were

arrested because the Supreme Court had not yet protected this right for students. The government also cannot violate your freedom of conscience by forcing you to hold beliefs that violate your sense of what is right or wrong. Freedom of assembly and association means that people may meet with and form groups with others who share their interests or beliefs. Among other things, this means that the government cannot prevent people from forming religious organizations or meeting with members of their church, synagogue, temple, or mosque.

Thomas Jefferson, one of the Founders and our country's third president, took the establishment clause to mean that the Constitution created "a wall of separation between Church & State." However, this wall has not always been sturdy in our country's history. For example, when the Constitution was adopted, many states had laws governing church attendance and the payment of tithes (a practice in which a person gives one-tenth of their earnings to their church). The House of Representatives has had a chaplain

since 1789, and in the past, presidents have declared national days of thanksgiving for offering prayers to God. Interpretations of the separation of church and state have changed over time, resulting in disagreements that have made their way to the Supreme Court, including the case *Engel v. Vitale*.

During the 1950s, the New York State Board of Regents—the body responsible for overseeing the state’s public schools—approved a prayer for students to recite each morning after they said the Pledge of Allegiance. The prayer was nondenominational and acknowledged that the students depended upon God, and reciting the prayer was not mandatory. A group of parents, including a father named Steven Engel, sued the president of the school board, William Vitale, on the grounds that the prayer violated the establishment clause as applied to the states by the due process clause of the Fourteenth Amendment.

New York’s courts ruled that the law was constitutional, saying that the prayer was voluntary and that it was a way for students to practice their religious beliefs freely. However, the parents, supported by the American Civil Liberties Union and other groups, appealed the ruling to the Supreme Court. In a 6–1 decision, the justices overturned the state court’s ruling in 1962. The majority opinion explained that by instituting a school prayer—even a voluntary one—the state government had violated the



Students could be required to pray in public schools until the Supreme Court ended the practice in 1962.

separation of church and state created by the First Amendment:

We think that by using its public school system to encourage recitation of the Regents’ prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York’s program of daily classroom invocation of God’s blessings as prescribed in the Regents’ prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. . . .

There can be no doubt that New York’s state prayer program officially establishes the religious beliefs embodied in the Regents’ prayer. The respondents’ argument to the contrary . . . ignores the essential nature of the program’s constitutional defects. Neither the fact

that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause.

In contrast to the establishment clause, which prohibits the government from promoting any religion, the free exercise clause prohibits the government from suppressing any religion. In other words, the free exercise clause protects the right of people to practice any religion of their choosing without government interference.

It is important to note that there are some limitations to this protection; for example, the government may take action if religious practices infringe on others' rights or pose a public danger. And like the establishment clause, the free exercise clause requires interpretation and has been the subject of debate. It, too, has resulted in significant Supreme Court rulings. *Wisconsin v. Yoder*, for instance, concerned a Wisconsin law that required all children to attend school until they were at least sixteen years old. A father named Jonas Yoder and other members of the Amish religion defied the law by pulling their children out of school after they had finished eighth grade. They argued that sending their children to public high school would be "contrary to [their] religion and way of life." The state of Wisconsin tried and convicted Yoder, Wallace Miller, and Adin

Yutzy of failing to make their children attend school. On appeal, the ruling was upheld by a state circuit court, but that ruling was overturned by the state supreme court, whose ruling was then appealed to the U.S. Supreme Court. In 1972, the Supreme Court ruled unanimously in favor of the parents:

A related feature of Old Order Amish communities is their devotion to a life in harmony with nature and the soil, as exemplified by the simple life of the early Christian era that continued in America during much of our early national life. Amish beliefs require members of the community to make their living by farming or closely related activities. Broadly speaking, the Old Order Amish religion pervades and determines the entire mode of life of its adherents. Their conduct is regulated in great detail by the *Ordnung*, or rules, of the church community. . . .

Amish objection to formal education beyond the eighth grade is firmly grounded in these central religious concepts. They object to the high school, and higher education generally, because the values they teach are in marked variance with Amish values and the Amish way of life; they view secondary school education as an impermissible exposure of their children to a "worldly" influence in conflict with their beliefs. . . .

... The values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society. ... Thus, a State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children so long as they ... "prepare [them] for additional obligations."

Thus, Wisconsin's compulsory education law was found to violate Amish parents' First Amendment rights under the free exercise clause. The majority opinion explains that while states have the important task of educating students, there are limits to what the state can compel people to do in that pursuit.



Think Twice

How has the First Amendment's protection of religion been interpreted over time?

Protecting Freedom of Expression and Democracy

Freedom of expression is one of the most important liberties and rights in the United States and has numerous benefits

to our society. Freedom of expression encourages open dialogue and innovation, and it promotes government accountability, tolerance, and acceptance of others. It also supports other rights, such as our rights to associate with others and to receive a public education. The First Amendment protects freedom of expression by allowing people to publish their views, gather peacefully, promote ideas (including those the government may disagree with), and petition the government.

The First Amendment's protection of freedom of assembly defends many values. Freedom of association—choosing who to spend your time with when pursuing shared interests—is of fundamental importance to basic liberty and the pursuit of happiness. But freedom of assembly is also essential for participating meaningfully in government. Protesters rely on freedom of assembly when they gather in public places to raise awareness of their concerns. Advocacy groups also rely on freedom of assembly when they hold meetings and conventions and gather for letter-writing campaigns and fundraising events. Without freedom of assembly, political parties could hardly do their work. People must have the ability to unite with others who share their values and interests so they can organize and present strong claims to the government.

Freedom of petition is the right to ask the government to address a concern or correct a

problem without fear of reprisal. Without the freedom to petition the government that the First Amendment protects, we cannot tell our representatives how to represent us or make our needs and interests known.

The Founders believed that a free press is essential to democracy. The press acts as a “watchdog” that investigates public officials and organizations, reports information to the people, and holds the government accountable. The press is also an outlet for people to share information, ideas, and opinions about a wide array of topics. For example, a student newspaper may feature content about athletics, popular culture, and school policies.

The First Amendment also protects freedom of speech; however, this is not limited to just what we say aloud and write down. It also includes things like campaign contributions, artistic creations, advertisements, and symbolic actions—including what we choose to wear. The freedom to express your ideas—even those that may be unpopular—is protected by the First Amendment. It is important to note that this liberty is not unlimited. For example, the First Amendment does not protect obscenity, calls to break the law or commit violent acts, perjury, or defamation.

Through the 1960s and early 1970s, the Vietnam War became increasingly unpopular with the American public. In 1965, a group

of students at a public school in Des Moines, Iowa, decided to protest the Vietnam War by wearing black armbands to school. The school administration caught wind of the plan; they created a new policy banning the armbands on the grounds that such a protest could interfere with the students’ learning. When Mary Beth Tinker and Christopher Eckhardt refused to remove their armbands, they were suspended.

Tinker and Eckhardt, with the help of their parents, sued the school district. They argued that the students had a right to wear the armbands under the First Amendment. In 1969, the Supreme Court ruled that students maintain their constitutional rights at school and that the armbands were a form of “pure speech.” In other words, the armbands communicated the students’ beliefs just as clearly as if they had spoken or written their views.

The issue of how much to restrict free speech during wartime has arisen at other times in U.S. history. As you read in Unit 3, when World War I began in Europe in August 1914, U.S. president Woodrow Wilson was quick to declare American neutrality. However, in 1917, Germany began unrestricted submarine warfare off the British coast, which included sinking neutral American ships. Two months later, with the interception of the Zimmerman Telegram, it was discovered that Germany had promised to reward Mexico with U.S. territory if it joined with Germany in the war.

PRIMARY SOURCE: *TINKER v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT*, JUSTICE ABE FORTAS, 1969

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. . . .



The problem posed by the present case does not relate to regulation of the length of skirts or the type of clothing, to hair style, or deportment. . . . It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to “pure speech.” . . .

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. . . .

On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation’s part in the conflagration in Vietnam. . . .

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns. . . . The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol—black armbands worn to exhibit opposition to this Nation’s involvement in Vietnam—was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are “persons” under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.

Source: Tinker v. Des Moines Independent Community School District. 393 U.S. 503 (1969).

In combination, these events led Wilson to ask Congress for a declaration of war.

Wilson’s address to Congress made clear that the enemy was Germany’s government, not the German people. He emphasized that the many people of German descent who lived in the United States were loyal to America. However, he also noted that disloyalty would be dealt with firmly.

Two months later, Congress enacted the Espionage Act, which made it illegal to obstruct the recruitment of soldiers or encourage disloyalty in the military. It also prohibited the collection and distribution of information that could harm the country’s national defense and war efforts. To this end, the act gave postal officials the power to censor the mail, including banning certain newspapers and magazines. The following year, Congress enacted the Sedition Act of 1918 to prohibit speech that

was deemed disloyal to the government, the Constitution, the military, or the American flag.

Not all American leaders agreed with the Espionage Act, including Wisconsin senator Robert La Follette. A few months after the law’s passage, La Follette gave a three-hour speech in defense of free speech. La Follette criticized the government for its actions and hypocrisy, explaining, “Today and for weeks past honest and law-abiding citizens of this country are being terrorized and outraged in their rights by those sworn to uphold the laws and protect the rights of the people.” His speech earned him both admiration and suspicion; the Senate would later investigate him for treason.

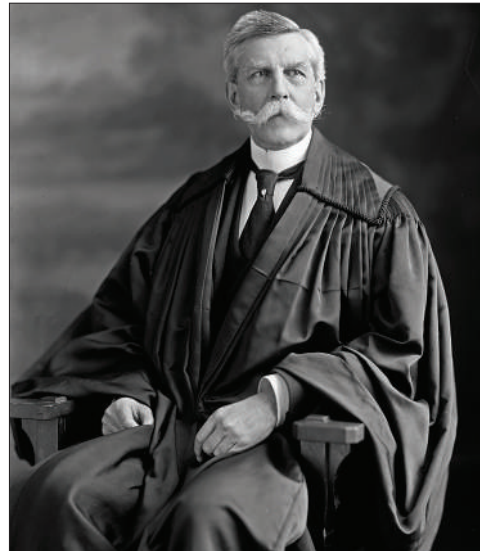
The federal government claimed the Espionage Act and the Sedition Act were critical to protecting American interests during the war; however, many Americans

PRIMARY SOURCE: *SCHENCK v. UNITED STATES*, JUSTICE OLIVER WENDELL HOLMES, 1919

In 1917, socialists Charles Schenck (/skenk/) and Elizabeth Baer were convicted under the Espionage Act of 1917 after they were caught distributing pamphlets criticizing the draft and encouraging people to resist. The Supreme Court upheld the lower court's decision, ruling that while Schenck's actions were protected by the First Amendment under normal circumstances, they were subject to censorship during wartime because they presented a "clear and present danger."

We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. . . .

The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced. The statute of 1917 . . . punishes conspiracies to obstruct as well as actual obstruction. If the act, (speaking, or circulating a paper,) its tendency and the intent with which it is done are the same, we perceive no ground for saying that success alone warrants making the act a crime.



Justice Oliver Wendell Holmes wrote the majority opinion in *Schenck v. United States*, ultimately introducing the "clear and present danger" test that the Supreme Court continues to use today.

Source: *Schenck v. United States*. 249 U.S. 47 (1919).



Robert La Follette's impassioned rhetoric, which he exhibited in his defense of free speech, helped him earn the nickname "Fighting Bob."

viewed the laws as violations of their First Amendment rights. Thousands of people, including socialists and **pacifists**, were prosecuted under the acts. The Sedition Act of 1918 was repealed in 1921, but large portions of the Espionage Act are still in effect today.



Think Twice

How has the First Amendment's protection of free speech been interpreted over time?



Due Process and Rights of the Accused

Due process and the rights of the accused are some of the most important civil liberties protected by the Constitution. Due process protects the accused against an overzealous government by, for example, guaranteeing a fair and speedy trial by jury, ensuring that the accused knows the charges against them, and allowing the accused to call witnesses in their defense. Just like equal protection and freedoms of speech and religion, our understanding and application of these protections have changed over time.

Due Process

In Units 1 and 2, you learned that the essence of due process is the idea that the government does not deprive individuals of "life, liberty, or property" without first giving them a fair trial. The right to due process is protected by the Fifth Amendment:

No person shall be . . . deprived of life, liberty, or property, without due process of law.

Recall that at first, the Bill of Rights only protected people from overreach by the federal government; the Constitution did not prohibit states from infringing on rights such as free speech, freedom of religion, or due

process. The Fourteenth Amendment, ratified during Reconstruction, was intended in part to change this. The Fourteenth Amendment contains nearly identical language to that of the Fifth Amendment, with an important exception—it explicitly prohibits the states from violating due process rights:

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

The due process clause of the Fourteenth Amendment is short, especially when compared to the rest of the Constitution; however, that does not mean it is not comprehensive. Over time, the Supreme Court has interpreted due process to include more than just the right to a fair trial before being found guilty. The right to due process was expanded in two ways. One was through developing an understanding of what made a trial fair. At first, this simply meant a trial by jury, a right protected by the Seventh Amendment in federal cases. But over time, the states developed a more comprehensive idea. Today, we recognize that due process requires

- adequate notice—individuals must be told in advance why they are being taken to court and given time to prepare their defense;
- a fair opportunity to be heard—individuals have a right to have their case presented before a court or other decision-making body;

- an impartial tribunal—individuals have a right to have a neutral party adjudicate their case;
- protection from self-incrimination—individuals cannot be compelled to testify against themselves; and
- protection from ex post facto laws—individuals cannot be punished for something they did in the past that violates a new law.

The other expansion of rights through due process occurred through the Supreme Court's changing interpretation of the due process clause. Recall that the Reconstruction Congress intended the Fourteenth Amendment to extend the Bill of Rights protections against the federal government to also limit what the states may do. This did not occur immediately, but over time, courts decided that the states, like the federal government, would be prohibited from violating certain rights. This is known as **incorporation**. Through incorporation, the Supreme Court has applied most rights in the Bill of Rights to the states with just a few exceptions:

- Third Amendment—prohibition against forced quartering of soldiers in private homes
- Fifth Amendment—right to a grand jury trial
- Seventh Amendment—right to a jury trial in civil cases

- Eighth Amendment—prohibition against excessive fines

The Supreme Court ruled in the 2010 case *McDonald v. City of Chicago* that the Second Amendment’s protection of the right to keep and bear arms applies to the states due to incorporation. The case was brought by a Chicago resident who challenged city law that prevented him from owning a handgun. The city required all handguns to be registered but had stopped allowing new registrations in 1982. The Supreme Court’s 5–4 ruling limited the extent to which states and local governments could regulate firearms.

The Supreme Court has interpreted the due process clause—in both the Fifth Amendment and the Fourteenth Amendment—to include protections for other unenumerated rights, or rights not explicitly written in the Constitution but considered unalienable rights fundamental to all people. This interpretation is based in part on the privileges and immunities clause of the Fourteenth Amendment:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

For example, beginning with *Griswold v. Connecticut* in 1965, the Supreme Court has recognized a right to privacy. The case challenged a Connecticut law that banned

the use of drugs, medical devices, or other instruments for contraception. In a 7–2 decision, the court found that the right to privacy prevented states from making the use of contraception by married couples illegal. This right is not specifically enumerated in the Constitution, but it is implied by the right to due process, the right to freedom of assembly and association, the protection against forced quartering of soldiers in private homes, and the rights to be secure in one’s home and one’s person and free from unreasonable searches. It is also implied by the Ninth Amendment, which specifies that the Bill of Rights is not an exhaustive list; there are other rights that people have, even though they are not enumerated specifically in the Constitution. The Supreme Court has interpreted “privileges or immunities” to include this right. Other important rights—like the rights to marry whomever one chooses, raise children, and have a job—have also been affirmed based on the right to due process. The right to privacy was also the rationale the Supreme Court used in the 1973 case *Roe v. Wade*. It ruled that the due process clause of the Fourteenth Amendment protected women who decided to have an abortion. That decision was later overturned.

Think Twice

How has the understanding of due process changed over time?



Rights of the Accused

The Bill of Rights goes a long way toward protecting individual freedoms, like the freedoms of religion and expression, but it also includes important protections for people accused of crimes. The Founders had two primary reasons for including these protections in the Bill of Rights. First, protections for the accused—such as the right to a trial by jury—had been a part of English law since before the Magna Carta. Second, many American colonists had been denied these rights under British rule—an important factor in the Patriots’ sense that British rule was oppressive and unjust. In the Bill of Rights, the rights of the accused are enshrined in the Fifth, Sixth, and Eighth Amendments.

You just read that the Fifth Amendment includes the right to due process. It also includes four other related protections:

- the right to an indictment, or written accusation with sufficient evidence, by a grand jury before being tried for a crime
- the prohibition against double jeopardy, or being prosecuted twice for the same crime
- the protection against self-incrimination, or being forced to testify against yourself in court
- the protection against eminent domain, or the seizure of private property for

public use by the government, without fair payment

The protection against self-incrimination—often stated as the right to remain silent—is an especially significant part of the Fifth Amendment. The self-incrimination clause means that people cannot be forced to give evidence against themselves. Thus, it protects us against torture and extortion by law enforcement. It also means that if one chooses not to speak on one’s own behalf in court, this choice cannot be taken as evidence of guilt. This is where we get the phrase “pleading the Fifth.”

The Supreme Court case *Miranda v. Arizona* reaffirmed these rights and made them much better known to the American public. In 1963, a man named Ernesto Miranda was arrested at his home and then brought to a police station, where he was interrogated by police officers. After two hours of intense questioning, Miranda wrote and signed his confession. This confession was then used as evidence during his trial. Miranda’s defense attorney objected: The police had not made Miranda aware of his rights prior to the interrogation, including the Fifth Amendment protection against self-incrimination; therefore, the signed confession should be inadmissible in court. The trial judge did not agree, and Miranda was found guilty, a conviction that was upheld by the Arizona Supreme Court. The U.S. Supreme Court agreed to hear Miranda’s appeal.



Law enforcement officers who believe someone may have committed a crime are required to tell the suspect that they can choose to not speak.

The Supreme Court's 5–4 decision overturned *Miranda's* conviction. The justices held that the protection from self-incrimination applied to interrogations as well as to trials. They further held that law enforcement was required to make suspects aware of this right.

The decision in *Miranda* also cited another critical constitutional protection: the right to an attorney in criminal cases. This is a part of the Sixth Amendment, which describes the protections people have after they

are charged and indicted. But as you have read, the Bill of Rights as written protected people from the federal government; for most of the nation's history, the right to an attorney did not extend to criminal trials in state courts except where the particular state granted that right. The Supreme Court changed this with its ruling in *Gideon v. Wainwright* in 1963.

In 1961, Clarence Gideon was charged with breaking into and entering a pool hall in Florida. Florida law required the

PRIMARY SOURCE: *MIRANDA v. ARIZONA*, CHIEF JUSTICE EARL WARREN, 1966

The prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. . . . Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned. . . .

An understanding of the nature and setting of this in-custody interrogation is essential to our decisions today. . . .

. . . The modern practice of in-custody interrogation is psychologically rather than physically oriented. . . .

. . . When normal procedures fail to produce the needed result, the police may resort to deceptive stratagems such as giving false legal advice. It is important to keep the subject off balance, for example, by trading on his insecurity about himself or his surroundings. The police then persuade, trick, or cajole him out of exercising his constitutional rights. . . .

. . . To be sure, the records do not evince overt physical coercion or patent psychological ploys. The fact remains that in none of these cases did the officers undertake to afford appropriate safeguards at the outset of the interrogation to insure that the statements were truly the product of free choice. . . .

. . . To be sure, this is not physical intimidation, but it is equally destructive of human dignity. . . . Unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

Source: *Miranda v. Arizona*. 384 U.S. 436 (1966).

Sixth Amendment Protections

- The right to a speedy trial
- The right to a public (not secret) trial
- The right to an impartial jury of local people
- The right to know what you are accused of
- The right to be assisted or represented by an attorney
- The right to examine evidence and question witnesses
- The right to call witnesses in your defense

The Sixth Amendment lists protections for individuals who are charged with a crime.

You Have the Right . . .

As a result of the ruling in *Miranda v. Arizona*, law enforcement officers are required to read detainees their constitutional rights in a statement known as the “Miranda warning,” which reads as follows:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?

state to provide an attorney to anyone charged with a **capital offense**. But as Gideon was not charged with a capital crime, his request for a court-appointed attorney was denied. Unable to afford an attorney, Gideon decided to act as his own attorney. He was found guilty and received a five-year prison sentence. While

in prison, Gideon petitioned the Florida Supreme Court for a writ of habeas corpus; he argued that his trial had been unfair and that he was being unlawfully detained as a result. When the Florida Supreme Court upheld the lower court’s decision, Gideon petitioned the U.S. Supreme Court, which agreed to hear his case. In 1963, the Supreme Court ruled unanimously in favor of Gideon.

According to the justices, the Fourteenth Amendment right to due process extended Gideon’s Sixth Amendment right to an attorney to state criminal cases. Not only did *Gideon v. Wainwright* overturn the Florida Supreme Court’s ruling, but it also overturned an earlier Supreme Court decision, marking just one of many ways the Supreme Court has changed its interpretation of the rights of the accused over time.

Think Twice

How has the understanding of rights of the accused changed over time?



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FILED

DIVISION OF CORRECTIONS

CORRESPONDENCE REGULATIONS

MOTIONS

MONDAY, OCTOBER 16, 1961

NOT TO BE HEARD

R
H
D
CT
OIC

OCT 11 1961

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

GUYTON MCCORD

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION STATE PENITENTIARY RAIFORD CELL NUMBER D-9

NAME CLARENCE EARL GIDEON NUMBER 003836

Dem
R
ADW

SUPREME COURT
STATE OF FLORIDA
PETITION FOR WRIT OF HABEAS CORPUS

CTIC

Clarence Earl Gideon, informs this court that I am a pauper with out funds are any possibility of obtaining financial aid and I Beg of this court to listen and act upon my plea

On the 3rd day of June 1961 A.D. I was arrested and charged with the crime of Breaching and entering with the intent to commit a misdemeanor to wit petty larceny. And that I plead not guilty to this charge. That on the 4th day of August 1961 A.D. I was tried in court of BAY COUNTY THE 14th DISTRICT COURT IN AND FOR THE STATE OF FLORIDA and was found guilty as charged that on the 25th day of August 1961 A.D. was sentenced to a term of five years (5 yrs) in the State Prison

As an inmate, Clarence Gideon sent a letter to the Florida Supreme Court, asking for a writ of habeas corpus.

PRIMARY SOURCE: *GIDEON v. WAINWRIGHT*, JUSTICE HUGO LAFAYETTE BLACK, 1963

We accept . . . that a provision of the Bill of Rights which is “fundamental and essential to a fair trial” is made obligatory upon the States by the Fourteenth Amendment. . . .

. . . Reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth. Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public’s interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

Source: *Gideon v. Wainwright*. 372 U.S. 335 (1963).

Topic 2

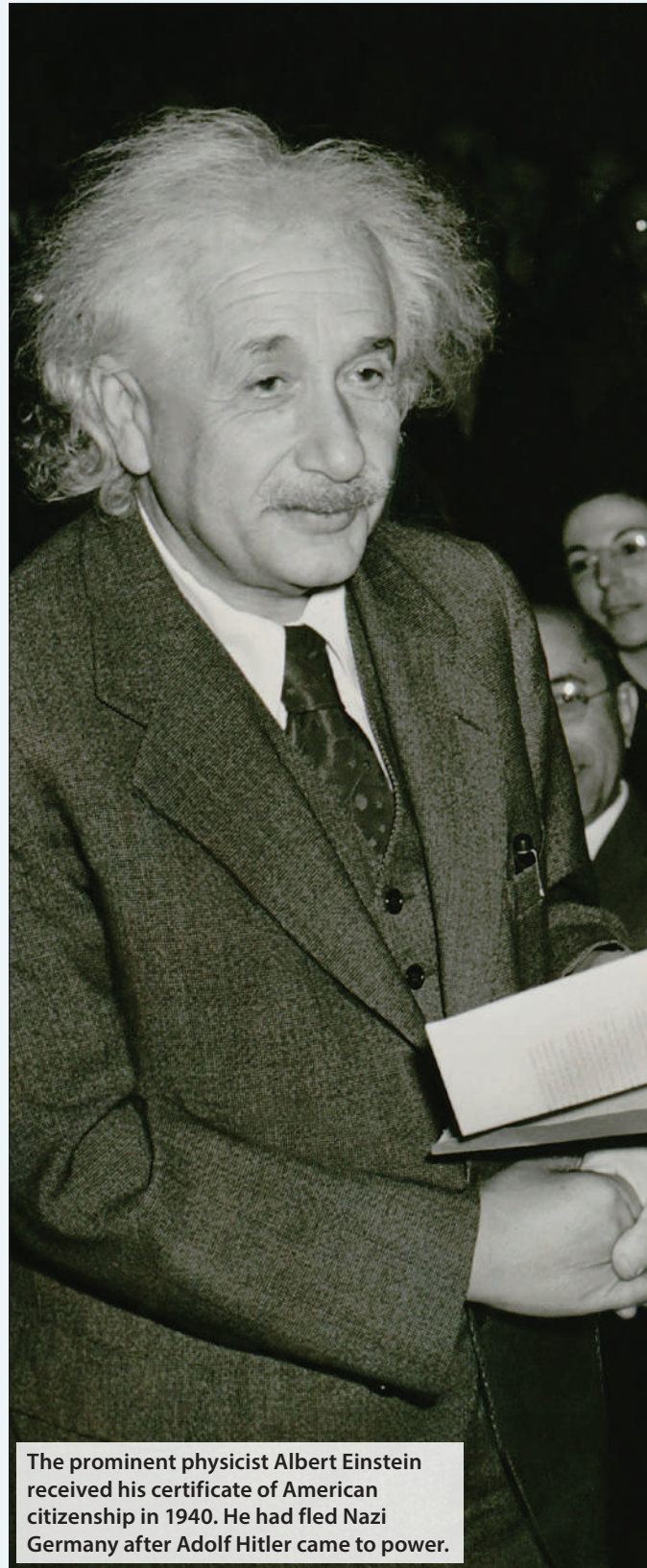
Citizenship

Framing Question

How is U.S. citizenship acquired, and what are the responsibilities of a U.S. citizen?



On May 4, 1940, the federal government debuted a new radio show on NBC. Called I'm an American, the show had two main goals: to encourage patriotism among American citizens and to promote the benefits of U.S. citizenship to immigrants. As World War II intensified in Europe, the program highlighted American diversity, economic opportunity, and the rights guaranteed by the Constitution to citizens and noncitizens alike. Each week, a member of the Department of Labor or the Immigration and Naturalization Service interviewed a famous person who had moved to the United States and become a citizen. These individuals came from many walks of life and worked in many different fields, like the writer Thomas Mann and the film director Frank Capra. The program also featured one of the most influential scientists of all time—Albert Einstein.



The prominent physicist Albert Einstein received his certificate of American citizenship in 1940. He had fled Nazi Germany after Adolf Hitler came to power.



Einstein was born in Germany in 1879 and later went on to live in Italy and Switzerland. During the 1930s, as the Nazi movement gained momentum in Germany, Einstein was persecuted because of his Jewish background, and his scientific work was denounced for political reasons, leading him to make a life-changing and world-altering decision in 1933: He would renounce his German citizenship and move to the United States. Einstein officially filed his declaration of intention to become an American citizen in 1936 and was granted citizenship four years later. During his interview on the I'm an American show, Einstein explained his decision to become an American citizen: "As long as I have any choice, I will only stay in a country where political liberty, toleration, and equality of all citizens before the law is the rule."

The United States continues to welcome people from around the world, though the way it promotes citizenship today is a little different. And many people from all walks of life still pursue citizenship each year so they can pursue new opportunities and enjoy "liberty, toleration, and equality," just like Albert Einstein did.



U.S. Citizenship

In earlier units, you read that while the Founders worked to devise a functional government, they never intended to anticipate every aspect or concern of American life. As a result, the Constitution is not always clear on certain issues and leaves plenty of room for interpretation. An example of this lack of clarity is the concept of “American citizen.” A **citizen** is a person who is legally recognized as a member or subject of a country or state. While the Constitution assumed that U.S. citizenship existed—for example, Article II, Section 1, specifies that only “a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution,” can be president—it did not clearly define who were citizens or how to become one. The issue was not clarified by legislation until after the Civil War, but it was addressed by the Supreme Court in *Dred Scott v. Sandford*—with dire consequences.

Developing a Concept of Citizenship

People become citizens in one of two ways—by birth or by **naturalization**. In the 1857 *Dred Scott* decision, the majority of justices agreed that the Constitution implied that African Americans, regardless of whether they were free or enslaved, could not be citizens.

While states could grant state citizenship to people living within their boundaries, they could not make them citizens of the United States. As a result, free and enslaved African Americans could not enjoy the rights and liberties of U.S. citizens, including the right to sue in court.

During Reconstruction, Republicans in Congress determined that to reunite and reform the country, it would not be enough to abolish slavery; the federal government needed to take additional action to protect the rights of African Americans. The citizenship clause of the Fourteenth Amendment sought to do this:

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.

The Fourteenth Amendment had several important consequences for citizenship in the United States. First, it overturned the *Dred Scott* decision, ending some racial barriers to citizenship. Second, it defined the two pathways for modern citizenship: through birth and through naturalization.

In the United States, birthright citizenship takes one of two forms: *jus soli* and *jus sanguinis*.

Jus soli (/yoos/soh*lee/) is a Latin phrase meaning right of the soil. This describes the legal idea that citizenship is acquired

by being born in a certain place. Under the Fourteenth Amendment, all people born in the United States are automatically citizens of the country, regardless of their parents' citizenship status. Because most enslaved people had been born in the United States by the end of the Civil War, the Fourteenth Amendment made virtually all freed people citizens when it adopted the principle of *jus soli*. There are a few exceptions to this rule; for example, children of foreign diplomats who are born on American soil are not U.S. citizens.

Jus sanguinis (/yoos/sahn*gwuh*niss/) is a Latin phrase meaning right of blood. This describes the legal idea that citizenship is acquired through one or both parents. The Fourteenth Amendment does not recognize *jus sanguinis*, but Congress did so in 1952 when it revised the laws concerning naturalization. A child born outside of the United States can become a citizen at birth if at least one parent is a U.S. citizen and meets certain requirements, including having lived in the United States or one of its jurisdictions for a period of time before the child was born. For example, children born overseas while their parents are serving in the military or foreign service become citizens at birth.



Think Twice

How are *jus soli* and *jus sanguinis* similar and different?

Naturalization

People who do not have birthright citizenship in the United States can become citizens through a process called naturalization. The word *naturalize* dates back to the 1500s and was first used in Scotland. It comes from the adjective *natural*, which in this sense means by birth or native; the suffix *-ize* means to become.

U.S. Citizenship and Immigration Services (USCIS) is responsible for implementing the naturalization process established by Congress. The naturalization process varies based on the status of the applicant; however, certain eligibility criteria apply to everyone:

- Be at least eighteen years old.
- Lawfully reside in the United States.
- Show good moral character.
- Read, write, and speak basic English.
- Demonstrate knowledge of U.S. history and civics.
- Take the Oath of Allegiance.

Children under eighteen who were born outside of the United States may also become citizens if one (or both) of their parents becomes a naturalized citizen. Naturalization in the United States is a multistep process that, on average, takes about seven years to complete. First, individuals without citizenship need to determine whether they meet the criteria to become a citizen. Second, they must prepare and submit an

PRIMARY SOURCE: IMMIGRATION AND NATIONALITY ACT

The naturalization process has changed throughout U.S. history; you will learn more about these changes later. The current naturalization rules were enacted in 1952 and have been amended several times, most recently in 2005.



(a) Residence

No person, except as otherwise provided in this subchapter, shall be naturalized unless such applicant, (1) immediately preceding the date of filing his application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his application has been physically present therein for periods totaling at least half of that time, and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months, (2) has resided continuously within the United States from the date of the application up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. . . .

(d) Moral character

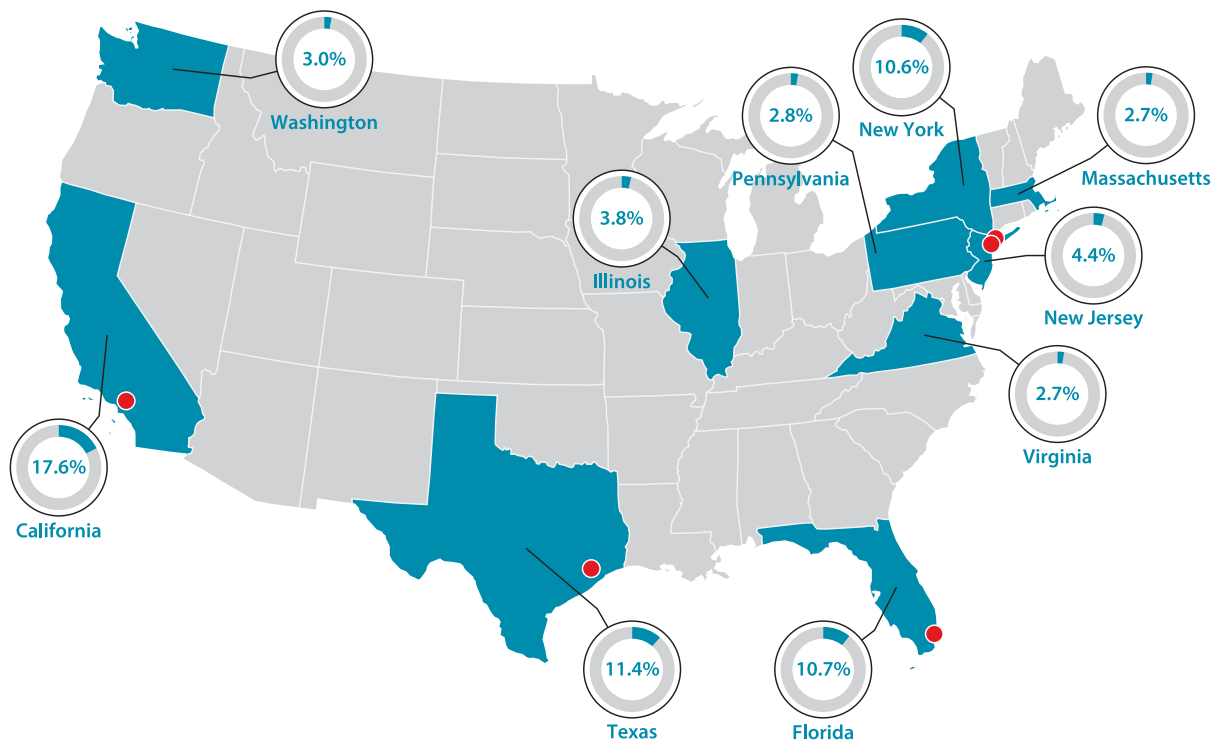
No finding by the Attorney General that the applicant is not deportable shall be accepted as conclusive evidence of good moral character. . . .

(f) Persons making extraordinary contributions to national security

(1) Whenever the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration determine that an applicant otherwise eligible for naturalization has made an extraordinary contribution to the national security of the United States or to the conduct of United States intelligence activities, the applicant may be naturalized without regard to the residence and physical presence requirements of this section.

Source: Immigration and Nationality Act. 8 U.S.C. ch. 12, § 1427.

Top Cities and States Where Naturalized Citizens Live (2023)



Map Information	
<div></div> Top Ten States <ul style="list-style-type: none"> • California • Texas • Florida • New York • New Jersey • Illinois • Washington • Pennsylvania • Massachusetts • Virginia 	<div></div> Top Five Cities and Boroughs <ul style="list-style-type: none"> Brooklyn, NY—2.2% Miami, FL—1.8% Houston, TX—1.8% Bronx, NY—1.5% Los Angeles, CA—1.1%

According to UCSIS statistics, the majority of naturalized citizens in 2023 lived in California, followed by Texas, Florida, and New York.

application for naturalization and pay a fee. After this stage, some applicants may need to schedule an in-person appointment to provide information like fingerprints, photographs, and signatures. The next step is to complete an interview with a USCIS officer, who will ask questions about the applicant's background, and take an English and civics test. If citizenship is granted, the prospective citizen attends a naturalization ceremony in which they turn in their green card—the

document that identifies them as a lawful permanent resident—and then take the Oath of Allegiance to the United States.

People may be citizens of the United States and another country simultaneously. Dual citizenship can happen in three different ways.

- A citizen of another country who becomes a naturalized U.S. citizen may be allowed to retain their original citizenship; this policy varies based on the country of origin.

Requirements for Naturalization

Lawful Permanent Residents of Five Years	Spouses of U.S. Citizens	Veterans and Military Personnel
<ul style="list-style-type: none"> • Live in the United States continuously for at least five years, and be present in the country for at least thirty months during that period. • Live at least three months in a state or other USCIS district. • Demonstrate knowledge of the Constitution, U.S. history, and civics. • Swear an oath of allegiance to the United States. 	<ul style="list-style-type: none"> • Live in the United States continuously for at least three years, and be present in the country for at least eighteen months during that period. • Be married to a U.S. citizen for at least three years. • Live at least three months in a state or other USCIS district. • Remain continuously in the United States from the time of application until naturalization. • Demonstrate knowledge of the Constitution, U.S. history, and civics. • Swear the oath of allegiance to the United States. 	<ul style="list-style-type: none"> • Serve honorably in the U.S. military for at least one year. • Be a lawful permanent resident of the United States. • Show support for constitutional principles.

The eligibility criteria for naturalization vary based on the status of the applicant.

- A person born on foreign soil of U.S. citizen parents has U.S. citizenship by birth and may also have citizenship where they were born.
- U.S. citizens may apply for citizenship in another country. Some countries require a person who applies for naturalization to give up their foreign citizenship, but some do not.

Dual citizenship comes with certain responsibilities. In particular, dual citizens must pledge allegiance both to the United

States and to the other country where they are a citizen. The U.S. State Department warns that “claims of other countries upon U.S. dual-nationals may result in conflicting obligations under the laws of each country.”

It is also possible to stop being a citizen of the United States, either by choice or not. Some people choose to renounce their citizenship by swearing a formal oath of renunciation in front of a member of the Department of State

PRIMARY SOURCE: NATURALIZATION OATH OF ALLEGIANCE TO THE UNITED STATES OF AMERICA

The final stage of the naturalization process is to swear the Oath of Allegiance to the United States of America.

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Source: "Naturalization Oath of Allegiance to the United States of America." U.S. Citizenship and Immigration Services, Department of Homeland Security.

in a foreign country. People may also lose their U.S. citizenship involuntarily under very specific circumstances, such as if they commit an act of treason against the United States. In some instances, one may lose their citizenship by running for public office in another country or by enlisting in another country's military. Renouncing and losing U.S. citizenship comes with consequences, including the loss of certain rights and responsibilities and possibly the need to obtain a visa to reenter the country.



Think Twice

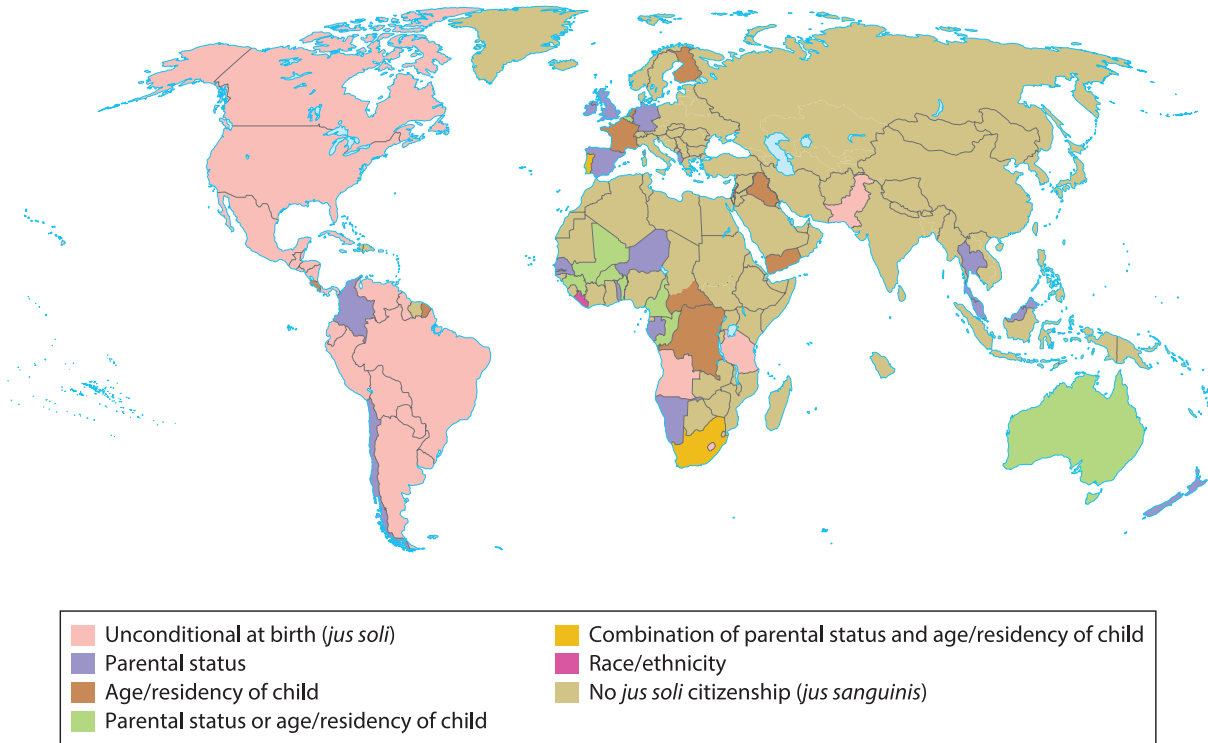
How does a person become a citizen of the United States?

Citizenship in Other Countries

As stated earlier, the United States has both *jus soli*, or citizenship based on place of birth, and *jus sanguinis*, or citizenship based on the citizenship status of a parent. Most countries around the world follow *jus sanguinis*. This principle is closely tied to civil law and was part of the Napoleonic Code. However, the principles that apply in other countries vary greatly.

Only about thirty countries have *jus soli*. Most of these are in the Western Hemisphere, including Canada, Mexico, and most of Central and South America. *Jus soli* is based

Birthright Citizenship Around the World



Most countries around the world have some form of *jus sanguinis* citizenship policies.

in English common law; as a result, many countries that were colonized by Great Britain also had *jus soli* citizenship up until the early 1980s. In 1981, the United Kingdom passed the British Nationality Act to end its policy of *jus soli*. Prior to the law's passage, any child born in the United Kingdom or a British territory was granted British citizenship; today, British citizenship is given at birth only if at least one parent is a British citizen or permanently resides in the United Kingdom.

A few dozen countries around the world have developed different qualifications for granting citizenship based on birth. For example, France, Democratic Republic of

Congo, and Yemen use a combination of age and residency status to extend citizenship to children. Portugal and South Africa also use a combination of factors, including the status of the parents, how long they have lived in the country, and the child's age. Spain grants citizenship to a child born in Spain whose parent was born in Spain. Mali goes further: A child born in Mali becomes a citizen if a parent was born in Mali and is "of African origin." Liberia has a similar race requirement.

Think Twice

How do other countries determine citizenship?





Changing Policies on Immigration and Naturalization

Article I, Section 8, of the U.S. Constitution gives Congress the ability to determine the qualifications for naturalization:

*The Congress shall have Power
To . . . establish an uniform Rule of
Naturalization.*

The naturalization process has changed considerably through our country's history. The changes reflect societal views at the time legislation was enacted, starting with the first laws passed shortly after the U.S. Constitution was adopted.

Early Naturalization Laws

The first set of naturalization rules passed by Congress was the Naturalization Act of 1790. Free white people could become naturalized if they lived in the United States for a minimum of two years, swore an oath of allegiance to the Constitution, and demonstrated "good character." Children of naturalized citizens could become citizens if they were younger than twenty-one when their parents were naturalized and if they lived in the United States. Children born to U.S. citizens outside of the United States were also citizens, as long as their father had lived in the United States at some point in his life. Congress assigned oversight of the naturalization process to any "court of record," including federal, state, and

PRIMARY SOURCE: NATURALIZATION ACT OF 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien [noncitizen], being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on . . . making proof . . . that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States . . . ; and thereupon such person shall be considered as a citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens . . .

Source: Naturalization Act of 1790. Pub. L. No. 1-3, 1 Stat. 103.

local courts; this policy remained in effect until the early twentieth century.

Over the years, Congress varied the process to ensure that prospective citizens would have enough time to familiarize themselves with the United States and its government. In 1798, as the United States prepared for potential war with France, Congress enacted the Alien and Sedition Acts, which required applicants for naturalization to live in the United States for fourteen years and to file a declaration of intent at least five years in advance of applying for naturalization. These laws also prevented

people from countries at war with the United States from becoming citizens, and they gave the president broad powers to deport noncitizens. Federalists, including President John Adams, supported these measures, arguing that they protected the national interest; however, they were really designed to undermine the Democratic-Republican Party, which was widely supported by new citizens. The requirements were eased after the Federalists lost the 1800 election.

Naturalization requirements remained largely the same through the mid-1800s,

PRIMARY SOURCE: NATURALIZATION ACT OF 1802

Any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions . . . :—

First, That he shall have declared, on oath or affirmation, . . . three years at least, before his admission, that it was . . . his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign . . . state or sovereignty. . . .

Secondly, That he shall . . . declare on oath or affirmation . . . that he will support the constitution of the United States. . . .

Thirdly, That . . . he has resided within the United States for five years at least, and . . . that during that time, he has behaved as a man of good moral character. . . .

Fourthly, That in case the alien . . . shall have borne any hereditary title, . . . he shall . . . make an express renunciation of his title. . . .

SEC. 4. And be it further enacted, That the children of persons duly naturalized under any of the laws of the United States, . . . being under the age of twenty-one years, . . . shall, if dwelling in the United States, be considered as citizens . . . , and the children of persons who now are . . . citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens . . .

Source: Naturalization Act of 1802. Pub. L. No. 7-28, 2 Stat. 153.

with a few exceptions, including an 1824 law that permitted children born outside of the United States to become citizens at the age of twenty-one if they lived in the country for at least five years.

Think Twice

How did the Alien and Sedition Acts impact naturalization policy in the United States?



U.S. Immigration and Naturalization Laws, 1790–1996

- 1790** ○ Free white people can become citizens after living in the United States for two years.
- 1795** ○ The residency requirement is extended to five years; prospective citizens must make a declaration of intent three years before naturalizing.
- 1802** ○ The Alien and Sedition Acts extend residency requirements and the declaration of intent period.
- 1824** ○ Foreign-born children can become citizens when they turn twenty-one after living in the country for five years.
- 1855** ○ White women married to U.S. citizens are considered citizens.
- 1870** ○ People of African descent can naturalize; other non-white races are excluded.
- 1882** ○ The immigration of Chinese laborers is banned for ten years; the ban is later extended indefinitely.
- 1906** ○ The Bureau of Immigration and Naturalization is established.
- 1907** ○ American women who marry immigrants lose their U.S. citizenship and take the nationality of their husband.
- 1921** ○ National origin quotas are imposed.
- 1924** ○ National origin quotas are made stricter; a visa system is adopted; citizenship is extended to all Native Americans.
- 1965** ○ National origin quotas are replaced with a preference system.
- 1986** ○ Employers are prohibited from hiring people without legal residency in the United States.
- 1996** ○ People without legal status cannot return to the United States for a set period of time.

The country's naturalization and immigration laws changed often between 1790 and 1996.

Naturalization and Women

The Naturalization Act of 1795 specified that “free white” persons were eligible to become citizens. While this law did not specify a gender requirement for naturalization, that does not mean that women were treated equally during the naturalization process. There were also few benefits for women to naturalize until the early 1900s because regardless of their citizenship status, women had limited property rights and could not vote.

In 1804, Congress began passing laws conditioning naturalization on a woman’s marital status. One law specified that if a man died after making his declaration of intent to become a citizen but before he was naturalized, his widow and surviving children could gain citizenship by taking an oath of allegiance and renouncing their country of origin in court. This law remained in effect until 1934.



This photo, taken in 1920, shows a naturalization class taught by the Department of Labor. Students learned English and how the U.S. government works.

In 1855, Congress established naturalization through marriage: A woman born in a foreign country automatically became a citizen when she married a U.S. citizen or when her foreign-born husband was naturalized. However, this law only applied to white women. The courts also varied in how they applied naturalization law. Some allowed women to naturalize even if their husband did not; elsewhere, a woman could only become a citizen if her husband did. Various laws also excluded women from the declaration of intent and formal naturalization paperwork. If a husband was naturalized before 1906, there is likely no record that his wife was naturalized, too. This meant women had to prove their citizenship with their marriage license and their husband’s naturalization records.

In 1907, Congress passed a law that further entwined marriage and citizenship status. A female U.S. citizen—including one with *jus soli* citizenship—who married a noncitizen automatically forfeited her U.S. citizenship and was considered the same nationality as her husband. Depending on her husband’s country of origin, she could regain her U.S. citizenship if her husband naturalized or if the marriage ended. The ratification of the Nineteenth Amendment ultimately led Congress to repeal these laws, after some judges blocked immigrant men from naturalizing to prevent their wives from gaining automatic citizenship and voting rights by extension.

In 1922, Congress enacted the Cable Act to separate the nationality of a wife from her husband's and end the policy of rescinding the citizenship of women who married noncitizens. Under this law, a noncitizen woman married to a U.S. citizen could apply for citizenship after living in the United States for one year.



Think Twice

How did naturalization laws affect women in the United States?

Naturalization of Excluded Groups

Over time, the naturalization process changed for excluded groups in the United States. At this point, you are very familiar with the Fourteenth Amendment, including the citizenship clause that established birthright citizenship. The same year the Fourteenth Amendment was ratified, Congress passed the Naturalization Act of 1870, in part to clarify who these new naturalization policies applied to:

And be it further enacted, That the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent.

In short, Black people—including those who immigrated from Africa—could naturalize, but other non-white racial groups could not, especially people who immigrated from Asia.

Who Oversees the Immigration and Naturalization Process?

You read that U.S. Citizenship and Immigration Services (USCIS) oversees the naturalization process in the United States, but this was not always the case. As immigration grew rapidly during the late nineteenth and early twentieth centuries, the U.S. government responded by creating an Office of Immigration within the Treasury Department in 1891. Fifteen years later, in 1906, the Bureau of Immigration and Naturalization was established within the Department of Commerce and Labor; this ushered in a new era of standardization and organization, including the use of detailed naturalization papers. The Bureau of Immigration and Naturalization became a part of the Immigration and Naturalization Service (INS) within the Labor Department during President Franklin D. Roosevelt's administration in 1933. This centralized agency was responsible for overseeing the immigration and naturalization process until Congress enacted the Homeland Security Act of 2002, when immigration functions were split into two agencies under the Department of Homeland Security. USCIS oversees legal immigration, and Immigration and Customs Enforcement (ICE) polices illegal immigration.

In 1868, the United States and China signed the Burlingame Treaty, which increased trade between the two countries and promoted Chinese immigration to the United States. Between 1860 and 1880, the number of people of Chinese descent living in the United States grew from about thirty-five thousand to one hundred thousand, primarily on the West Coast. Many found work laying railway tracks for the nation's expanding western railroads or working in factories and gold fields. Chinese immigrants had different styles of dress as well as cultural and religious practices that set them apart from both native-born Americans and European immigrants; these differences led to racial prejudice and violence.

In 1879, anti-immigration factions introduced legislation to Congress to restrict Chinese immigration to the United States. President Rutherford B. Hayes vetoed the bill because it violated the Burlingame Treaty. The following year, the United States and China signed a new treaty that allowed the U.S. government to limit Chinese immigration.

Two years later, in 1882, Congress did just that. The Chinese Exclusion Act completely banned the immigration of Chinese laborers for a period of ten years. Non-laborers, such as diplomats, had to get special documentation from the Chinese government to prove their status; however, the law made it difficult for this group to immigrate, too. The Chinese Exclusion Act also affected Chinese people already living

in the United States. People of Chinese descent who left the United States found it very difficult to return, and Congress barred the courts from naturalizing Chinese immigrants. The law was extended another ten years in 1892 and then extended indefinitely in 1902. Chinese exclusion remained in effect until 1943.

The U.S. government also took measures to limit immigration from other Asian countries. For one, instead of passing laws to restrict immigration from Japan, the U.S. government forced Japan to accept the Gentlemen's Agreement of 1907, by which the Japanese government agreed to restrict emigration to the United States to certain people, namely businessmen and family members of Japanese people who already lived in the United States. In exchange, the U.S. government would pressure the city of San Francisco to allow white students and Japanese students to attend the same schools.

The U.S. government also changed the naturalization process for Native Americans. In earlier units, you read that Native Americans were not considered U.S. citizens until the early twentieth century, which raises the following question: Why did Native Americans not have birthright citizenship under the Fourteenth Amendment? The answer is constitutional interpretation.

Article I of the Constitution originally excluded "Indians not taxed" from the voting population; in 1870, less than 10 percent of the Native



The Indian Citizenship Act, signed into law by President Calvin Coolidge in 1924, gave Native Americans full citizenship for the first time in U.S. history.

American population was subject to U.S. taxes. The Senate Judiciary Committee determined that as a result, the Fourteenth Amendment only made citizenship available to that very small group of Native Americans, excluding the other ninety-some percent from citizenship.

In an 1884 case concerning voting rights, the Supreme Court reaffirmed that Native Americans were not citizens. Beginning in 1887, some Native Americans gained citizenship when they accepted individual land grants through the Dawes Act. Congress formally extended citizenship to Native Americans in 1924 through the Indian Citizenship Act; around that time, an estimated 125,000 Native Americans (out of a total population of about 300,000) still lacked citizenship.



Think Twice

How did the Naturalization Act of 1870 expand and limit who could become a naturalized citizen?

Immigration Quotas

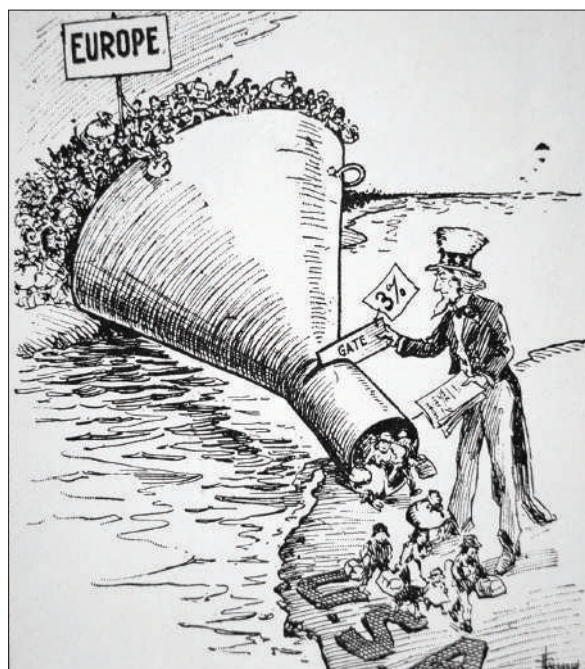
The Chinese Exclusion Act was the first law passed by Congress that specifically limited the entry of certain ethnic groups to the United States. This set the tone for immigration laws enacted in the following decades, starting with the Emergency Quota Act of 1921.

In Topic 1, you read about the first Red Scare, which took place in 1918 and 1919; this event was driven in part by **nativism**. Nativists believed immigrants were hurting native-born Americans by taking “their” jobs and lowering wages. After World War I, many American soldiers returned from overseas to find a difficult job market; competition for work was steep, and unemployment was on the rise. At the same time, immigration to the United States increased, especially from southern and eastern Europe.

Bigotry and economic concerns led Congress to pass the Emergency Quota Act of 1921. This law limited the number of people who could immigrate from countries in the Eastern Hemisphere to 3 percent of the foreign-born population for each nationality recorded during the 1910 census. This capped the number of new immigrants to the United States at just 350,000 a year.

Three years later, Congress passed the Immigration Act of 1924, also called the National Origins Act. This law was stricter

PRIMARY SOURCE: POLITICAL CARTOON ABOUT EMERGENCY QUOTA ACT OF 1921



Immigration Quotas, Emergency Quota Act of 1921

Country of Origin	1910 Population	Quota (3 Percent)
Italy	1,343,125	40,294
Russia	1,602,782	48,063
Greece	101,282	3,038
Africa	3,992	120


Immigration Quotas, Immigration Act of 1924

Country of Origin	1890 Population	Quota (2 Percent)
Italy	182,580	3,652
Russia	182,644	3,653
Greece	1,887	38
Africa	2,207	44

The first table shows immigration quotas under the Emergency Quota Act of 1921; the second table shows immigration quotas under the Immigration Act of 1924. The 1924 act based immigration quotas on the 1890 census instead of the 1910 census and reduced the quota rate from 3 percent to 2 percent. The law was designed to severely limit immigration from southern and eastern Europe as well as the Middle East and Asia.

than the Emergency Quota Act of 1921. It lowered the quota from 3 percent to 2 percent and relied on population data from the 1890 census—before the major wave of immigration from southern and eastern Europe had occurred—reducing the cap on new immigration to about 165,000 people a year. The Immigration Act of 1924 also completely restricted immigration from Asia, including from Japan.

The Immigration Act of 1924 also introduced the **visa** process; now, people who wanted to immigrate to the United States first had to obtain permission from a U.S. embassy in the form of a visa, or a document that would allow them to enter the country. The United States still uses this system today.



Think Twice

What was the purpose of quota-based immigration laws?

Modern Immigration Policies

The discriminatory policy of using national origin to determine immigration remained in effect until Congress passed the Immigration and Nationality Act of 1965. This law opened immigration to “those who can contribute most to this country—to its growth, to its strength, to its spirit.” The law capped the number of visas for people coming from countries in the Eastern Hemisphere at 170,000 visas annually, and immigration from countries in the Western Hemisphere was capped at 120,000 people. As a result, between 1960 and 2013, the percentage of immigrants from Europe decreased from 67 percent to 13 percent, while immigration from regions like Latin America, Asia, and Africa grew significantly. The Nationality Act of 1965 also established a visa

U.S. Immigration Preference Categories

Family-Based Preferences	Employment-Based Preferences
<ul style="list-style-type: none">• First preference (F1): unmarried sons and daughters of U.S. citizens (twenty-one years or older)• Second preference (F2A): spouses and children (unmarried and under twenty-one years old) of lawful permanent residents• Second preference (F2B): unmarried sons and daughters of lawful permanent residents (twenty-one years or older)• Third preference (F3): married sons and daughters of U.S. citizens• Fourth preference (F4): siblings of U.S. citizens who are twenty-one years or older	<ul style="list-style-type: none">• First preference (EB-1): priority workers<ul style="list-style-type: none">▶ People with “extraordinary ability in the sciences, arts, education, business, or athletics”▶ Professors or researchers▶ Managers or executives at multinational companies or organizations• Second preference (EB-2): people with advanced degrees or other special abilities• Third preference (EB-3): skilled workers, professionals, and others

Today, USCIS identifies five family-based preferences and five employment-based preferences that prospective immigrants may apply under.

system for different categories of would-be immigrants:

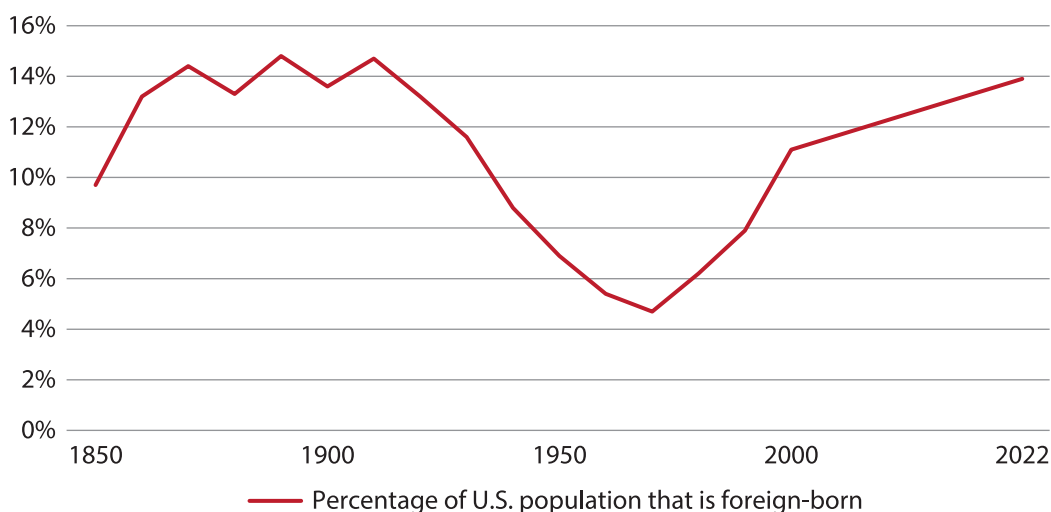
- 75 percent for family reunification (excluding visas for parents, spouses, and children under twenty-one, which are not capped)
- 20 percent for employment
- 5 percent for refugees

The Immigration and Nationality Act of 1965 established the framework for our current immigration system. Today, the United States makes up to 675,000 visas available each year. People may apply for permanent legal resident status under one of five family reunification categories or five employment categories. Additionally, the U.S. government allocates 50,000 visas each year for people coming from countries

that had low immigration rates in the past five years.

The visa system governing legal immigration that was established in 1965 remains in force. However, other aspects of immigration and naturalization policy have evolved since then in important ways, mainly by becoming stricter about how persons attempting to immigrate outside of the legal pathways are treated. The Immigration Reform and Control Act of 1986, signed into law by President Ronald Reagan, made it illegal for employers to hire people who entered the country without legal permission; employers who break the law could face civil or criminal charges as well as fines. Employers must verify the identity of their employees and their eligibility to work in the United States. The law also created a pathway for some people

Percent of U.S. Population That Is Foreign-Born (1850–2022)



The percentage of the U.S. population that is foreign-born dropped considerably following the enactment of the Emergency Quota Act of 1921 and the Immigration Act of 1924. These figures began to rebound after national origin quotas were eliminated in 1965.

without legal status who had been living continuously in the country since 1982 to obtain permanent resident status; about three million people gained legal status as a result.

In 1996, Congress passed another law that imposed a waiting period on people apprehended by U.S. Immigration and Customs Enforcement (ICE). People who had lived in the United States without legal permission for more than 180 days had to leave the country for three years before they could apply for legal admission and residence. People who had lived in the United States without legal permission for more than a year had to leave the country for ten years before they could apply for legal admission and residence. People could apply for a pardon or waiver to shorten the waiting period.



Think Twice

How has the naturalization process changed over time?

Rights and Responsibilities of Citizenship

Living in the United States comes with many important rights, liberties, and responsibilities. Some responsibilities are shared by everyone, regardless of whether they are a citizen of the United States. Other rights and responsibilities are reserved

just for U.S. citizens, which many American citizens feel honored and privileged to be able to fulfill. The opportunity to fully enjoy both the rights and the responsibilities of citizenship is a major reason hundreds of thousands of people naturalize each year.

One right of citizens is the ability to run for elected office. Holding public office is a public service that enables citizens to address specific issues or improve their communities overall. As Article I of the Constitution explains, candidates for the U.S. House of Representatives must have been a U.S. citizen for at least seven years, while candidates for the U.S. Senate must have been a U.S. citizen



Most federal jobs are limited to U.S. citizens, including working for the National Park Service.

PRIMARY SOURCE: SHOULD I CONSIDER U.S. CITIZENSHIP?

U.S. Citizenship and Immigration Services (USCIS) is responsible for overseeing the immigration and naturalization process; as a result, USCIS provides extensive resources to individuals interested in naturalizing, including information about the benefits of citizenship.

Citizenship is the common thread that connects all Americans. We are a nation bound not by race or religion, but by the shared values of freedom, liberty, and equality.

Throughout our history, the United States has welcomed newcomers from all over the world. Immigrants have helped shape and define the country we know today. Their contributions help preserve our legacy as a land of freedom and opportunity. More than 200 years after our founding, naturalized citizens are still an important part of our democracy. By becoming a U.S. citizen, you too will have a voice in how our nation is governed.

The decision to apply is a significant one. Citizenship offers many benefits and equally important responsibilities. By applying, you are demonstrating your commitment to this country and our form of government.

Important Reasons to Consider U.S. Citizenship

Vote.

Only citizens can vote in federal elections. Most states also restrict the right to vote, in most elections, to U.S. citizens.

Serve on a jury.

Only U.S. citizens can serve on a federal jury. Most states also restrict jury service to U.S. citizens. Serving on a jury is an important responsibility for U.S. citizens.

Travel with a U.S. passport.

A U.S. passport enables you to get assistance from the U.S. government when overseas, if necessary.

Bring family members to the U.S.

U.S. citizens generally get priority when petitioning to bring family members permanently to this country.

Obtain citizenship for children under 18 years of age.

In most cases, a child born abroad to a U.S. citizen is automatically a U.S. citizen.

Apply for federal jobs.

Certain jobs with government agencies require U.S. citizenship.

Become an elected official.

Only citizens can run for federal office (U.S. Senate or House of Representatives) and for most state and local offices.

Keep your residency.

A U.S. citizen's right to remain in the United States cannot be taken away.

Become eligible for federal grants and scholarships.

Many financial aid grants, including college scholarships and funds given by the government for specific purposes, are available only to U.S. citizens.

Obtain government benefits.

Some government benefits are available only to U.S. citizens.

Citizenship Rights and Responsibilities

Below you will find several rights and responsibilities that all citizens should exercise and respect. Some of these responsibilities are legally required of every citizen, but all are important to ensuring that America remains a free and prosperous nation.

Rights

- Freedom to express yourself.
- Freedom to worship as you wish.
- Right to a prompt, fair trial by jury.

- Right to vote in elections for public officials.
- Right to apply for federal employment requiring U.S. citizenship.
- Right to run for elected office.
- Freedom to pursue "life, liberty, and the pursuit of happiness."

Responsibilities

- Support and defend the Constitution.
- Stay informed of the issues affecting your community.
- Participate in the democratic process.
- Respect and obey federal, state, and local laws.
- Respect the rights, beliefs, and opinions of others.
- Participate in your local community.
- Pay income and other taxes honestly, and on time, to federal, state, and local authorities.
- Serve on a jury when called upon.
- Defend the country if the need should arise.

Source: "Should I Consider U.S. Citizenship?" Citizenship Resource Center. U.S. Citizenship and Immigration Services, Department of Homeland Security.

for at least nine years. Elected state and local positions commonly have citizenship requirements, too; for example, in Louisiana, candidates for governor must have been a U.S. citizen for at least five years.

Under U.S. law, funds appropriated by Congress cannot be used to employ noncitizens.

This means that generally, noncitizens are prohibited from working for the federal government, whether in competitive service jobs (positions people apply for) or excepted service jobs (positions people are appointed to). Becoming a citizen opens up employment opportunities with a variety of U.S. government departments and agencies, from the Library of Congress to the Department of Homeland Security to the National Park Service.

Voting is one of the most important rights of citizens in the United States; it is the main way that citizens promote and uphold democratic institutions. Voting is considered both a right—something citizens are permitted and entitled to do—and a responsibility—something that citizens ought to do. Recall from earlier units that voting is the cornerstone of our democracy; it is the way citizens keep the government accountable, by either expressing approval of current leaders or voting new representatives into office to better meet the needs and interests of the people.

Being an informed citizen is a responsibility that is closely related to voting. In a

democracy, citizens should stay informed on public and civic issues at the local, state, and national levels so they can help set public policy. Citizens can do this in a variety of ways—not only by keeping up with local, state, and national news, but also by such activities as attending and participating in public meetings, advocating for a particular cause, working on a campaign, or running for political office.

In Unit 2, you read that taxes are a major way that governments at all levels generate revenue. Tax dollars pay for services that benefit people of all ages, from national defense and highways to public schools and health care. Many of these services are things that citizens cannot provide for themselves, making paying taxes to the government an important responsibility of citizenship. Paying taxes is also a legal requirement of everyone, regardless of citizenship status. Everyone who earns income is required to file and pay tax on their income.

People who naturalize are required to show “an attachment to the principles and ideals of the U.S. Constitution.” In many instances, they are also required to show “good moral character.” At a minimum, this means obeying the country’s laws. It is the responsibility of all people in the United States, especially citizens, to follow the law to help communities function and to preserve institutions that protect us and ensure people are treated fairly.



Jury duty is an important part of maintaining our democracy; jurors may be summoned for both state and federal courts.

As a citizen, you may be called upon to sit on a jury; your doing so is essential if the country is to protect the right to a trial by an impartial jury of one's peers. Juries are an important part of our democracy. By serving on juries, citizens help ensure that defendants get a fair trial, and they help protect the rights of both citizens and noncitizens.

The United States is a diverse country, comprising many peoples and groups with distinct cultures, languages, and beliefs.

Pluralism is the idea that these different groups benefit from living alongside each

other peacefully. Pluralism only works if citizens fulfill their responsibilities to respect the rights and beliefs of others, including by disagreeing respectfully, abstaining from hateful speech, and respecting others' liberties and choices.

Many Americans join the military voluntarily because they feel a duty to serve their country. Those who do not volunteer still have the responsibility to defend their country when called upon. Thus, most male citizens and noncitizen legal residents between the ages of

eighteen and twenty-five must register with the Selective Service. The purpose of registration is to enable the country to rapidly mobilize a military force if needed. Since 1973, the U.S. military has been made entirely of volunteers; however, Congress has the power to instate a **draft** in times of emergency.

It is important to note that some rights and responsibilities of citizens are reserved for people ages eighteen and older; however, there are many things that teenage citizens can do before then. For example, teens can

stay informed on major issues affecting their community. They, like all citizens, can and should obey laws and respect the rights and beliefs of others. They can help address issues by volunteering in their community. They can also use their First Amendment rights of free speech and expression to help inform others about important issues and events.

Think Twice

What are the rights and responsibilities of citizenship?





Unit 5: Elections and Politics



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Topic 1

Elections, Voting, and Representation

Framing Question

How are U.S. elections conducted and regulated?



Tennessee native James K. Polk was a career politician. At just twenty-seven years old, Polk was elected to the state legislature. Two years later, in 1825, he was elected to the U.S. House of Representatives, where he served for fourteen years. Polk was a close ally of President Andrew Jackson; this earned him the coveted position of chairman of the House Ways and Means Committee, where he helped Jackson end the Second Bank of the United States. Polk later went on to serve as Speaker of the House, and in 1839, he was elected governor of Tennessee.

Polk's political résumé was impressive, and when the Democratic Party met in Baltimore in May 1844 to





choose candidates for the upcoming presidential election, Polk was on the short list for vice president. Meanwhile, four others—including former president Martin Van Buren and future president James Buchanan—vied for the presidential nomination. After seven ballots, none of the four men had captured enough votes to secure the nomination.

On the eighth ballot, a new name was entered for consideration: James K. Polk. The ninth ballot broke the deadlock, and the party's delegates overwhelmingly backed Polk as the Democratic Party's presidential candidate, making him the first **dark horse**—or unexpected candidate—to secure the nomination of a major party. Polk went on to win the election of 1844, defeating Republican candidate Henry Clay in both the popular vote and the Electoral College.

Polk was far from the last person to be a surprise in American presidential elections; many consider Abraham Lincoln (elected in 1860) to be a dark-horse candidate, while Jimmy Carter fits this description in the modern era. Many other dark horse candidates have been elected to positions in Congress and at the state and local levels, highlighting how the intricacies of the election process—including conventions, intraparty disagreements, and public perceptions of candidates—can influence who ultimately serves in government.



U.S. Elections

As you have learned, the United States is a representative democracy, or an indirect democracy, in which Americans choose representatives to act on their behalf instead of participating directly in every government decision. Citizens have the important right and responsibility to choose, or elect, their leaders in a formal process called an election.

In the United States, elections typically happen in two phases. The first phase is the **primary election**, in which voters elect candidates to run for office; you will learn more about primary elections later in the topic. The second phase is the **general election**, in which voters elect a representative to office. General elections are held at regular intervals as established by the law. Sometimes it is necessary to hold a **special election**, or an election that happens outside of a regularly scheduled election cycle. Such an election takes place when an elected office becomes vacant before a term ends.

Article I, Section 4, of the U.S. Constitution gives states the power to regulate elections, including when and where they are held—and gives Congress the power to change these regulations. In 1792, Congress established a window for presidential elections to take place; states had to choose their electors thirty-four days before the electors would vote

for the president on the first Wednesday in December. As a result, many states held their general elections sometime in November, but not on a uniform date. However, as the country grew and communication improved, so did concerns about election fraud; voters could potentially cast a ballot in their home state, then travel across state lines to cast a second ballot in the same election.

In 1845, Congress passed an act that established a single presidential election day: the Tuesday after the first Monday in November, every four years beginning in 1848. Congress later made this the official Election Day for the federal government and the states.

In an election, voters cast their ballots for their preferred candidates, either by visiting a polling place or by mailing in a ballot. Each voter is permitted to cast a single ballot.

Substance over Style!

It's important to note that it is not enough for a country to just hold an election; the substance of the election matters, too. In the United States, voters have free will and are not coerced into voting for a certain party or candidate. Elections should also be contested. Ideally, there would be more than one candidate and/or party to choose from, but that is often not the case. This means that elections in countries where all but one political party is banned are elections in name only.

Generally, the candidate with the most votes, called a *plurality*, wins the election. You'll read about some of the exceptions and nuances to this rule later in this topic.

A person must meet certain requirements to participate in elections in the United States.

One must

- be a U.S. citizen (though some local elections allow noncitizens to vote),
- be at least eighteen years old on the day of the election,
- be registered to vote by the deadline established by their state, and
- meet residency requirements set by their state.

Louisiana, like all states, also outlines certain qualifications for voters in its constitution.

Louisiana voters must be U.S. citizens, be at least eighteen years of age, and live in Louisiana in the parish where they are



On Election Day, voters may cast ballots for federal, state, and local offices, as well as weigh in on other issues. Polling places are set up to protect voters' privacy and security to ensure that their secret ballot remains a secret.

registered to vote. Louisiana excludes certain people from voting, including those currently imprisoned for a felony or election fraud.

Additionally, voting rights can be suspended due to partial or full mental incompetence.

Voter registration is a way to make sure that ineligible people don't cast a vote in elections; this helps keep elections both fair and credible. Louisiana allows sixteen-year-olds to register to vote, although, they may not vote until they turn eighteen. Also, as in about half the states, Louisiana requires people to submit their voter registration ahead of the general election; for example, to vote on Election Day in November, voters must register in person or by mail thirty days in advance, while online voter registration must be completed three weeks in advance. Additionally, there are special registration provisions for Louisiana residents serving in the military and/or currently living overseas.

To register online, Louisianans must have a Louisiana driver's license or a special state-issued ID. To register in person, an individual must be able to prove their identity, their age, and their residency in the state; this can be done with a Louisiana driver's license or special state-issued ID, a birth certificate, another form of picture ID, a utility bill, a pay stub, or some other government document that shows the person's name and where they live. Voters may register in person at the Registrar of Voters Office, the Office of Motor Vehicles, and other designated agencies,

like the Louisiana Department of Children and Family Services and places that support individuals with disabilities.

U.S. elections at all levels of government are shaped by political parties. Today, the United States has two major political parties—the Democratic Party and the Republican Party—and a variety of smaller third parties, such as the Green Party and the Libertarian Party. Political parties are composed of like-minded people working to influence public policy and help their preferred candidates win elections. One way major parties do this is by organizing national, state, and local committees to field candidates for office and helping them win elections. You will read more about the history and role of political parties later in this unit.



Think Twice

What requirements must voters meet to vote in federal elections in Louisiana?

Federal Election Process: The President

In earlier units, you read about the president's qualifications and role. While the Constitution is clear on certain aspects of the process to elect the president, other systems and processes have developed and evolved over time.

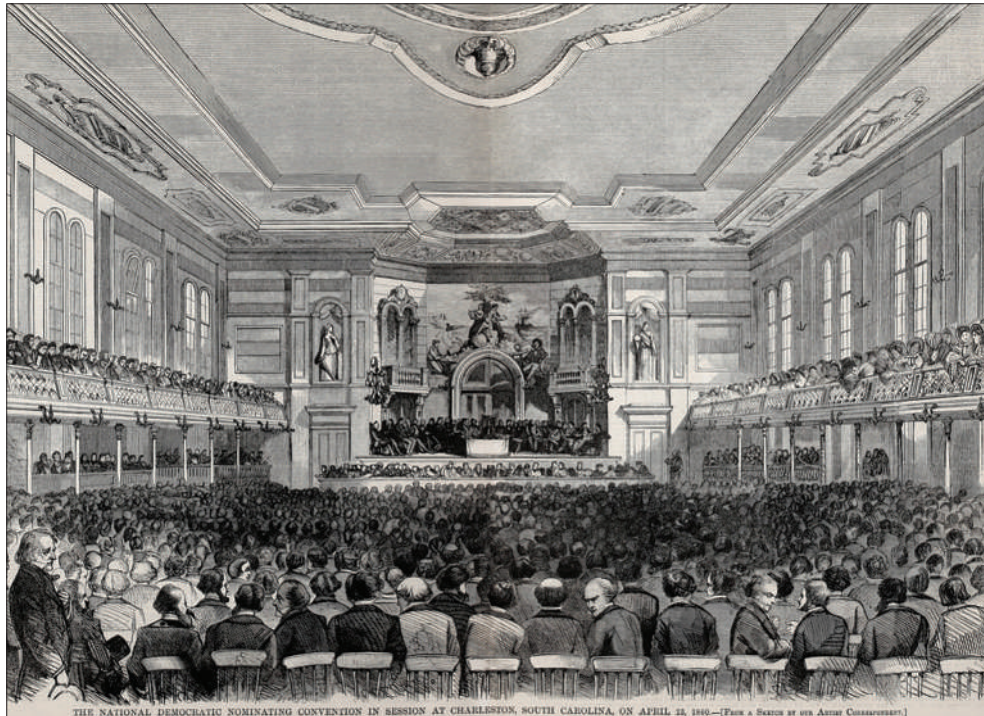
Qualifications and Terms of the President

Recall from Unit 2 that Article II of the Constitution outlines the qualifications and terms for the office of president. Section 1 explains that candidates must be at least thirty-five years old and have lived in the United States for at least fourteen years. These requirements are meant to ensure that the candidate is mature enough for such a significant office and is familiar with civic life and important issues facing the country.

The presidential eligibility clause also specifies one more criterion:

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.

The idea that the president should be a citizen by birth was introduced toward the end of the Constitutional Convention. The Founders were concerned about the influence and interference of foreign countries; they wanted to guarantee that the president would be loyal to the United States and not to their country of origin. The Founders also recognized that many people who fought for the Patriot cause during the American Revolution were born outside of the colonies, leading them to include the exception to the natural-born citizenship rule. The requirement



In April 1860, the Democratic Party held its nominating convention in Charleston, South Carolina. Delegates were divided on the issue of slavery, leading many to leave the gathering before the party selected its candidate. Meanwhile, delegates to the Republican Party nominating convention, held in Chicago, Illinois, chose Abraham Lincoln as their nominee.

that the president be a natural-born citizen has shaped constitutional interpretations of citizenship in general, not just as it relates to the president. For example, recall that the idea of birthright citizenship is also specified in the Fourteenth Amendment.

As you have also learned, Article II of the Constitution specifies that each presidential term lasts four years. The Constitution as originally written, however, did not set term *limits*; recall that George Washington set the precedent that presidents serve two terms in office. This precedent was not broken until Franklin D. Roosevelt won four consecutive terms beginning in 1932. The Twenty-Second Amendment, ratified in 1951, officially limits presidents to two terms, regardless of whether they were elected or assumed office through the presidential line of succession.



Think Twice

Why does the Constitution require the president to be a natural-born citizen?

Nominating Presidential Candidates

The U.S. Constitution does not explain the process for choosing presidential candidates to run for office. Instead, this process developed over time into the primary and caucus system we have today.

The country's first two presidential elections were unusual, at least by today's standards. George Washington was elected


unanimously to both of his terms in office. However, this unanimity was short-lived.

Two political parties began to develop during Washington's presidency, each with its own interpretation of the Constitution and vision for the country. Beginning in 1804, congressional caucuses—meetings of congresspeople of the same political party—were given the task of choosing the presidential and vice-presidential candidates for their parties. The caucuses would meet to hear speeches and have debates, and then each attendee would cast a ballot for their preferred candidate.

Congressional caucuses were replaced by national nominating conventions starting in 1831. Under this system, state party leaders and political bosses sent delegates to a national convention, where they voted for a party candidate every four years. In theory, the national nominating conventions were more democratic and would give the states more say in who would run for president. In practice, however, many of the delegates did not truly represent the interests of voters and were often influenced by state party leaders and political bosses.

To curb corruption, some states started holding primary elections in the early 1900s. Voters cast ballots to choose the candidate who would be nominated, but party leaders continued to have most of the power. The traditional national nominating convention system eventually came to an

end in the 1970s, when most delegates to the Republican and Democratic conventions were chosen through primary elections.



Think Twice
Why did states begin holding primary elections in the 1900s?

Primaries and Caucuses

During a primary election, each voter casts a ballot for their preferred candidate to run in the general election. Primary elections are run by state and local governments.

It is important to note that a handful of states use a different system to select candidates, called a *caucus*. Unlike primary elections, caucuses are run by political parties and are held at the county, district, or **precinct** level. Caucuses also function differently from primaries. During a caucus, supporters of different candidates have the opportunity to give speeches. These speeches may highlight the qualities and policies of one candidate over another with the goal of influencing how other caucus attendees vote. Depending on the caucus, each participant may then cast a

Types of Primaries and Caucuses

Type	Description	Pros and Cons
Open	Voters may vote in any party's primary or caucus, regardless of which party they belong to; this allows voters to cast ballots across party lines.	Pros: Voters have the flexibility to vote for whoever they want to while maintaining their privacy. Independent voters may participate. Con: Voters from one party can influence the nominations of another party's candidate.
Closed	Voters must be registered party members to vote in that party's primary or caucus; they are limited to voting for candidates from their own political party.	Pro: A strong party organization is encouraged. Con: Independent voters may not participate.
Semi-closed	Political parties may decide if independent voters can participate in their primary or caucus before the election cycle begins.	Pros: Parties have the flexibility to make their own rules from one year to another. More voters can participate in the candidate selection process. Con: It can be unclear who is allowed to participate in primaries and caucuses and when.

Primaries and caucuses fall into three main categories, each with its own pros and cons for parties and voters.

ballot for their preferred candidate; in other instances, they may be asked to physically divide themselves into groups based on their preferred candidate.

During both primaries and caucuses, delegates to the national nominating convention are chosen based on the number of votes each delegate candidate receives. The delegate system is very complex; the number of delegates varies by state and by political party. Delegate candidates are also often listed on primary ballots, giving voters the chance to choose who represents them at the national convention.

Again, primary elections and caucuses are not defined in the Constitution, which means that states developed their own methods for narrowing the field of candidates. Most states have primaries or caucuses that fall into three broad categories: open, closed, and semi-closed.

Louisiana uses a unique system called the presidential preference primary, in which parties with forty thousand or more registered voters are allowed to hold primaries. These parties include the Democratic Party, the Republican Party, and the Independent Party. Candidates affiliated with other recognized parties without the required number of voters, as well as those unaffiliated with recognized parties, have to file certain paperwork or pay fees to qualify as presidential candidates. Each party is allowed to determine the rules for its own primaries, including whether they are open or closed.

Primaries and caucuses are held in the first half of the year when a presidential election is scheduled. Each party determines when to hold its respective primaries and caucuses in each state. The first primaries and caucuses are typically held in January and February. Early primaries and caucuses are very influential in the candidate selection process; candidates who do poorly early on may be forced to exit the race before voters in other states have a chance to cast their ballots. The results of these early primaries and caucuses can also sway voters in other states.

Super Tuesday is another important part of the election cycle. Falling in February or March, this is the day when many states hold their primary elections or caucuses. About one-third of delegates are awarded based on the results of the Super Tuesday elections. While Super Tuesday is not the end of the primaries and caucuses—they typically run until June—it usually establishes the front-runner for each party.

Think Twice

How are primaries and caucuses similar?
How are they different?



National Party Conventions

Today, presidential candidates are chosen at national party conventions held in the summer leading up to the presidential election. You just read that candidates are awarded delegates based on the results



At the 1976 Democratic Party convention, nearly three-quarters of delegates were chosen during primary elections.

of primary elections and caucuses. These delegates are generally people who are very active in their political party. Recall that in the past, delegates to national nominating conventions voted for party candidates as they pleased; by contrast, delegates to modern conventions nominate candidates based on the outcomes of the primary elections or caucuses in their home states. This means party candidates are chosen indirectly by voters instead of through behind-the-scenes deals made by party leaders.

Two main types of delegates attend the national party conventions. Pledged delegates, also called bound delegates, are required to vote for the candidate

who won the primary or caucus in their state. Unpledged delegates, also called superdelegates, are allowed to vote for a candidate of their choosing. Because the results of primaries and caucuses are public knowledge, a party's nominee for president is generally known ahead of the national party convention. Delegates still cast their votes for the candidate in a largely ceremonial process.

However, it is possible for a candidate to enter the convention without a majority of delegate votes; this is called a contested convention. A *brokered* convention occurs if no candidate wins a majority of votes on the first ballot. When this happens, pledged

Superdelegates

Both the Democratic and Republican Parties have superdelegates. In the Democratic Party, superdelegates are senior members of the party and have included former presidents, governors, and members of Congress. In the Republican Party, each state sends three members of the Republican National Committee to act as superdelegates at the national convention. The Democratic Party allows its superdelegates to vote for any candidate, while the Republican Party requires that superdelegates vote for the candidate that won their home state's primary or caucus. If a candidate is not chosen on the first ballot, Republican superdelegates may vote for whichever candidate they choose on subsequent ballots. Superdelegates were created during the 1970s as a way for political parties to exert greater influence over the nominating process, specifically to prevent the nomination of inexperienced candidates or candidates who are perceived as unelectable.

delegates cast their ballots for the candidate they are bound to during the first round of voting, while unpledged delegates may vote for the candidate of their choosing. Note that the Democratic Party limits the first round of voting to pledged delegates only. If a nominee fails to win enough votes in the first round, pledged delegates are free to vote for whichever candidate they choose in

subsequent rounds. Voting continues until a candidate wins a majority of votes.

The last brokered convention occurred in 1952, when the Democratic Party nominated Adlai Stevenson on the third ballot. By contrast, the Republican Party took 36 ballots to nominate James Garfield as its candidate in 1880, and in 1924, the Democratic Party cast 103 ballots over seventeen days before nominating John W. Davis as its candidate.

Presidential candidates—not national nominating conventions—choose their running mates. A presidential candidate may announce this choice for vice president before or during the national party convention. Together, they form the presidential ticket.

Think Twice



What role do national party conventions play in the presidential election process?

Electing the President

The presidential candidates chosen at the national party conventions appear on the ballot during the general election. Other candidates from minor political parties may also appear on the ballot if they meet the eligibility requirements of the states. During the general election, voters—including those who did not participate in primary elections or caucuses—may cast their ballot for any of the candidates, regardless of the party they are registered with, or if they aren't in a party.

Most voting for president occurs on Election Day; however, most states also allow people to vote early or cast ballots by mail. In Louisiana, people may vote at predetermined locations in their parish in a span of eighteen to seven days before the presidential election. There are several reasons to vote by mail in Louisiana, including working or studying abroad and having a physical disability.

Although citizens vote in presidential elections, the president isn't chosen by **popular vote**; recall that the president is chosen by the Electoral College. In earlier units, you read about the many compromises reached at the

Constitutional Convention; the Electoral College is one of them. The founders were divided over who should elect the president: Congress or eligible voters. The Electoral College was in part intended to strike a balance between the two.

Under the Electoral College system, each state has the same number of electors as its members in Congress—its two U.S. senators plus its members in the House of Representatives.

For example, California has the most electoral votes at fifty-four, Louisiana has eight, and some states, like Delaware, have three. The candidate who receives more than half of the electoral votes (270) wins the election.

PRIMARY SOURCE: *FEDERALIST NO. 68, 1788*

In Federalist No. 68, Alexander Hamilton discusses the election of the president and the benefits of the Electoral College system.

THE mode of appointment of the Chief Magistrate [president] of the United States is almost the only part of the system . . . which has received the slightest mark of approbation from its opponents. The most plausible of these . . . has even deigned to admit that the election of the President is pretty well guarded. I venture somewhat further, and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be wished for. . . .

It was . . . desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Source: Hamilton, Alexander. *Federalist* No. 68. *The Federalist Papers: Primary Documents in American History*. Library of Congress. <https://guides.loc.gov/federalist-papers/text-61-70>.

PRIMARY SOURCE: TWENTY-THIRD AMENDMENT TO THE U.S. CONSTITUTION

Washington, D.C., is a federal district, not a state. This means that, unlike people living in states, residents of D.C. are not represented in Congress even if they are U.S. citizens. Until the mid-twentieth century, D.C. residents were required to fulfill other responsibilities of citizenship, like paying taxes, but they were denied voting rights in federal elections. The Twenty-Third Amendment, ratified in 1961, changed this by allocating electors in the Electoral College to Washington, D.C. This allowed D.C. residents to choose their electors and permitted them to vote in presidential elections for the first time in U.S. history. Historically, D.C. has had three electors based on the proportion of its population; however, this is not necessarily a permanent figure.



Section 1.

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.

Source: The Constitution of the United States. U.S. National Archives.

Electors of the Electoral College are chosen in a two-part process: Political parties suggest a slate of electors, then voters choose electors during the general election. The slate of electors appears on the same ballot as the presidential

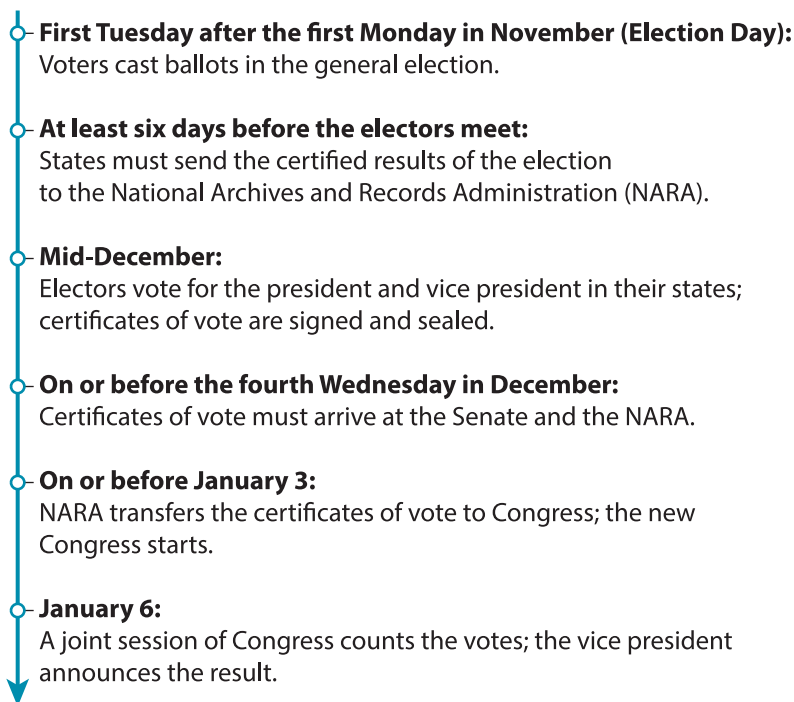
candidates and other candidates running for office during that election cycle; the political party of each elector is noted on the ballot. Like delegates to the national party conventions, electors are very active in their political parties and often

include state party leaders or elected state officials. Louisiana has eight electors, one chosen by each of its six congressional districts and two who represent the entire state.

After the general election, the popular vote is counted in each state; in forty-eight states, the candidate with the most votes wins all of the state's electoral votes. Two states, Maine and Nebraska, award two electoral votes to the winner of the state and then an additional vote for each of the congressional districts they win. The outcome of the election is usually called on or shortly after Election Day.

The electors meet on the Tuesday after the second Wednesday in December in their home states to officially cast their ballots for president and vice president. The Constitution does not require electors to vote for the candidate who won the electoral votes in their state; however, some states do require electors to adhere to the results of the popular vote. Regardless, it is rare for an elector to ignore the results of the popular vote. Each state records the electors' votes on a certificate of vote, which is then sent to Congress and the National Archives and Records Administration (NARA). The electoral votes are officially counted on January 6 during a joint session of Congress; this process is overseen by the sitting vice president. The

Timeline of Events in the Electoral College



The presidential election begins with the general election and ends with the counting of electoral votes in Congress on January 6.

winner of the election, called the president-elect, is then sworn into office on January 20.

It's also possible for none of the candidates to receive a majority of votes in the Electoral College. When this happens, each state's delegation in the House of Representatives votes for the president. This scenario has happened only twice in U.S. history, in 1800 and in 1824.

The Electoral College is a unique institution with both pros and cons in the presidential election process. One argument in favor of the Electoral College is that it helps ensure more equitable representation for states with smaller populations. The Electoral College does this by preventing more densely populated states, regions, or cities from dominating national politics. Opponents of the Electoral College argue that it can ignore the will of voters; recall that in the 2000 presidential election, George W. Bush won the Electoral College and therefore the election, but Al Gore won the popular vote. Another downside is that the Electoral College influences candidates' election strategies; candidates are more likely to focus their attention on swing states, or those states where candidates have similar levels of support and results will likely be close. As a result, less attention is paid to voters in other states.



Think Twice

Explain the relationship between the popular vote and the Electoral College.



Federal Election Process: Congress

In earlier units, you read about the qualifications and roles of members of Congress. As with the presidency, the Constitution did not specify the election process for these leaders, resulting in a two-part nomination process made up of a primary election and a general election. This election process, however, is largely influenced by the way the state's congressional districts are drawn.

Drawing Louisiana's Congressional Districts

In earlier units, you read that the federal government conducts a census of the population every ten years. The information collected during the census has three main purposes:

- to help the federal government make decisions about how to allocate funding to state and local governments
- to determine apportionment in the House of Representatives
- to guide how the lines of legislative districts are drawn in each state

The first two purposes are specific to the federal government. However, the states are responsible for redistricting, or redrawing the lines around the districts that elected officials,

like members of the House of Representatives, represent. The states also determine the districts for state courts and state legislative districts. Redistricting happens after the census and is a way to account for changes in population from one part of the state to another. States are responsible for deciding how to redistrict; some appoint independent commissions, while others give this task to the state legislature.

Redistricting has a significant impact on statewide and national elections. It can shift or dilute political priorities by breaking up communities of interest, or groups of people who share a set of concerns or needs. For example, District A might be primarily metropolitan; most of its inhabitants live and work in a city. In contrast, District B might be very rural; most of its inhabitants are farmers. The needs and interests of the people in these two districts are very different. If the state legislature redistricts to break up or combine these areas or portions of them, the needs of one or both groups may not be represented in a meaningful way.

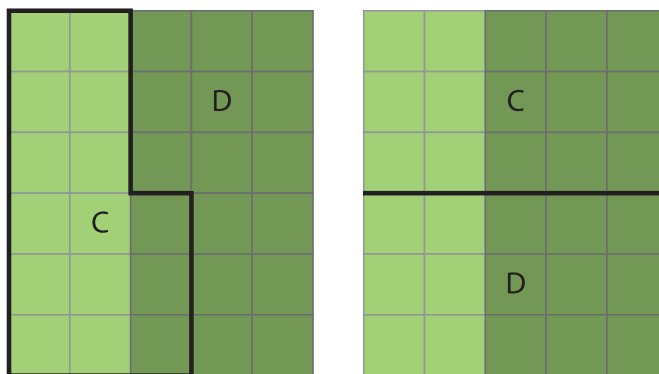
Another way redistricting impacts statewide and national elections is by changing the composition of voters. For example, most people who live in District C are registered Democrats who largely support Democratic candidates in elections, while most people who live in District D are registered Republicans

who largely support Republican candidates in elections. Legislators can redraw these districts to diminish the influence of one party and increase the influence of another—a process called gerrymandering that you will learn about later in this topic. This means that more members of one party may be elected to state and federal offices, which in turn changes the legislative priorities of the state and the federal government.

The Louisiana State Legislature is responsible for overseeing redistricting in the state, but this process is not limited to elected officials. Redistricting is a collaborative process, and Louisianans are encouraged to participate in regional meetings (either in person or online) and to submit their own redistricting plans. Redistricting plans must follow a variety of criteria to be considered; for example:

- Plans must comply with certain laws, including the Fourteenth Amendment,

Before and After Redistricting



This graphic shows the effects of redistricting. In the first diagram, a majority of voters in District C are registered Democrats, while the majority of voters in District D are registered Republicans. After redistricting, the majority of voters in both districts are now Republicans.

Fifteenth Amendment, and Voting Rights Act of 1965.

- Plans must have contiguous geography, meaning all parts of a proposed district must be connected.
- The population in each proposed district must be as equal as possible.
- All parts of the state must be included.

Once a final plan for redistricting has been determined, the Louisiana House of Representatives and the Louisiana Senate vote on the map. If it is approved by both houses, it is sent to the governor for their signature. As with other legislation, the governor has the power to approve or veto the redistricting plan. Redistricting can also be challenged in court.



Think Twice

What is the purpose of redistricting?

Qualifications and Terms of Members of Congress

Recall from Unit 2 that Article I of the Constitution outlines the qualifications for members of the House of Representative and the Senate. Candidates for the House must

- be at least twenty-five years old,
- have been a U.S. citizen for at least seven years, and
- live in the state and the congressional district they hope to represent.

Candidates for the Senate must

- be at least thirty years old,
- have been a U.S. citizen for at least nine years, and
- live in the state they hope to represent.

Notice that the minimum age for senators is older than the minimum age to serve in the House of Representatives. Recall that the Founders viewed the Senate as the “upper” house of Congress, where members also serve for longer terms than House members. As a result, the Founders believed that senators should have a higher level of maturity and experience than their peers in the other chamber.

Before each election cycle, Louisiana sets a qualifying period for all prospective candidates for U.S. Congress. During this three-day window, candidates can qualify in one of two ways. The first is by paying a qualifying fee to the Louisiana secretary of state. The second is by submitting a nominating petition, or a collection of signatures from registered Louisiana voters who support their candidacy. Under Louisiana law, candidates can obtain a nominating petition up to 120 days ahead of the qualifying period.

Recall that Article I of the Constitution also establishes the terms of office for members of Congress. Members of the House of Representatives serve two-year terms, while members of the Senate serve six-year terms. Elections for the Senate are staggered, meaning



Louisiana requires a different number of signatures for qualifying petitions based on the office. For example, candidates running for governor must collect at least five thousand signatures, with a minimum of five hundred from each district.

that only one-third of U.S. Senate seats are up for election at the same time. Unless there is a special election, states will not have two U.S. Senate races occurring simultaneously. As a result, the nature of the Senate is slower to change than that of the House. It is important to note that there are no term limits in Congress; this means that leaders may serve in either house for many years, if not decades, which also influences the nature of Congress.



Think Twice

How are qualifications for candidates for the U.S. House of Representatives and the U.S. Senate similar and different?

Electing Members of the U.S. Congress

Like presidential elections, candidates for both houses of Congress go through a primary election (or caucus) and a general election. During presidential election years,

congressional primaries are typically held on the same day as each party's presidential primary. Midterm elections take place in even years when there is no presidential election; the name *midterm* comes from the middle of a president's term. Recall that under U.S. law, all federal elections take place on the Tuesday after the first Monday in November.

Congressional primary elections, like presidential primaries, may be open or closed, or they may have features of both. The type of primary for each state is consistent across all races on the ballot, including federal, state, and local. For example, for states with closed primaries, voters must be registered members of a political party to cast primary votes for members of the U.S. Congress, for their governor and members of their state legislature, and for local leaders like the mayor or members of a police jury. The candidate that wins their primary becomes the party's candidate for the general election. Members of both houses of Congress are elected directly by voters during the general election; this means the candidate with at least a plurality of votes wins their race. Note that while all eligible voters in a state may elect members of the Senate, voting in House races is limited to eligible voters who live in a candidate's congressional district. As with the presidential primary, Louisiana has a unique way of electing members of the U.S. Congress; you will read more about this later in the topic.

Legend:

- Open (Blue)
- Closed (Yellow)
- Other (Orange)
- Semi-closed (Light Blue)
- Mixed (Green)



What is the process for electing members of the U.S. Congress?



State and Local Elections in Louisiana

Qualifications and Terms of Office in Louisiana

Recall from Unit 2 that Louisiana’s executive branch of government is made up of the governor, six elected officials, the Board of Elementary and Secondary Education, and the Louisiana Public Service Commission. The Louisiana State Constitution outlines the various requirements and terms for each of these offices.

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Louisiana for a minimum of five years before the election. **Gubernatorial** candidates must also be qualified electors, meaning they must be eligible to vote in Louisiana. Louisiana governors serve four-year terms and are limited to two consecutive terms in office, though not two *total* terms. The office of the governor is located in Baton Rouge.

The six elected officials to the executive branch are the lieutenant governor, the secretary of state, the treasurer, the commissioner of agriculture, the commissioner of insurance, and the attorney general. Like the governor, candidates for these offices must be at least twenty-five years old, have been a citizen of the United States and Louisiana for at least five years, and be qualified electors. The candidates for attorney general have an additional requirement to run for office: They must have practiced law in Louisiana for five years. Each of these offices serves four-year terms, and they are elected at the same time the governor is elected.

The majority of the members of the Board of Elementary and Secondary Education (BESE) and all members of the Louisiana Public Service Commission (LPSC) are also elected to the state's executive branch. The BESE is responsible for overseeing the state's public elementary and secondary schools, while the LPSC oversees utilities in the state, including electric, water, and telecommunications.

To be an elected member of the BESE, a candidate must be a resident of the district

they are running to represent. Board members serve four-year terms and are elected at the same time the governor is elected. Members may serve three consecutive terms in office before waiting two years to serve again. The LPSC is made up of five members. To run for the five-member LPSC, a candidate must be at least eighteen years old, have lived in Louisiana for at least two years, have lived in the district where they are running for office for at least one year, and be a qualified elector. Members of the LPSC serve six-year terms; like members of the BESE, they may serve three consecutive terms in office before waiting two years to serve again.

Recall from Unit 2 that the Louisiana State Legislature, like the U.S. Congress, is made up of two houses, although the legislature is smaller in Louisiana: It has a 39-member Senate and a 105-member House of Representatives. This means there are 39 state senate districts and 105 state house districts in Louisiana—much larger numbers than the 6 federal legislative districts to which Louisianans elect members of the House of Representatives. The Louisiana State Legislature is located in the capital of Baton Rouge.

Unlike the federal legislature, the requirements to serve in both houses of Louisiana's legislature are the same. Candidates must be at least eighteen years old, have lived in Louisiana for a minimum of two years, and have lived in the district they are running to represent for at least one year.



The Louisiana Public Service Commission (LPSC) has regulatory power over many of the state's public utilities. The commission's five elected members are charged with overseeing many issues that affect consumers in their district, including reviewing the rates that electricity providers charge their customers.

Like elected officials in Louisiana's executive branch, members of the Louisiana State Legislature serve four-year terms. Both state senators and state representatives are limited to serving three consecutive terms. Earlier in the topic, you read about special elections; in the event that a seat in the state legislature becomes vacant, voters in their respective district elect a candidate to fill the seat.

The Louisiana State Constitution also establishes the requirements and terms of the state's judicial branch. Judicial candidates must live in the parish they wish to serve for at least one year before the election. Specifically:

- Candidates for the Louisiana Supreme Court, located in New Orleans, and the state courts of appeals must have practiced law in Louisiana for a minimum of ten years and lived in the district they wish to serve for a minimum of one year.
- Candidates for district, family, parish, and juvenile courts must have practiced law in the state for at least eight years and lived in the district they wish to serve for a minimum of one year.
- Candidates for city judge must have practiced law in Louisiana for at least five years and lived in the area they wish to serve for a minimum of two years.

Elected Officials in Louisiana		
Elected State Office	Qualifications	Term of Office
Governor	<ul style="list-style-type: none"> • At least twenty-five years old • U.S. and Louisiana citizen for a minimum of five years • Eligible to vote in Louisiana 	Four years (limit of two consecutive terms)
Lieutenant governor Secretary of state Treasurer Commissioner of agriculture Commissioner of insurance Attorney general	<ul style="list-style-type: none"> • At least twenty-five years old • U.S. and Louisiana citizen for a minimum of five years • Eligible to vote in Louisiana 	Four years
Board of Elementary and Secondary Education	Resident of related district	Four years (limit of three consecutive terms)
Louisiana Public Service Commission	<ul style="list-style-type: none"> • At least eighteen years old • Louisiana resident for a minimum of two years • Resident of related district for a minimum of one year • Eligible to vote in Louisiana 	Six years (limit of three consecutive terms)
State senator State representative	<ul style="list-style-type: none"> • At least eighteen years old • Louisiana resident for a minimum of two years • Resident of related district for a minimum of one year 	Four years (limit of three consecutive terms)
State supreme court State courts of appeals	<ul style="list-style-type: none"> • Practiced law for a minimum of ten years • Resident of related district for a minimum of one year 	Ten years
District, family, juvenile, and parish courts	<ul style="list-style-type: none"> • Practiced law for a minimum of eight years • Resident of related district for a minimum of one year 	Six years
City courts	<ul style="list-style-type: none"> • Practiced law for a minimum of five years • Resident of related area for a minimum of two years 	Six years

Many officials in Louisiana are elected to their positions. The qualifications for office vary, as do how long and how many times a person may hold office.

Incumbent judges cannot run for any other elected office in the state except for the office they currently hold or another judicial office.

Unlike other elected offices in Louisiana, the state does not establish a minimum age for members of the state judiciary. It does, however, impose an age ceiling; the mandatory retirement age for judges is seventy years old, but judges may finish their term if they turn seventy while in office. The term limit for the Louisiana Supreme Court and the state courts of appeals is ten years, while the limit for district, parish, and city courts is six years.

Think Twice



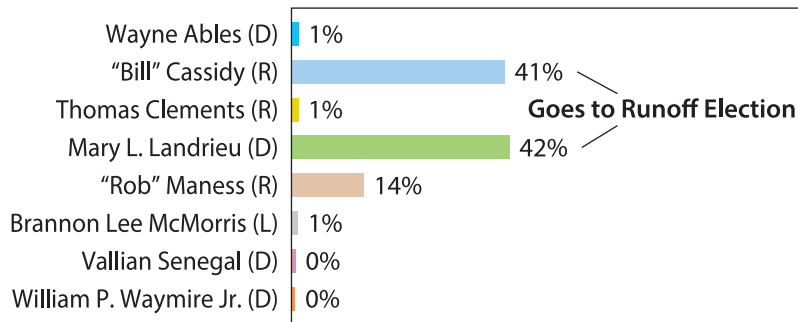
How do the terms of office for the governor, members of the state legislature, and the state judiciary compare?

Louisiana's Open Primary System

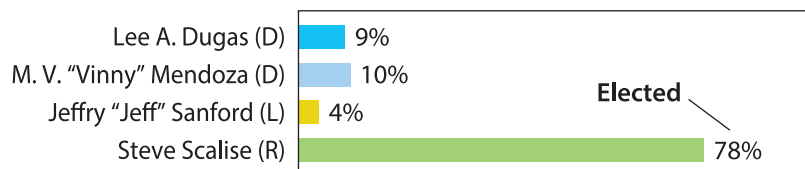
Louisiana's presidential preference primary is unique compared to other states, and its open primary system for local, state, and U.S. congressional elections is similarly distinctive. Under this system, sometimes called a "Cajun" primary, all qualified candidates appear on the ballot. Like in a typical open primary, all registered voters may participate in the

Louisiana November 2014 Election Results

U.S. Senate Race



U.S. House of Representatives— First Congressional District Race



In 2014, the race for U.S. senator went to a runoff election in December, while Steve Scalise won the U.S. representative election for the First Congressional District during the primary.

primary election and vote for a candidate of their choosing.

However, unlike in other states' open primaries, if a candidate receives a majority of the votes (half of the votes plus one), they win the election outright. In other words, there is no subsequent general election. If none of the candidates receive a majority of the votes, the top two candidates participate in a runoff—the equivalent of a general election in other states. In even-numbered years, the primary is held in November, and the runoff happens in December. In odd-numbered years, the primary happens in October, and the runoff is in November.



Think Twice

How is Louisiana's open primary system unique compared to other states?

Public Hearings and Forums

Similar to other states, political processes in Louisiana are not limited to voting for candidates. You read in Unit 4 that one responsibility of citizens is to remain informed of issues facing their community. Two ways to do this are by participating in public hearings and public forums.

A public hearing is a meeting held by a government authority where all members of the community are invited to learn about and weigh in on a proposed policy or action. Public hearings may feature elected officials and

specialists; they also function as an opportunity for members of the public to ask questions and provide their own testimony. Public hearings are held at the federal, state, and local levels. For example, the Environmental Protection Agency (EPA) may hold a public hearing about a new environmental policy that limits the use of certain chemicals. Also recall that the Louisiana State Legislature holds public hearings to engage Louisianans on topics such as redistricting.

While public forums often also involve discussion of particular policies, they are designed to allow candidates to share their stances on issues in a community setting. As with public hearings, these forums are open to the public, and depending on the format, attendees may submit questions in advance or during the event for the candidates to answer. Certain groups often sponsor forums to bring greater community attention to the issues they care about. For example, the League of Women Voters of Louisiana may organize a public forum relevant to issues faced by women in the state.

Think Twice

Why are public hearings and public forums important?

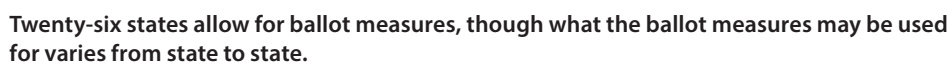


Ballot Measures

Voting is an important part of influencing the legislative process; who citizens vote for influences the legislative priorities of all levels of government. At the state and local levels,

In earlier units, you read about how the right to petition is protected by the First Amendment; this is the right to ask the government to address a complaint or fix a wrong. It includes directly contacting representatives in government to raise a concern. The right to petition also protects the right of individuals or organizations to collect the signatures of others, on either a printed or an online petition, who share their concern. Recent presidential administrations, including the Obama administration, have made it easier to create and sign virtual petitions to support or oppose different government actions.

The right to petition is closely related to two types of ballot measure: **initiative** and **referendum**. Initiatives are laws or changes to laws proposed by citizens. If citizens collect enough signatures on a petition by a set deadline, the initiative appears on the next election ballot for voters to decide alongside the candidates running for office. This is called a *direct* initiative. In some instances, ballot initiatives are first sent to the state legislature to decide in what is called an *indirect* initiative. The legislature has a set time period, defined by the state, to enact the initiative into law. If the legislature fails to vote on the initiative, it is put on the ballot for voters to decide. Depending on the state, ballot initiatives may



Louisiana Requirements to Initiate a Recall

Population of Voting Area	Percentage of Eligible Voters Who Must Sign Recall Petition
1,000 people or less	40 percent
1,000 to 24,999 people	33 and 1/3 percent
25,000 to 99,999 people	25 percent
100,000 people or more	20 percent

In Louisiana, for a recall to appear on the ballot, the petition must be signed by a certain percentage of eligible voters in an area based on the population of the jurisdiction.

be used to create a new state statute or to amend the state constitution.

Referendums are ballot measures that allow voters to weigh in on existing laws. During a veto referendum, citizens decide whether to uphold or overturn a state or local law. As with initiatives, citizens must collect a certain number of signatures for a referendum to appear on the ballot. During a statute referendum, the legislature submits a proposed law to voters, who decide whether to veto or enact it. Referendums relate to a variety of issues, including state constitutional amendments (sometimes called amendment referendums) and taxes.

Only twenty-four states allow initiatives and referendums; Louisiana is not one of them. However, Louisiana does permit a third ballot measure called a **recall**. Via this type of direct action, citizens may petition to have an elected official removed from office before their term is complete. Recalls are typically initiated when a public official has broken the law, has failed

to meet the obligations of their office, or shows a lack of competence. Like initiatives and referendums, recalls appear on the ballot and are decided by voters. In Louisiana, citizens can recall any public official at the state and local level, with the exception of judges.

Think Twice

How do ballot measures influence the legislative process?



Issues and Challenges of the Election Process

Voting is the bedrock of representative democracy, and the way a citizen participates in an election is fairly straightforward: The person registers to vote, then casts their ballot. However, there are many factors that influence if, when, and how a person votes, including issues and challenges of the election process.

Voter Turnout

Recall that voting in elections is the right and responsibility of every American citizen. However, not all eligible voters cast their ballots in elections. This makes **voter turnout**, or the number of people who participate in an election, a major focus of both political candidates looking to win and experts looking to measure the health of our democracy.

Voter turnout is determined in a few different ways. The first step is to count the number of on-time ballots, or the ballots that were cast in person on Election Day or submitted by mail by the deadline set by the states. From there, voter turnout can be calculated as a percentage of the people who could have cast ballots. Statisticians use three different populations to determine this figure:

- the voting-age population (VAP), which includes all people who are eighteen years old or older
- the voting-eligible population (VEP), which includes people who are eighteen

years old or older and are U.S. citizens. They also need to meet other state voting requirements

- the registered voting population

Using each of these populations paints a different picture of voter turnout in the United States, and some are more accurate than others. For example, calculating the voting-eligible population can be very tricky; each state sets its own voting requirements, and some populations that are excluded from voting—for instance, those with a mental disability—are often difficult to measure. Voter turnout is not calculated as a percentage of the total population because that would be very misleading; many residents are ineligible, such as anyone who is less than eighteen years old.

Understanding voter turnout influences how and where political campaigns allocate their resources and how they communicate information to prospective voters. Typically, campaigns dedicate more resources to likely, rather than unlikely, voters.

Voter Turnout in the 2020 Presidential Election by Population

	Population	Voter Turnout
Total U.S. population	331,449,281	N/A
Voting-age population	252,274,000	60.8 percent
Voting-eligible population	242,690,810	63.2 percent
Registered voters	168,308,000	94.2 percent

Voter turnout is calculated by dividing the total number of on-time ballots cast by a given population and multiplying by one hundred.

A variety of factors affect voter turnout, and some factors are strong predictors of who will cast their ballot in an election. When considering who could turn out to vote, there is a straightforward question people ask: Who is most likely to vote in elections, and why? People who are registered to vote and who have voted in past elections are more likely to cast ballots in upcoming elections than their unregistered counterparts. A quick glance at the table showing voter turnout from the 2020 election helps prove this point: the percentage of registered voters who voted is significantly higher than the percentage of the voting-age population or the voting-eligible population. One reason for this is that people who are interested in politics are more likely to actively participate in elections.

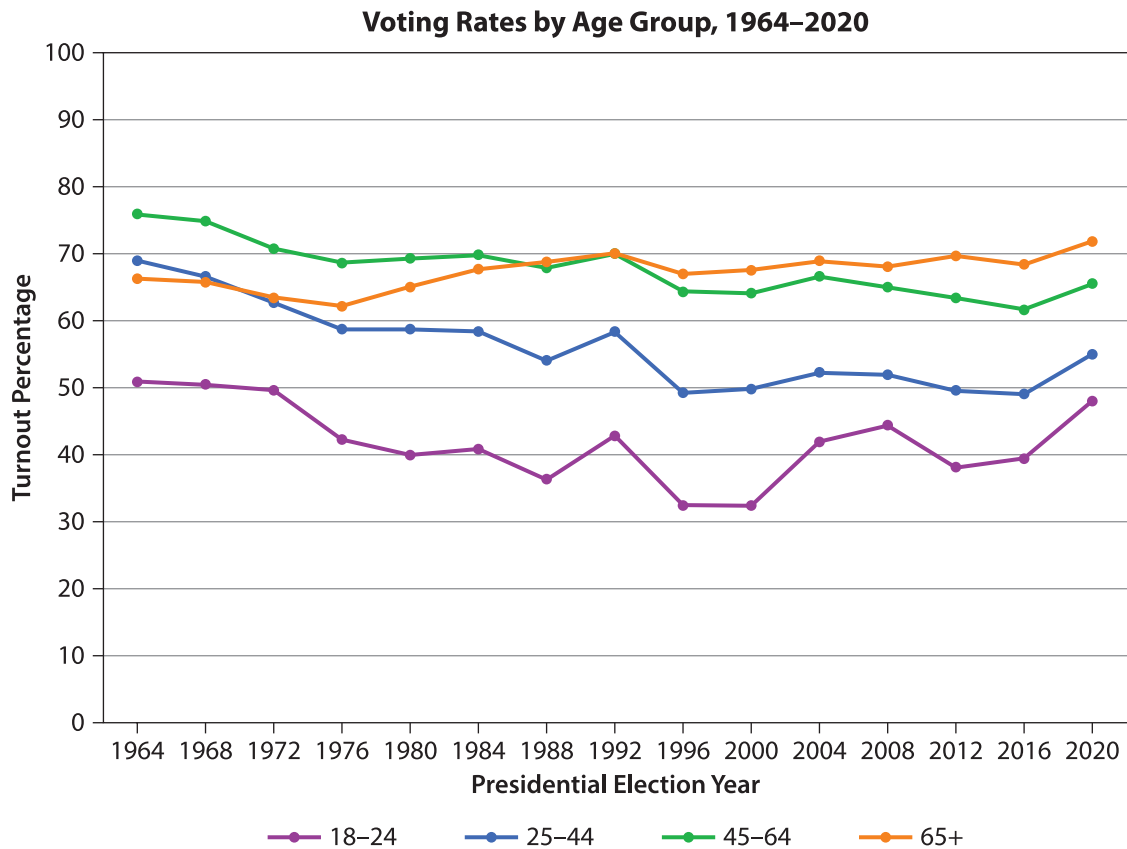
Age is also a strong predictor of who will participate in elections. Voters aged eighteen to twenty-five are the least likely age demographic to vote; by contrast, people over age sixty-five have the highest voter turnout. There are a few possible reasons for this discrepancy. One reason is that younger voters tend to pay lower taxes and receive fewer government benefits than their older counterparts; as a result, government is less tangible in their daily lives. Another reason is obstacles to voting, such as voter registration, knowing where to vote, and having time to vote—all factors you will read more about shortly. To combat low turnout among younger voters, political parties and

nonprofits often organize voter registration drives specifically targeted at young voters, resulting in increased voter turnout.

Socioeconomic status, education level, race, and gender are other factors that influence voter turnout. People with a college degree and those with higher incomes are more likely to vote in elections. In general, white people are more likely to cast ballots; however, in the 2012 presidential election, African American voters had a higher turnout than white voters. Women are also more likely to vote than men; this shift happened gradually following the ratification of the Nineteenth Amendment, and since 1980, more women have participated in elections than men.

Demographics are not the only thing that shapes voter turnout. Voters face a variety of internal and external obstacles to casting their ballots. One internal obstacle is voter apathy, or a lack of enthusiasm or interest in voting. Voters may experience apathy if they believe their vote will not matter or affect the outcome of the election. In states like Utah, where most of the population is affiliated with the Republican Party, Democrats may feel like the presidential election is a foregone conclusion and therefore be less likely to cast a ballot; Republicans living in Massachusetts, where the Democratic Party dominates, may feel the same way.

Another obstacle to voter turnout is voter fatigue. The United States holds elections



This graph shows voter turnout by age group during presidential election years. Turnout was calculated against the total voting-age population (VAP) for each group.

twice as frequently as other democracies around the world. Americans cast ballots in primaries and general elections, in midterm and presidential election years. They also make decisions about who will represent them in their municipality, their parish or county, their state, and the federal government. This requires a significant amount of time and energy, from researching candidates and issues to physically casting a ballot. Additionally, people are often inundated with political ads on television, on the radio, and online. As a result, some voters only participate in certain

elections, namely those in presidential election cycles.

Two major external obstacles to voter turnout are convenience and access. Election Day is held on a Tuesday, when many people are working or in school. Voters do not always have the time or ability to get to their polling place, especially those who do not have access to reliable transportation. To alleviate these obstacles, states offer alternative methods of voting. You read earlier in the topic that Louisiana allows people to participate in early



A sign outside a polling place in Arlington, Virginia, reminds voters to bring a photo ID with them to vote.

voting and to mail ballots under certain circumstances. States such as Colorado and Hawaii have moved to mail-in voting systems in which all registered voters may cast their ballots by mail.

Some states enact laws that restrict access to voting or make it more difficult, such as requiring voters to show identification at their polling place that matches their voter registration. Proponents of the voter ID laws that exist in many states argue that they are a way to reduce voter fraud, or the act of illegally trying to influence the outcome of an election—for example, by casting multiple ballots in an election or by casting a ballot for someone who has died or moved out of state. However, opponents counter that there is little evidence of voter fraud. According to some studies, such laws prevent some people—especially minorities and people of lower socioeconomic status—from voting. These groups may have less access to accepted forms of identification,

Voting: Right, Responsibility . . . Requirement?

In the United States, voting is a right and a responsibility, but not a requirement. Some countries, however, make voting compulsory and may fine voters for failing to participate in elections. As a result, countries with mandatory voting laws have much higher voter turnout; for example, in Turkey and Belgium, voter turnout is more than 80 percent. But what happens when a country switches from mandatory voting to optional voting? When Chile switched its voting policies in 2012, it saw voter turnout drop by more than 40 percent.

like driver's licenses and college or university IDs, than other voters. In the next section, you'll learn more about the Supreme Court case that paved the way for such laws and how some states have worked to reduce their negative effects.

Think Twice

What factors affect how and when citizens vote?



Voting Reforms

Voter ID laws are a significant issue in the United States, and their constitutionality has been central to several Supreme Court cases. But to understand those cases, it is helpful

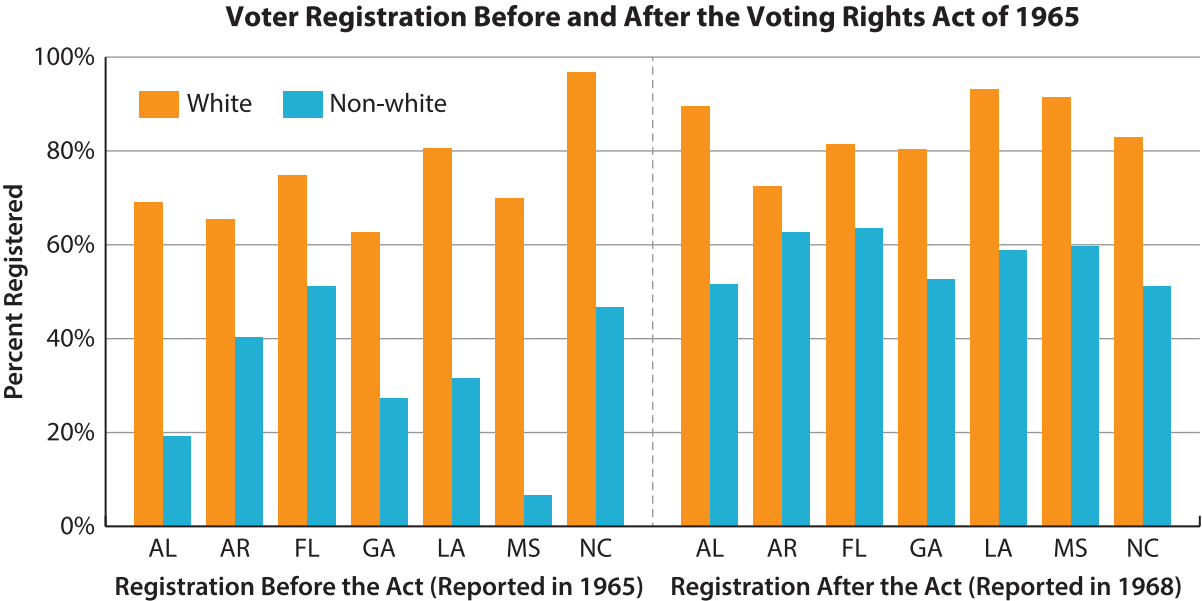
to first understand Section 4(b) of the Voting Rights Act of 1965 and why it exists.

In past units, you read about how the Constitution has become more inclusive and how certain rights, such as voting, have been granted to more groups over time. However, this does not mean that voting rights have always been guaranteed or upheld; the states retain the power to regulate elections, including by setting voting requirements, within their borders. This has resulted in a patchwork of registration and voting policies across the country—some designed to restrict and others to enable enfranchisement.

Recall that after the Civil War and again after Reconstruction, Southern states passed Black Codes, Jim Crow laws, and other legislation

that restricted the rights and movements of African Americans. They employed policies such as poll taxes and literacy tests to prevent most of the African American population and parts of the poor white population from voting (although grandfather clauses reduced the effect on the latter). In Unit 4, you read about how the Twenty-Fourth Amendment made poll taxes in federal elections illegal and the Voting Rights Act of 1965 banned literacy tests and other methods of disenfranchisement and accelerated the process of registering African American voters. The act also increased federal oversight in the states.

According to Section 4(b) of the Voting Rights Act, the federal government could intervene in a voting district if the district



The Voting Rights Act of 1965 had a major effect on voter registration, especially in the South. This graph illustrates the changes in white and non-white voter registration in selected Southern states after the law was enacted. Note the major increase in registration of non-white voters in just three years.

used a method to restrict voting on or before November 1, 1964, and if the district had a voter turnout below 50 percent in the presidential election of 1964. Section 5 of the act explained that districts that were on this “preclearance” list were required to get preclearance, or approval, from either the attorney general of the United States or a district court in Washington, D.C., before making changes to their voter registration or election process. Specifically, they had to prove that the proposed law did not restrict voting rights based on race. When the Voting Rights Act of 1965 was enacted, Section 5 was only in effect for five years. However, Congress continued to renew the law into the 2000s.

In 2002, Congress passed the Help America Vote Act to improve voter registration and voting systems. One of the law’s reforms required first-time voters who registered by mail to present identification at their polling place during federal elections. Some states passed stricter versions of this law. In 2005, the Indiana legislature enacted a law that required voters to present photo IDs issued by the state of Indiana or the federal government. While the Indiana law was contested by the American Civil Liberties Union of Indiana, the Supreme Court ruled in favor of the state and upheld the law.

Six years later, Texas passed its own voter ID law, but it was blocked by the federal government because the state was on the

preclearance list under Section 4(b) of the Voting Rights Act of 1965. Other states with similar laws sued the U.S. attorney general on the grounds that Sections 4(b) and 5 of the law were unconstitutional. In 2013, the Supreme Court ruled 5 to 4 in favor of the states in the case *Shelby County v. Holder*.

The majority opinion argued that while Section 4(b) may have been constitutional in the past, it was no longer relevant to the states and interfered with their Tenth Amendment rights. The decision in *Shelby County v. Holder* overturned the standards for applying the Voting Rights Act of 1965 and reduced federal oversight of state election processes as a result. It also paved the way for more states to pass their own voter photo identification laws.

While the majority of states have some form of voter identification law in effect, some states have implemented programs to help eligible voters more easily obtain identification for free or at little cost. In some instances, eligible voters can receive assistance completing their registration applications. But these are not the only ways that states have worked to improve voter registration. After the Voting Rights Act of 1965 was passed, states looked for ways to make registering to vote easier for citizens. Some states have very few requirements for citizens to register to vote. To register to vote in Oregon, for example, a person need only be a U.S. citizen, a resident of the state,

and at least sixteen years old. Meanwhile, North Dakota does not require its residents to register at all; however, to vote in the state, you must show a photo ID and be a resident for at least thirty days before the election.

Beginning in 2002, some states began offering online voter registration to citizens with a driver's license; nearly all states offer this "motor voter" option today. Nearly half of

states (and Washington, D.C.) offer some form of automatic voter registration (AVR); instead of filling out a separate voter registration application, voters may register automatically while working with a state agency, like the Department of Motor Vehicles. The state of Oregon automatically registers people with driver's licenses when they turn eighteen. This means that citizens do not have to worry

PRIMARY SOURCE: *SHELBY COUNTY v. HOLDER* (MAJORITY OPINION), CHIEF JUSTICE JOHN ROBERTS, 2013

Chief Justice John Roberts wrote the majority opinion in Shelby v. Holder, in which the court invalidated Section 4(b) of the Voting Rights Act of 1965.

Striking down an Act of Congress "is the gravest and most delicate duty that this Court is called on to perform." . . . We do not do so lightly. That is why, in 2009, we took care to avoid ruling on the constitutionality of the Voting Rights Act when asked to do so, and instead resolved the case then before us on statutory grounds. But in issuing that decision, we expressed our broader concerns about the constitutionality of the Act. Congress could have updated the coverage formula at that time, but did not do so. Its failure to act leaves us today with no choice but to declare §4(b) unconstitutional. The formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance.

Our decision in no way affects the permanent, nationwide ban on racial discrimination in voting found in §2. We issue no holding on §5 itself, only on the coverage formula. Congress may draft another formula based on current conditions. Such a formula is an initial prerequisite to a determination that exceptional conditions still exist justifying such an "extraordinary departure from the traditional course of relations between the States and the Federal Government." . . . Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions.

Source: *Shelby County v. Holder*. 570 U.S. 529 (2013).

PRIMARY SOURCE: *SHELBY COUNTY v. HOLDER* (DISSENTING OPINION), JUSTICE RUTH BADER GINSBURG, 2013

Justice Ruth Bader Ginsburg wrote the dissenting opinion in Shelby County v. Holder, arguing both the merits of the Voting Rights Act of 1965 and Congress's constitutional right to apply Section 4(b).

Recognizing that large progress has been made, Congress determined, based on a voluminous record, that the scourge of discrimination was not yet extirpated. The question this case presents is who decides whether, as currently operative, §5 remains justifiable, this Court, or a Congress charged with the obligation to enforce the post-Civil War Amendments “by appropriate legislation.” With overwhelming support in both Houses, Congress concluded that, for two prime reasons, §5 should continue in force, unabated. First, continuance would facilitate completion of the impressive gains thus far made; and second, continuance would guard against backsliding. Those assessments were well within Congress’ province to make. . . .

“[V]oting discrimination still exists; no one doubts that.” . . . But the Court today terminates the remedy that proved to be best suited to block that discrimination. The Voting Rights Act of 1965 (VRA or Act) has worked to combat voting discrimination where other remedies had been tried and failed. Particularly effective is the VRA’s requirement of federal preclearance for all changes to voting laws in the regions of the country with the most aggravated records of rank discrimination against minority voting rights. . . .

. . . But despite this progress, “second generation barriers constructed to prevent minority voters from fully participating in the electoral process” continued to exist, as well as racially polarized voting in the covered jurisdictions, which increased the political vulnerability of racial and language minorities in those jurisdictions. . . . Extensive “[e]vidence of continued discrimination,” Congress concluded, “clearly show[ed] the continued need for Federal oversight” in covered jurisdictions.

Source: *Shelby County v. Holder*. 570 U.S. 529 (2013).

about opting in to voter registration, but they do have the option to opt out.

Register Early, Vote Later

In Louisiana, people as young as sixteen may register to vote by visiting the Registrar of Voters Office or the Office of Motor Vehicles. However, the voting age is still eighteen.



Think Twice

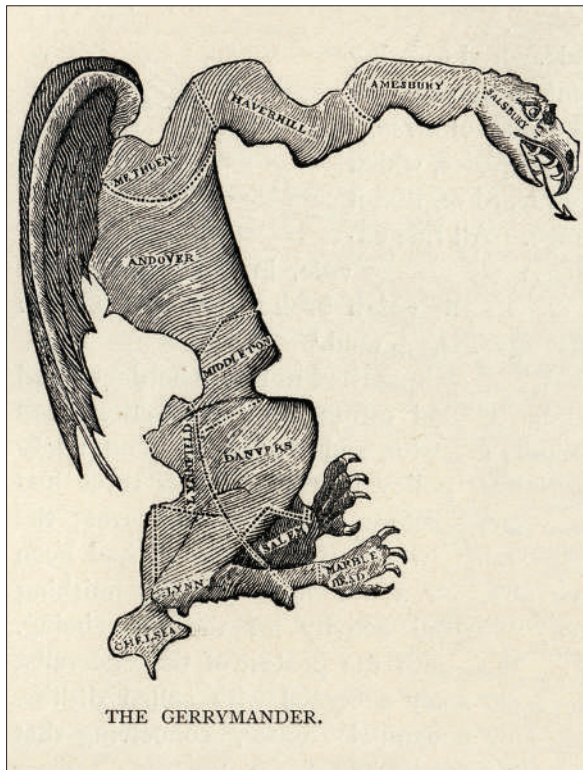
Why was the Supreme Court decision in *Shelby County v. Holder* significant?

Gerrymandering

Earlier in the topic, you read about the process of redistricting, or redrawing the lines around the districts that elected officials represent. Historically, state legislatures have sometimes used a practice called **gerrymandering**, in which they draw up the boundaries of voting districts in a way that may or does give one political party an unfair advantage. The term *gerrymander* was first used in a political cartoon published by the *Boston Gazette* in 1812 in response to a Massachusetts redistricting map signed into law by Governor Elbridge Gerry. The *-mander* part of *gerrymander* referred to the salamander-like appearance of one of the newly formed districts. The 1812 map, spearheaded by Democratic-Republicans, helped dilute the power of the Federalist Party in the state.

Gerrymandering has occurred throughout U.S. history and still persists today, though in a different form than in the past. During the 1960s, the Supreme Court recognized its jurisdiction over apportionment through the equal protection clause of the Fourteenth Amendment in its ruling in *Baker v. Carr*, in which the court gave itself the authority to review challenges to how state legislatures are drawn; this 6–2 ruling has lived on in subsequent cases related to gerrymandering. Two years after *Baker*, the Supreme Court established the one-person, one-vote rule, meaning that each ballot cast during an election should carry the same weight as all the others. This meant that states could no longer legally redistrict to give one group a greater advantage over others by making the population of one legislative district much larger than another. Instead, legislative districts must have mostly equal populations.

State legislatures use gerrymandering to create “safe seats,” or districts where they can be confident that at least half the population will vote for their candidate. This reduces the power of competing parties, increases partisanship, and diminishes political compromise. Gerrymandering also limits the power and incentive of individual voters. For example, consider a state where most registered voters belong to Party A, but Party B has redistricted in such a way that their candidates are guaranteed to win most elections across the state. This would mean



The term *gerrymander* comes from the salamander- or serpent-like shape formed by early nineteenth-century redistricting in Massachusetts.

that a minority of voters influence the policy for the entire state. Gerrymandering affects local and state elections as well as elections for the U.S. House of Representatives.



Think Twice

How does gerrymandering pose a challenge to the election process?

At-Large Voting

Certain election systems also present obstacles to voting, including the **at-large** election system. An at-large seat represents

an entire jurisdiction. For example, a city council may have five members who all represent the entire city rather than each member representing a smaller district within the city. This means that voters vote for all candidates to represent them, regardless of where they live within the jurisdiction.

At-large voting can result in discrimination by making it more difficult for minority voters to elect their preferred candidates. One way

Packing and Cracking

Partisan gerrymandering, or redistricting based on party lines, is legal. Political parties use different techniques to achieve their goals, including packing and cracking. *Packing* means consolidating voters from the opposing party into just a handful of districts; by doing this, the controlling party may lose those districts but still control the rest of the state. *Cracking* means breaking up voters from the opposing party across as many districts as possible to dilute their power; as a result, the opposing party has minimal influence in each district. It is important to note that racial gerrymandering, or unfairly redistricting to reduce the voting power of different racial groups, is illegal under the Fourteenth Amendment, the Fifteenth Amendment, and the Voting Rights Act of 1965.

PRIMARY SOURCE: *SHAW v. RENO*, JUSTICE SANDRA DAY O'CONNOR, 1993

Following the 1990 census, the U.S. attorney general rejected a redistricting map by the state of North Carolina on the grounds that it established only one Black-majority district. While the state's second map created a second Black-majority district, residents of the state challenged its constitutionality based on its unusual shape and the idea that it gave African American candidates an unfair advantage in elections. The case was appealed to the Supreme Court, where the justices ruled 5 to 4 that states cannot take unnecessary actions to redistrict based on race and equal protection, including ignoring the geography of a district.

We believe that reapportionment is one area in which appearances do matter.

A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike, share the same political interests, and will prefer the same candidates at the polls. We have rejected such perceptions elsewhere as impermissible racial stereotypes. . . . By perpetuating such notions, a racial gerrymander may exacerbate the very patterns of racial bloc voting that majority-minority districting is sometimes said to counteract.

The message that such districting sends to elected representatives is equally pernicious. When a district obviously is created solely to effectuate the perceived common interests of one racial group, elected officials are more likely to believe that their primary obligation is to represent only the members of that group, rather than their constituency as a whole. . . .

For these reasons, we conclude that a plaintiff challenging a reapportionment statute under the Equal Protection Clause may state a claim by alleging that the legislation, though race neutral on its face, rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification. It is unnecessary for us to decide whether or how a reapportionment plan that, on its face, can be explained in nonracial terms successfully could be challenged. . . . We hold only that, on the facts of this case, appellants have stated a claim sufficient to defeat the state appellees' motion to dismiss.

Source: Shaw v. Reno. 509 U.S. 630 (1993).

to understand how and why this works is by examining a form of at-large voting that uses residency districts. Under this format, jurisdictions are broken into smaller districts; a city with six districts would have six at-large seats. Candidates are required to live in the district they are running to represent. However, all voters in the city, not just those in the candidate's district, get to vote for all of the seats.

Using this information, imagine a city where 40 percent of the eligible voting population belongs to Group A and the remaining 60 percent belongs to Group B, making Group B the majority. Now imagine that Group A makes up 90 percent of the eligible voting

population of District 1. Under the at-large system, Group B—the majority of the city's population—is likely to elect their preferred candidates to all five seats. This means that even though Group A makes up the majority of District 1, their votes for their preferred representative are drowned out by the larger numbers of Group B. Additionally, Group A will not have any representation in the city's government. At-large voting still exists today, though it is becoming less common thanks to Section 2 of the Voting Rights Act of 1965.

Think Twice

How does at-large voting pose a challenge to the election process?



Topic 2

Political Parties and Political Influences

Framing Question

How do political parties, special interest groups, and the media affect how people participate in government?



The First Kennedy-Nixon Debate

On September 26, 1960, Vice President Richard Nixon debated his fellow presidential candidate, Massachusetts senator John F. Kennedy, in the first of four debates. But this was no ordinary debate; it was the first time a presidential debate was broadcast on television, and seventy million Americans tuned in to watch live. For the first time in U.S. history, Americans across the country could see in real time how the candidates looked and spoke. They could hear their opinions, hear their voices—and judge their appearances.

Prior to the debate, Nixon, the Republican candidate, was ahead in the polls and was expected to beat Kennedy, the Democratic candidate, in the general election in November. Earlier in September, Nixon had spent time





The September 1960 debate marked the first time two presidential candidates debated on national television. Kennedy is shown sitting on the left and in the bottom-left close-up; Nixon is on the right and shown in the bottom-right close-up.



in the hospital for an injured knee, and he hurt his knee once again as he arrived at the television station for the debate. As a result, Nixon looked and sounded tired, and dark stubble cast a shadow on his pale face. When offered stage makeup before the debate went live, Nixon declined. Kennedy, by contrast, appeared youthful and vibrant; his complexion was tan from campaigning outdoors, and he opted to wear stage makeup.

Americans took note of these stark differences, and the following day, Kennedy was up in the polls. Henry Cabot Lodge, Nixon's running mate, had watched the debate live and believed that Nixon's performance had cost the Republicans the election. Meanwhile, Lyndon B. Johnson, Kennedy's running mate, had listened to the debate on the radio and thought that it was Kennedy who had lost. In the next three debates, Nixon both looked and sounded healthier, and he was deemed the winner of two of the debates. However, Kennedy ultimately won the election by a thin margin.

The first debate had made something very clear: In the dawning age of modern political campaigns, perceptions mattered just as much as—if not more than—substance. By 1976, televised presidential debates were a mainstay in general elections, and as in 1960, they have helped shape **public opinion** and influenced how Americans vote.



Historical Roles of Political Parties

Debates are far from the only thing to influence voters, who are surrounded by ideas designed to affect the way they make voting decisions. There are many other influences within the political process that also shape the outcomes of elections—especially political parties. In Unit 2, you read briefly about George Washington’s Farewell Address. After two terms in office, he declined to run again for the presidency, instead choosing to retire to a quiet life at his estate—but not before leaving his fellow Americans with two pieces of advice: Avoid foreign entanglements, and do not form political parties.

While Washington’s first point proved highly influential in U.S. isolationism and foreign policy, his second went unheeded. Washington believed that the formation of parties could weaken the government and contribute to unnecessary conflict. Despite his warnings that it was “the interest and duty of a wise people to discourage and restrain” the formation of parties, by 1796, two factions had already taken shape.

Prior to the adoption of the U.S. Constitution, some American leaders believed that political parties were inevitable. In *Federalist* No. 10, James Madison argued that political factions were a way for people to work collaboratively to advance their shared interests. As the

country changed over time, new parties with different priorities and ideologies emerged, faded, and strengthened as their role and purpose evolved.

Think Twice



Why did George Washington oppose the formation of political parties?

How Political Parties Formed

America’s first political parties were very different from the parties that exist today. This is in large part because the United States has changed significantly since then. The United States was relatively small at its inception—just thirteen states, all of which were east of the Mississippi River. Voters and leaders were generally more concerned with what was happening within their states rather than at the national level. At the same time, only white, landowning men had voting rights, which meant the issues that political parties and elected leaders focused on were much narrower in scope.

Even before the U.S. Constitution went into effect, groups had opposing views of the U.S. government. The Federalists favored a strong central government, while the Anti-Federalists emphasized the power and autonomy of the states. These opposing views played out at the Constitutional Convention and then during the ratification debate. However, these differences did not

end with the adoption of the Constitution; they also shaped policy and contributed to the development of two formal political parties—the Federalist Party and the Democratic-Republican Party (an outgrowth of the Anti-Federalist movement)—during the early 1790s. Federalists supported investment in infrastructure and advancing American industries, policies that benefited people living in urban areas. Democratic-Republicans favored policies that benefited the farmers who made up the majority of the population.

Federalists heavily influenced George Washington’s administration, especially Alexander Hamilton. As secretary of the treasury, Hamilton advocated for a strong central government that would promote policies to strengthen the young country’s economy, including the First Bank of the United States. When the first president left office, Federalists and new rivals Democratic-Republicans alike saw the 1796 election as an opportunity to nominate candidates that represented their interests and their vision for the country. Federalists drew most of their

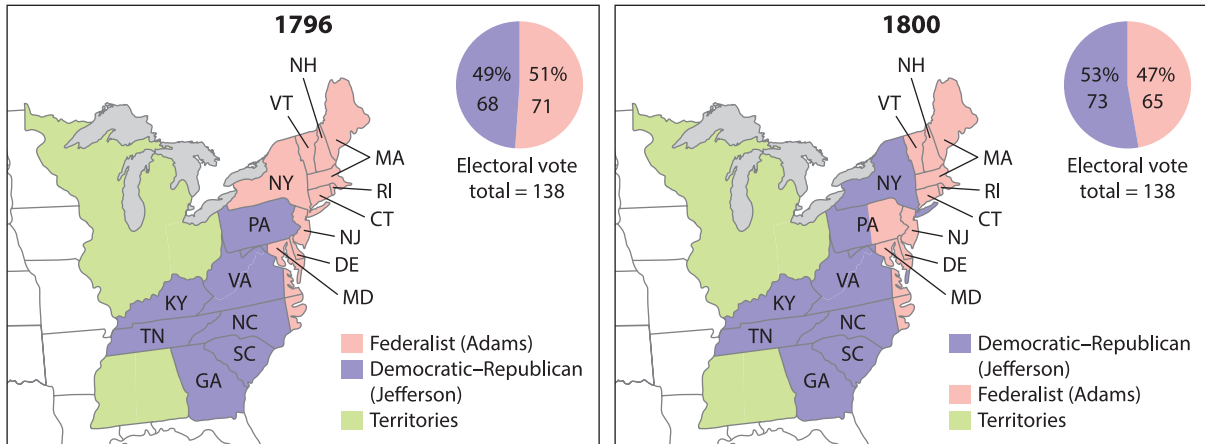
PRIMARY SOURCE: LETTER FROM THOMAS JEFFERSON TO HENRY LEE, AUGUST 10, 1824

In 1824, Thomas Jefferson wrote a letter to Henry Lee, a fellow Virginian, about his views on political parties.

I am no believer in the amalgamation of parties, nor do I consider it as either desirable or useful for the public; but only that, like religious differences, a difference in politics should never be permitted to enter into social intercourse, or to disturb its friendships, its charities or justice. In that form, they are censors of the conduct of each other, and useful watchmen for the public. men by their constitutions are naturally divided into two parties. 1. those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2^{dly} those who identify themselves with the people, have confidence in them cherish and consider them as the most honest & safe. . . . in every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves. call them therefore liberals and serviles, Jacobins and Ultras, whigs and tories, republicans and federalists, aristocrats and democrats or by whatever name you please; they are the same parties still and pursue the same object.

Source: Jefferson, Thomas. Letter to Henry Lee, August 10, 1824. Founders Online. National Archives. <https://founders.archives.gov/documents/Jefferson/98-01-02-4451>.

Presidential Elections of 1796 and 1800



The Federalists and the Democratic-Republicans were the first two major political parties to emerge in the United States. Note how the parties were divided along regional lines.

support from states in New England and the Mid-Atlantic, while Southern voters favored the Democratic-Republican Party.

Both parties were loosely organized, with limited reach and a primary purpose of selecting presidential candidates. The Federalists were first successful in 1796, when their candidate, John Adams, won the presidency. Four years later, in the election of 1800, the Democratic-Republicans were victorious when Thomas Jefferson was elected president.



Think Twice

How did the first political parties in the United States form?

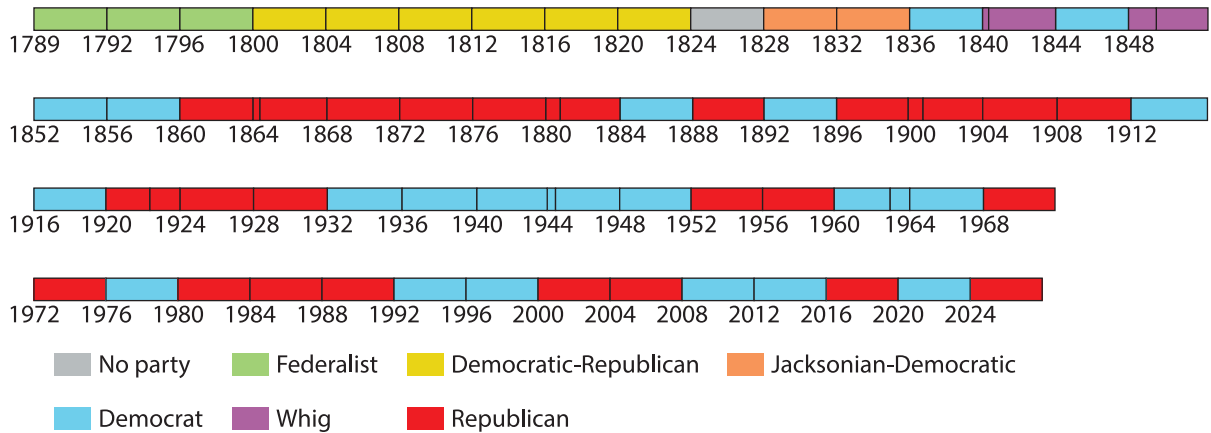
Historic Major Parties

The Federalist Party and the Democratic-Republican Party were ultimately short-lived. After the War of 1812, in which the United

States defeated Great Britain, the country experienced a period of national unity called the Era of Good Feelings that lasted until about 1820. During this time, the Federalist Party fell apart due to political infighting and unpopular policies. Meanwhile, the Democratic-Republican Party struggled to represent the varied interests of the growing country: Supporters in the South resisted change to their economic system, while people in the newer Western states pushed for increased government investment in infrastructure. The Democratic-Republican Party split into two camps: Old Republicans, who supported a small federal government and states' rights, and National Republicans, who supported federal funding for infrastructure and other improvements.

Other politicians, namely Senator Martin Van Buren from New York, noted this rift and began to form political parties that provided

Presidential Election Winners by Political Party, 1789–2024



This timeline shows the political party of every winner of a presidential election since the founding of the United States. Note that since 1852, there have been only two major parties: Democrat and Republican.

order and advanced their own regional interests. In New York, Van Buren worked to unite political leaders and voters from a wide range of backgrounds around national issues, instead of just local and regional ones. This model of political party organization was then adopted in other parts of the country. These parties could mobilize voters at the local, state, and national levels and create a system in which party leaders from different parts of the country worked together to achieve their goals.

Four regional candidates ran for president in the 1824 election, all under factions of the Democratic-Republican party: John Quincy Adams of Massachusetts, Henry Clay of Kentucky, William Crawford of Georgia, and Andrew Jackson of Tennessee. Jackson won the popular vote but did not win a majority in the Electoral College, and it became the responsibility of the

House of Representatives to decide who would be the president. Henry Clay had the fewest electoral votes, which meant that he was not likely to be chosen by the House of Representatives; he was, however, still Speaker of the House, which meant that he had significant sway over who the House would elect. Ultimately, the House chose John Quincy Adams, who then appointed Clay as his secretary of state, an act that Jackson and his furious supporters referred to as a “corrupt bargain.” Van Buren capitalized on the controversy of the “bargain” and aligned himself with Jackson. He used the accusations of unfair dealings to unite people across the country in support of Jackson, laying the groundwork for the new Jacksonian-Democratic Party, later called simply the Democratic Party.

In Unit 2, you read that John Quincy Adams and Andrew Jackson faced off once

Historic Minor Parties in Presidential Elections, 1832–1912

Minor Party	Key Facts	Presidential Election Year, Percent of Popular Vote
Anti-Masonic	<ul style="list-style-type: none"> Formed as backlash to the Freemasons, a secret fraternal order that many American politicians belonged to dating back to colonial times Had many members who went on to join the Whig and Republican Parties 	1832, 8 percent
American (Know-Nothing)	<ul style="list-style-type: none"> Formed as backlash to Irish and German immigration Advanced anti-immigrant and anti-Catholic policies 	1856, 22 percent
Southern Democrats	<ul style="list-style-type: none"> Split from the Democratic Party over the issue of slavery Supported a federal law that expanded slavery into the territories 	1860, 18 percent
Constitutional Union	<ul style="list-style-type: none"> Formed with the primary purpose of preserving the Union and preventing civil war Did not address the issue of slavery and worked to gain the support of border states 	1860, 13 percent
People's (Populist)	<ul style="list-style-type: none"> Formed by farmers and by workers' unions in the Midwest and South in response to declining crop prices and discriminatory practices by lenders and railroads Supported unlimited minting of silver coins, public ownership of railroads and communication lines, and direct election of senators Influenced support for the Sixteenth Amendment (federal income tax) and the Seventeenth Amendment (popular election of senators) 	1892, 8 percent
Bull Moose (Progressive)	<ul style="list-style-type: none"> Formed by former president Theodore Roosevelt as an act of protest when he failed to secure the Republican nomination over his successor and the incumbent, William Howard Taft Supported a variety of social, political, and economic reforms, including women's suffrage, new banking regulations, and an easier constitutional amendment process 	1912, 27 percent
Socialist	<ul style="list-style-type: none"> Formed in response to growing wealth and influence of corporations and industrialists Advocated replacing private enterprise with collective ownership of businesses 	1912, 6 percent

The United States has had dozens of minor parties throughout its history. This table shows a few notable parties, starting with the country's first minor party, the Anti-Masonic Party. Note how some minor parties competed against each other in the same presidential election year.

again in the presidential election of 1828. Led by Martin Van Buren, leaders of the Democratic Party worked to rally voters and appealed directly to the people through grassroots campaigns—a practice still used by political parties today. Adams’s National Republican Party, however, continued to rely on political elites for support. Recall that Jackson won the election; his and Van Buren’s efforts contributed to the two-party system that still exists today. Also recall



The Whig Party was a major political party until the mid-1850s. This campaign poster for the 1852 election shows the last two Whig candidates to run for president and vice president, Winfield Scott (left) and William Graham (right).

that anti-Jackson sentiment, led by Henry Clay, led to the formation of the Whig Party, which went on to adopt election tactics used by the Democratic Party. Parties now operated at all levels of government and played an increasingly influential role in mobilizing voters, setting legislative agendas, and campaigning.

The Democratic Party remained a dominant force in politics through the mid-1800s as the South’s proslavery party. The Whig Party, on the other hand, endured for only a few decades; it disappeared in the mid-1850s because of internal divisions over slavery. Many former Whigs in the North joined the emerging Republican Party. The Civil War and Reconstruction cemented the Republican Party’s status as a major national party, and like the Democratic Party, it still exists today. Note that the demographics, ideologies, and legislative priorities of these parties have changed over time; you will learn more about their modern incarnations later in the topic.

Think Twice

What roles did political parties begin to take on during the 1820s and 1830s?



Historic Minor Parties

Two major parties—though not always the same ones—have dominated U.S. politics since the country’s founding, for reasons you will read about later in this topic. Yet voters

and leaders have not necessarily accepted this status quo. Throughout U.S. history, people have established **minor parties** as alternatives to the major parties.

Minor parties, like major parties, have ideologies, run political campaigns, and work to mobilize voters. However, they are distinct from major parties in a few ways. Minor parties tend to have a narrower focus than major parties, concentrating on one or a few niche interests that appeal to specific parts of the population. These parties are often reactionary—formed in response to a specific event or developing issue.

They are also typically short-lived, though there have been exceptions. In some cases, minor parties have been absorbed into the major parties. For example, the Republican Party not only attracted members of the defunct Whig Party (formerly a major party) but also absorbed the Free-Soil Party, which existed from 1848 to 1854 with the goal of opposing the spread of slavery in U.S. territories.

While minor parties have a much lower chance of winning elections than major parties, they have wielded—and continue to wield—influence over local, state, and



Two minor parties—the Southern Democrats and the Constitutional Unionists—competed in the 1860 presidential election, in addition to the Democratic Party and the Republican Party. This political cartoon shows the four parties dividing the country along sectional lines.

national politics and legislation throughout American history.



Think Twice

Why do people form minor parties?



Modern Political Parties

The two-party system in U.S. history has shaped the organization and ideologies of modern political parties. While major parties may sometimes adopt or promote similar policies to appeal to voters, frequently their differences contribute to polarization.

Why Two Parties?

A variety of factors have made the two-party system an inevitability in the United States, beginning with the way members of the House of Representatives are selected. Most U.S. elections have a winner-takes-all model, meaning that the candidate with the plurality of votes (more votes than any other candidate) wins the race. In federal congressional districts with a single representative, elected leaders have a close bond with voters, and they typically have a lot of visibility; voters can see the effects of their choices based on the policies that are enacted. This can result in very popular

incumbent candidates, which in turn discourages otherwise qualified candidates from the other major party and minor parties from running.

At the same time, minor parties must work harder in this system. Voters have only one ballot to cast, and they are typically reluctant to take a chance on a candidate from an unestablished party. Voters must be convinced that the minor-party candidate can win. Candidates campaign to gather support and convince voters of their chances of winning. However, minor-party candidates tend to have fewer resources than their major-party counterparts from the onset, and the assumption that a minor-party candidate is less likely to win makes fundraising during campaign season difficult.

Another reason for the two-party system is that minor-party candidates have a narrower appeal than the major parties, often focusing on a single issue; they attract fewer voters than the major parties. At the same time, there is no prize for second place. Consistently poor showings in elections cause many minor parties to disappear because their support and perceived chances of winning wane. Alternatively, if the main issue on which a minor party has focused is resolved, is adopted by a major party, or fades from public attention, the minor party might also fade away.

Independent Voters

Independent voters are individuals who are not affiliated with a political party. People identify as independent voters for a variety of reasons. Some independents tend to lean in favor of one major party or another, while others may not have a specific party preference. Others register as independent voters because they are disaffected by the two-party system.

Often, the perception that voting for minority-party candidates siphons votes from major-party candidates can dissuade voters from casting a ballot for a minor-party candidate at all. Recall that minor parties are often reactionary; people form them when they are frustrated with the major parties' actions or inaction. Therefore, minor parties can draw voters from major parties. However, because voters may experience remorse when their minority candidate doesn't win *and* a less desirable major-party candidate does, in future elections they become more likely to vote for a candidate from a major party.

There are many examples of this phenomenon in American history. In 1988, Republican George H. W. Bush won 53 percent of the popular vote and 426 electoral votes, beating Democrat Michael Dukakis. Four years later, Bush ran for reelection, this time against Democrat Bill Clinton and independent candidate H. Ross Perot.

Clinton won the election with 43 percent of the popular vote and 370 electoral votes. Meanwhile, Perot won 19 percent of the popular vote (19,742,267 total votes) and no electoral votes, leading some to suggest that Perot cost Bush the election. Some believe that Ralph Nader, the Green Party candidate, had a similar effect on the 2000 presidential election. They argued that the nearly 2.9 million ballots cast for Nader pulled votes from Democrat Al Gore, leading him to lose the race to Republican George W. Bush (the son of George H. W. Bush).

It's important to note that election results can be deceiving. The idea that Perot and Nader cost major-party candidates the election are based on assumptions and

The Green Party

The Green Party in the United States was formed in 1984, but its roots are actually international. Americans were inspired by other Green Parties in places like West Germany, Belgium, Great Britain, and Canada. These parties organized to advance world peace, sustainable environmental policies, gender equality, social justice, and decentralized government. Ralph Nader became the party's first presidential candidate in 1996, and he ran again in 2000, 2004, and 2008. The Green Party identifies and runs candidates at all levels of government.

speculation, while election outcomes are much more nuanced. Based on the popular vote and the electoral vote in these elections, it is clear that minor parties were influential, but it is impossible to know how the election may have turned out without them. For example, it is theoretically possible that without Perot in the race, George H. W. Bush could have won the 1992 election. However, contemporary analysis of Bush's popularity during his first term and information collected during **exit polls** indicate that it is more likely Bill Clinton would have won the election with a greater margin of the popular vote.

One reason the winner-takes-all system is used is because it is simple; the winner can usually be determined during a single election. Other democracies around the world use a proportional system, in which seats

in government are awarded to parties and candidates based on the proportion of the vote they receive. For example, consider a legislature that has one hundred seats. If Party A gets 60 percent of the vote, they get sixty seats. If Party B gets 5 percent of the vote, they get five seats.

One way to adapt the current winner-takes-all system is by switching from plurality voting to majority voting. Under this system, candidates must have a true majority (51 percent or greater) to win the election. If no candidate receives a majority of the votes during the first ballot, then the top candidates move to a runoff election, like in the "Cajun" primary in Louisiana.

Think Twice

Which factors contribute to the two-party system in the United States?



H. Ross Perot (left) ran as an independent candidate in 1992 and established the Reform Party in 1996. Ralph Nader (right) ran as the Green Party's presidential nominee in four consecutive elections.

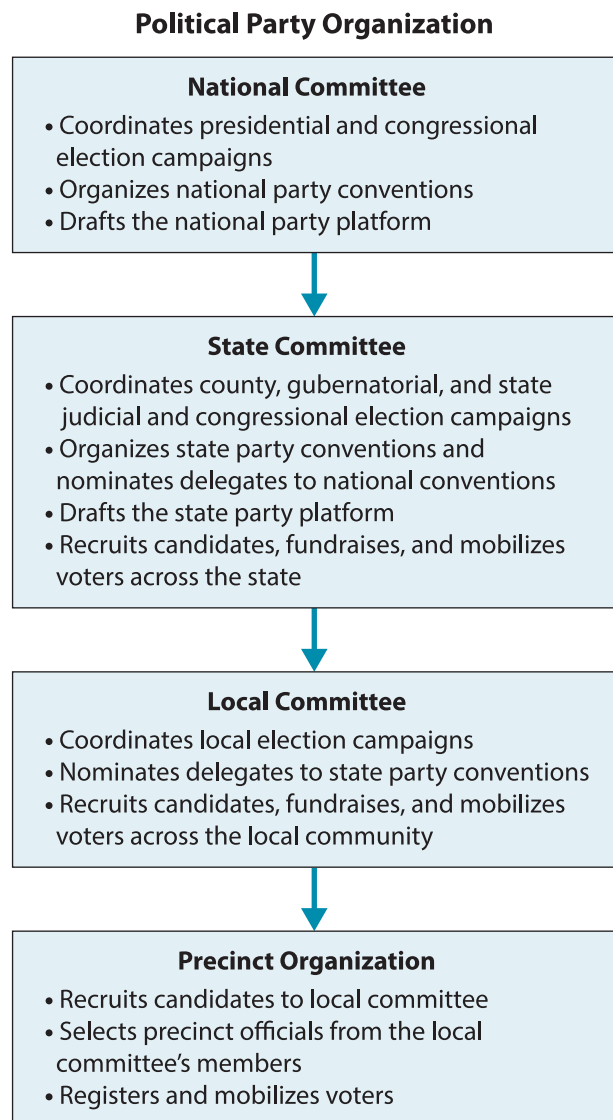
Modern Political Party Organization

Political parties exist to mobilize voters and to win elections. This means they have a vested interest in establishing permanent organizations at all levels of government. As a result, party organization is shaped like the U.S. government, with structures at the local, state, and national levels. Each level is led by a committee, an elected group of individuals that represents and coordinates the activities of the party, and each committee is led by a chair.

The lowest level of political party organization happens at the local levels (precinct and county). Those within the local party organization have a variety of responsibilities—they mobilize voters, recruit new party members, and fundraise. They also identify candidates for local office, coordinate local campaign strategy, organize candidate events, and work at the polls on Election Day. Most of the people who work for their party at the local level are volunteers.

The next level of political party organization is the state level. State party organizations work closely with local party organizations to coordinate campaigns for county offices. Like local party organizations, state party organizations recruit candidates, fundraise, and mobilize voters. They prioritize organizing and running the campaigns for high-level state offices like the governor and for U.S. congressional races.

These organizations also draft the state party **platform**, a document that explains the party's views and policies to voters and serves as a road map for the party's candidates if they are elected to office. State platforms largely reflect the national party platform. State conventions are



The way political parties are organized is a reflection of the three levels of U.S. government: federal, state, and local.

another important responsibility of state party organizations. During state conventions, members of the party discuss various issues across the state and choose the delegates who will represent their state at the national party convention. Delegates selected at the state convention then appear on the ballot for voters to choose from during the general election. State party organizations, unlike local party organizations, have paid full-time staff.

Despite having many responsibilities and being the most active in the political process, local and state party organizations are often eclipsed by the national party organization, which tends to be more visible to voters. This is in large part because national party organizations coordinate presidential elections and work on congressional elections. Another reason is that national party organizations get more media coverage, especially leading up to and during national party conventions that formally nominate presidential candidates. National party organizations are responsible for fundraising, recruiting candidates, and drafting the national party platform.



Think Twice

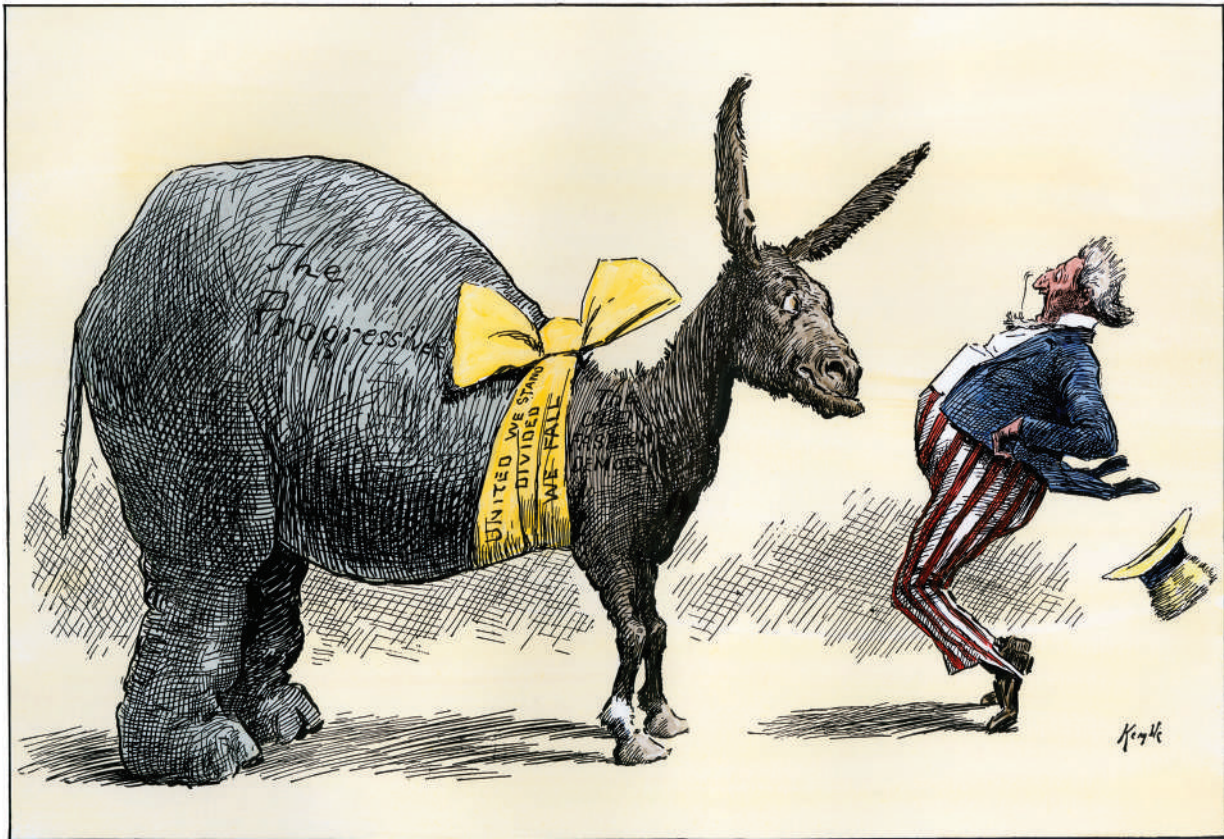
How have political parties continued to shape our national and state governments?

Ideologies of the Two Major Political Parties

The Democratic Party and the Republican Party are the two major political parties in the United States and have been since the Civil War. Each party has its own **ideologies** that guide its positions on various issues and the policies it supports, especially as they relate to the role of government.

People who identify with the Republican Party traditionally favor a small national government and states' rights. They believe that the government should play a limited role in regulating the economy, especially the actions of businesses and industries. Some Republicans also believe that the government should enact laws that reinforce traditional views of morality. You may hear the term *right wing* used to describe Republican ideology. This term dates to the French Revolution (1789), when conservative or tradition-minded members of the country's National Assembly sat on the right side of the room.

People who identify with the Democratic Party typically favor a larger, more active federal government that regulates the economy and promotes equality and the general well-being of citizens through various government programs. Unlike some Republicans, Democrats generally do not support government legislation concerning



"SAY, UNCLE, WE'VE CUT LOOSE FROM THE OLD PARTIES, AND DECIDED TO COME TOGETHER AND FORM A NEW PARTY. CAN YOU SUGGEST A NAME?"

Since the 1800s, the Democratic Party has been represented by a donkey and the Republican Party by an elephant. This political cartoon from the early 1900s suggests that members of both parties work together to enact legislation.

private behaviors. The term *left wing* is used to describe Democratic ideology and also dates to the French Revolution. Many Democrats also identify as progressives and advocate for social, economic, and political reforms to fix systems that contribute to inequality.

The ideologies of the Democratic and Republican Parties have shifted and evolved over time for a variety of reasons, including

regional concerns, different approaches to civil rights after the Civil War, and the involvement of the federal government in everyday life. Note that even though voters tend to identify with one of the two parties, political ideology is a spectrum. Many people tend to land somewhere between the two parties, some left of center and others leaning more to the right. These people are **moderates**, or individuals who

hold some combination of Republican and Democratic ideologies. It is also possible for voters to have Democratic views on one issue and more Republican views on another.



Think Twice

How do Republicans and Democrats each view the role of government?

Polarization

In the past thirty years, the political landscape in the United States has changed as voters have elected fewer political moderates. This has resulted in **polarization**, in which Democrats and Republicans in office have less and less in common and lean toward the edges of the ideological spectrum.

The development of far-right and far-left movements may be one reason for this shift. Over time, the ideologies of these movements have become more mainstream and have been adopted by some leaders in the Republican Party and the Democratic Party. As you read earlier in the topic, our system for electing leaders also reinforces a binary between two parties. This may encourage each party to support policies that are different from those supported by the other party. Other possible causes of polarization include

the role of the media, which you will read about later, and gerrymandering. Recall that gerrymandering is redistricting in a way that increases the likelihood that one party will be elected over another; this can contribute to increased partisanship at the state and national levels.

Polarization affects both government operations and voter habits. Today, elected leaders are more likely to vote along party lines than to pass **bipartisan** legislation. This can contribute to things such as government shutdowns, especially when neither party has control of both houses of Congress (the legislative branch) and the presidency (the executive branch). (Government shutdowns occur when Congress does not pass legislation that funds the federal government; as a result, agencies are forced to stop nonessential actions.) Polarization also discourages moderate voters from participating in politics and elections because they feel they are no longer represented ideologically. It also lowers public confidence in government institutions when the branches of government struggle to confirm nominees and enact legislation due to party differences.

Think Twice

What is polarization, and how does it affect the political process?





Special Interest Groups, Associations, and PACs

As you learned in Unit 3, a special interest group is an organization or group of organizations that works to advance its goals by influencing public policy. Special interest groups fall into five different categories, as described in the table on this page.

Special interest groups, like political parties, are not mentioned in the Constitution, but

they play an important role in our democracy. Unlike political parties that take positions on a variety of causes to appeal to voters, special interest groups are much narrower in scope, instead focusing on one or a few related specific causes. Special interest groups may work to advance the interests of just their members or represent a specific part of the population; they may also work for the benefit of all or most people in the United States. Special interest groups exist at all levels of government and together represent a broad range of interests and concerns. For

Types of Special Interest Groups

Type	Description	Examples
Membership organizations	Made up of individuals with shared beliefs, concerns, or interests; typically collect dues from members	<ul style="list-style-type: none">• Mothers Against Drunk Driving (MADD)• Vietnam Veterans of America• American Association of People with Disabilities
Corporate interest groups	Represent companies and corporations; do not have individual members	<ul style="list-style-type: none">• Coca-Cola• Verizon
Association interest groups	Made up of groups within the same industry that work together to advance shared interests	<ul style="list-style-type: none">• American Beverage Association• National Association of Manufacturers• National Restaurant Association
Government interest groups	Made up of local, state, and foreign governments; have goals that range from increasing autonomy to gaining a greater share of the federal budget	<ul style="list-style-type: none">• Department of Education• National League of Cities• National Conference of Mayors
Public interest groups	Work for the benefit of all or most of society	<ul style="list-style-type: none">• National Affordable Housing Network• Environmental Defense Fund

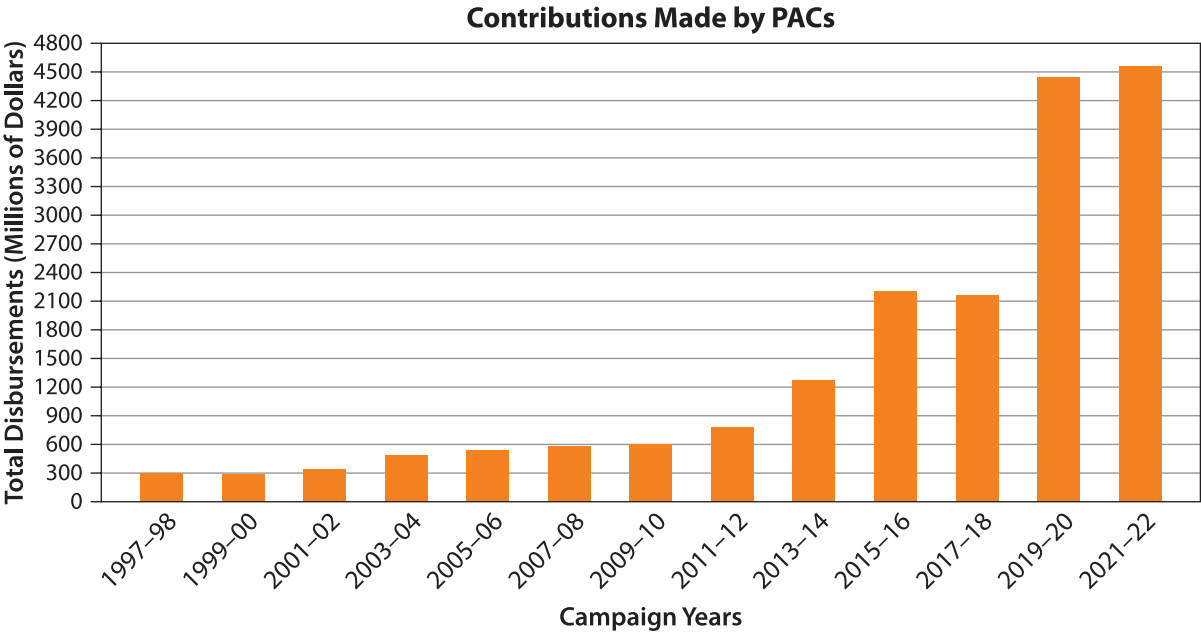
Special interest groups can greatly impact policy change for specific segments of society.

example, the American Library Association is a national special interest group that works to support libraries and their patrons around the country, while the Louisiana Association of Educators represents a much narrower interest at the state level.

While the main goal of most special interest groups is lobbying public officials to enact certain policies, as you read in Unit 3, they often work toward this goal through their influence on elections. Depending on their beliefs and goals, special interest groups may be more closely aligned with the Democratic Party or the Republican Party, while others cross party lines. Special interest groups have a vested interest in supporting candidates during elections. If their candidates are elected to office, they are more likely to meet their policy goals.

Special interest groups participate in the election process in a variety of ways. They work to mobilize voters within their membership, as well as other eligible voters. They may also endorse a candidate for office; this signals to their members, and to other voters, that the candidate has similarly aligned interests or supports the interests of the group. Endorsements can be very impactful. Take, for example, the special interest group AARP, an organization that advocates on behalf of all Americans over age fifty and has thirty-eight million members. Capturing even a small percentage of that membership could affect the outcome of an election.

Fundraising and making campaign donations is another significant way special interest groups can influence elections. In some instances, special interest groups will give



Campaign contributions by political action committees (PACs) have steadily increased over time, making them an influential part of the election process.

money to multiple candidates. This increases their chances of influencing public policy after the election, regardless of who wins.

Special interest groups also run advertisements that support or oppose candidates by highlighting their past actions, their records in office, and their positions on certain policies. Advertisements are a way to influence members of the special interest group and the general voting public.

Political action committees (PACs) also play a significant role in the election process. Their primary function is to raise and spend money to influence the outcomes of elections. PACs fall into two categories: connected and nonconnected committees. Connected committees are organized by special interest groups like those you just read about—membership groups, corporations, or associations. A connected committee may accept funds from only its members or people who are linked with its organization. Nonconnected committees are not associated with a special interest group; as a result, they can raise funds from anyone. The Federal Election Commission regulates how much money PACs can contribute to candidates and parties; you'll learn more about this when you read about campaign financing in the next section.



Think Twice

How do special interest groups participate in and influence elections?



Federal Campaign Finance and Spending

Fundraising is a major and important part of political campaigns. Candidates receive funds from special interest groups and PACs, but they may also receive contributions from individuals, corporations, and unions. In some instances, candidates are self-funded, meaning they pay for their own campaigns. Billions of dollars are contributed to and spent on campaigns each election cycle, making it important for citizens and the government alike to know where this money comes from and where it goes. As a result, the federal government works to track and regulate **campaign finance** to make federal elections as transparent as possible.

History of Campaign Finance Laws

Political campaigns have existed in the United States since before the Constitution was adopted. However, Congress did not pass the first campaign finance law until 1867, when it prevented government officials from soliciting donations from employees of the U.S. Naval Yard in Washington, D.C., and thereby pressuring them for support in elections. Congress began passing more comprehensive legislation in the early 1900s.

During the 1896 election cycle, the Republican Party spent \$16 million. About \$6 million to

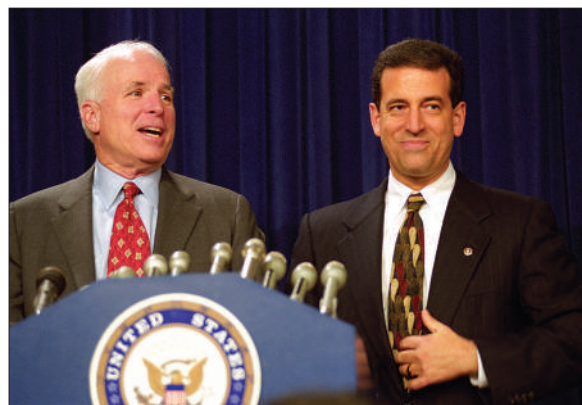
\$7 million was spent on presidential candidate William McKinley's campaign alone—hundreds of millions in today's dollars. Such exorbitant spending piqued suspicions of political corruption: Were these large sums of money *actually* spent on the campaign, or were they used for another purpose? Were the donations used to buy influence? Such questions led to congressional investigations. In 1907, Congress passed the Tillman Act, which prohibited corporations from making contributions to federal election campaigns. Later acts in the first half of the twentieth century imposed more restrictions, including limits on how much individuals could contribute to candidates and what candidates could spend contributions on, as well as disclosure requirements, meaning candidates had to share with citizens where their money came from and how they spent it. The purpose of campaign finance laws was to increase transparency, but the federal government did little to enforce them. At the same time, it also struggled to stop significant funds—and by extension the influence their donors wielded—from finding their way into campaigns.

In 1971, Congress passed the Federal Election Campaign Act (FECA), which strengthened federal oversight of campaign finance. The law included new reporting requirements for contributions and expenditures. It also changed the way groups and corporations made campaign contributions; these groups could now use funds from their treasuries

to form PACs. The law was amended in 1974 to create the Federal Election Commission (FEC), an independent federal agency with the power to enforce FECA and other laws governing elections.


FECA, while more stringent than past campaign finance laws, was not perfect. Loopholes in the law meant that parties and PACs could still make large contributions to political campaigns. To address these issues, Republican senator John McCain and Democratic senator Russ Feingold cosponsored the Bipartisan Campaign Reform Act of 2002 (BCRA), also called the McCain-Feingold Act. The goal of the BCRA was to reduce the influence of outside interests—including corporations, PACs, and unions—on political campaigns and the policies of parties and candidates.

Once passed by Congress, the BCRA placed restrictions on how much money corporations and PACs could give to political parties. These contributions, called “soft money,”



Senators John McCain and Russ Feingold worked for years to pass the BCRA through Congress.

were unregulated in the past. Before BCRA went into effect in 2003, groups could get around individual campaign contribution limits by giving money instead to political parties, which could then distribute the funds to those same campaigns. The BCRA also addressed other areas of campaign finance. Under the BCRA, candidates and PACs could not work together, and candidates were now required to endorse the ads their campaign created. The law also limited how early in the election cycle unions and corporations could begin running political ads.

Think Twice


What changed with the passage of the Federal Election Campaign Act (FECA)?

Fundraising

As a result of the BCRA and later amendments and legislation, the federal government has established contribution limits for candidates and party committees. But where exactly do candidates and parties get their money from? Federal campaign contributions come from small individual donors (people who contribute \$200 or less), large individual

Contribution Limits for 2023–24 Federal Elections

Donors	Recipients				
	Candidate Committee	PAC (SSF and Nonconnected)	State/District/Local Party Committee	National Party Committee	Additional National Party Committee Accounts
Individual	\$3,300 per election	\$5,000 per year	\$10,000 per year (combined)	\$41,300 per year	\$123,900 per account per year
Candidate Committee	\$2,000 per election	\$5,000 per year	Unlimited transfers	Unlimited transfers	
PAC (Multicandidate)	\$5,000 per election	\$5,000 per year	\$5,000 per year (combined)	\$15,000 per year	\$45,000 per account per year
PAC (Non-multicandidate)	\$3,300 per election	\$5,000 per year	\$10,000 per year (combined)	\$41,300 per year	\$123,900 per account per year
State/District/Local Party Committee	\$5,000 per election	\$5,000 per year	Unlimited transfers		
National Party Committee	\$5,000 per election	\$5,000 per year			

The federal government establishes contribution limits that individuals, PACs, and political parties may make to specific entities. This chart shows the contribution limits for federal elections in 2023 and 2024.

donors (people who contribute more than \$200), and PACs. Political parties are also campaign contributors; they disburse the funds they receive to different campaigns, especially those where the race is tight. Wealthy candidates may also contribute their own funds to their campaigns. Under FECA, candidates for federal office are required to disclose who contributed to their campaign and how much; this includes both individuals and political organizations. Candidates must also report what they spend their contributions on and how much.



Think Twice

From what sources do candidates receive campaign contributions?

The Presidential Election Campaign Fund

Another way Congress has worked to reduce corruption is by providing public funding for presidential campaigns. This program initially took a two-pronged approach to reducing campaign finance corruption: (1) reducing presidential candidates' reliance on funding from corporations and wealthy donors and (2) setting strict standards for how public funding was spent.

Public funding for presidential campaigns was instituted through the Presidential Election Campaign Fund Act of 1966, which established the Presidential Election

Campaign Fund (PECF). At its inception, taxpayers could voluntarily contribute one dollar to the PECF when they filed their tax returns each year. Qualified presidential candidates could then receive reimbursements from the fund for certain types of campaign expenses.

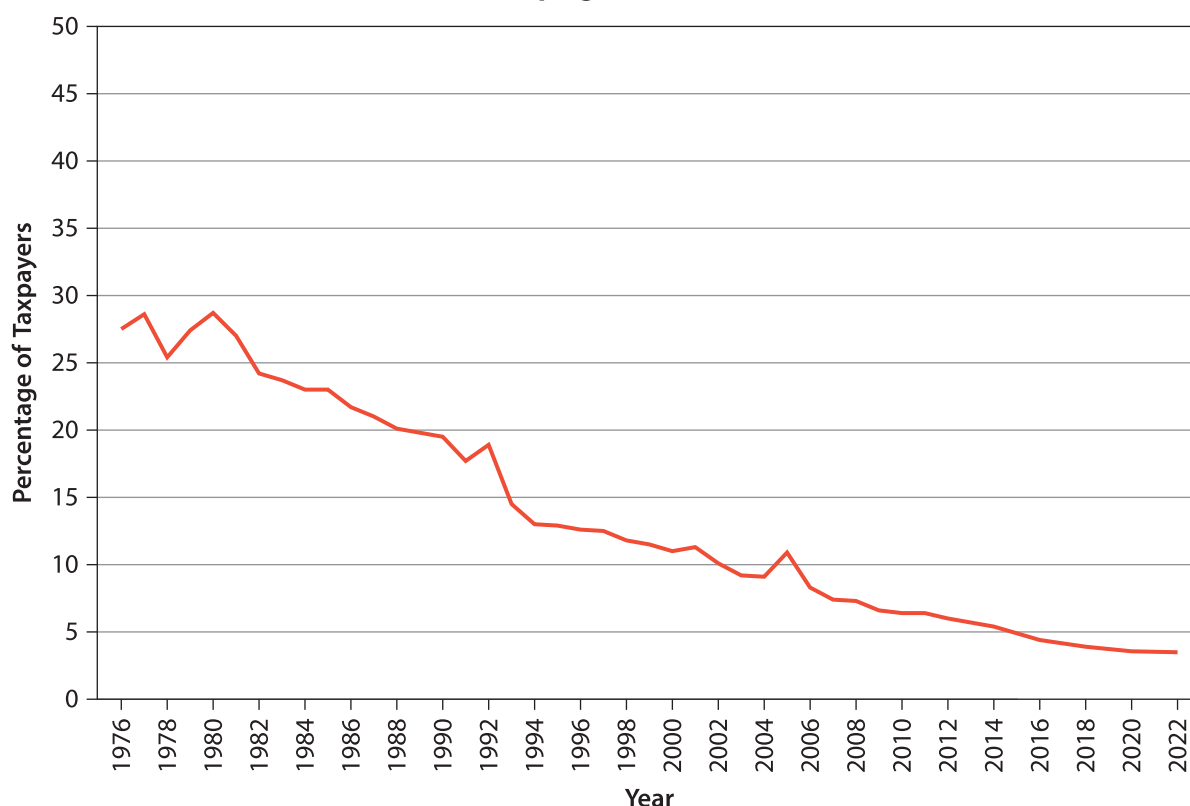
The original law set specific requirements for candidates to qualify for public funding. A candidate's affiliated party had to have received at least five million votes in the past election. Each candidate had a minimum spending floor of \$5 million before they could begin submitting for reimbursements. Additionally, minor-party candidates could ask for reimbursement for up to \$10 million—\$1 for each vote their party received in the previous election. Meanwhile, the reimbursement limit for major-party candidates was determined by adding the number of votes received by both major parties in the last election, dividing by two, multiplying by \$1, and subtracting \$5 million (the minimum spending floor). We can use the results of the 1968 presidential election to illustrate this equation:

$$(\text{Total popular vote of major parties} \div 2) \times \\ \$1 - \$5 \text{ million} = \text{Reimbursement limit}$$

$$(63 \text{ million popular votes} \div 2) \times \\ \$1 - \$5 \text{ million} = \$26.5 \text{ million}$$

The PECF still exists, though the requirements for candidates and the distribution of funding

Percentage of Taxpayers Contributing to the Presidential Election Campaign Fund over Time



Today, people have the option to contribute to the PECF when they file their taxes. However, the percentage of taxpayers who exercise this option has declined considerably over time.

are different from its initial iteration—and they are different for primary elections and general elections. Today, candidates can receive up to \$250 in matching funds for individual campaign contributions during the primary if they

- raise \$5,000 or more in twenty different states,
- receive contributions in each state from at least twenty different contributors,
- agree to caps on total campaign spending during the primary,

- agree to caps on campaign spending in each state during the primary, and
- agree to limit spending of their personal funds on the campaign.

The format for qualifying for general election funds takes a different format. During a presidential election cycle, the FEC sets a certain grant limit for major-party candidates. To receive the grant, candidates must agree not to spend more than the grant and not to accept private campaign contributions during the general election. Beginning in

Public Campaign Funds Programs

Fourteen states offer some form of public funding for elections; however, this funding is often limited to specific offices. For example, in Vermont, funding is only available for candidates running for governor or lieutenant governor, and states such as Arizona and Minnesota make funding available to state legislative offices. Some local governments also have public funding programs to help support candidates running for offices like mayor, city council member, or school board member. These programs come in different shapes and sizes, ranging from full and partial grants to matching funds from small donors. Currently, Louisiana does not offer public funding for campaigns.

2008, major-party candidates have declined to accept public funds for their campaigns; you will read more about why in the next section. That year, the available grant was \$84.1 million. It has since grown to more than \$100 million.

Minor- and new-party candidates may also receive public funding for their general election campaigns. To qualify, the minor party has to have received between 5 and 25 percent of the vote in the previous presidential election. Funds are then based on the ratio of the minor

party's popular vote to the average of the major parties' popular votes. New-party candidates can qualify for reimbursement after the election if they win 5 percent of the popular vote.

Think Twice

What is the purpose of the PECF?



The Supreme Court and Campaign Finance

Congress has the power to enact laws regarding campaign finance, but the Supreme Court has weighed in on this subject, too. Its decisions have played a key role in shaping campaign finance in the United States.

You read that Congress amended FECA in 1974; these changes came on the heels of the Watergate scandal that you read about in Unit 2. The federal government was eager to prevent campaign corruption and attempted to do so by limiting how much money an individual (including the candidate) could contribute to a campaign. A group of politicians, including Secretary of the U.S. Senate Francis Valeo, challenged the constitutionality of the amendment. In the collective case *Buckley v. Valeo* (1976), the Supreme Court differentiated between contributions and spending. It determined that limiting how much an individual *contributed* was constitutional;

however, limiting how much an individual *spent* violated the First Amendment right to free speech.

In 2003, the Supreme Court heard arguments about two provisions in the BCRA: its restrictions on soft money donations and its new regulations for political advertising. The plaintiffs in *McConnell v. Federal Election Commission* charged that this first restriction went beyond Congress's power to regulate elections and that both restrictions violated the First Amendment. In a 5–4 decision, the Supreme Court ruled that the BCRA was constitutional on both accounts and upheld the law.

You read about another significant Supreme Court ruling in Unit 2, *Citizens United v. Federal Election Commission*. In 2010, the court ruled in a 5–4 decision to overturn parts of the BCRA. As a result, corporations, unions, and special interest groups could spend unlimited amounts of money on campaigns through independent expenditure-only committees, or super PACs.

Like regular PACs, super PACs may not coordinate with a candidate's campaign. Unlike regular PACs, super PACs are prohibited from making campaign contributions, but there are no restrictions on how much money they can raise and spend to promote one candidate or tear another candidate down. The creation of super PACs has dramatically increased the amount of money funneled into political

campaigns and, by extension, the influence of wealthy interests on election outcomes. After the Supreme Court's decision in *Citizens United*, the number of registered super PACs grew from 83 in 2010 to around 1,300 in 2014. Meanwhile, the total funds they spent ballooned from around \$63 million to \$345 million. This decision also impacted the Presidential Elections Campaign Fund program. Now that super PACs can raise and spend unlimited funds to support their preferred candidate, presidential candidates are less likely to accept public funding—and the restrictions that come with it—for their campaigns.

Think Twice

How has the Supreme Court reinforced or reshaped campaign finance laws?



The Effects of Changing Campaign Finance

Fundraising is a significant part of the election process. While a larger “campaign chest” does not guarantee a candidate's victory, access to funds does provide the candidate with the opportunity to hold events, hire staff, create and send mailers, and pay for political advertisements and travel. Furthermore, a candidate's ability to fundraise, especially early on, is typically related to their ability to stay in a race and to raise even more money as the race progresses.

You just read that changes to campaign finance laws have had a significant impact on the amount of money that can be contributed to elections. What is unclear is exactly how this influx of money has impacted the outcomes of elections at all levels. If a campaign spends more money, is the candidate better able to disseminate ideas that voters need to hear to be better informed? Does the spending encourage more voters to turn out to the polls, which can change the outcome of the election? Or does more money simply give the better-funded candidate an advantage in disseminating certain messages? More money means more opportunities for large rallies, paid ads, and paid campaign workers—and, by extension, more exposure for the candidate. But does this matter more than the quality and policies of the candidates in the race?

Another way to think about the impact of campaign finance laws is from the perspective of transparency. States, in addition to the federal government, have laws that require candidates to file campaign finance disclosures. Louisiana also maintains lists of registered lobbyists and PACs active in the state. All this information is available to the public. As a result, citizens can investigate trends in groups that are making contributions to state and local campaigns. They can also investigate how candidates are spending those contributions to target certain issues or voting populations. This

transparency can lead to better-educated and more informed voters.

Think Twice

How might campaign finance and spending rules affect the outcomes of local, state, and federal elections?



Public Opinion

The popularity of candidates and the outcomes of elections are affected by public opinion, or the general views and preferences of the people. Like so many other things in politics, public opinion is complex and nuanced.

Political scientists define “the public” in different ways. For example, the *attentive public* is made up of people who are generally aware of politics and government policy, while an *issue public* is made up of people who focus on a specific public policy, like health care or education. An opinion is the stance a person takes, which reflects their subjective views on actions, issues, leaders, and policies. Opinions may be positive, negative, or neutral. In some instances, people have an undecided opinion, meaning they have yet to form one.

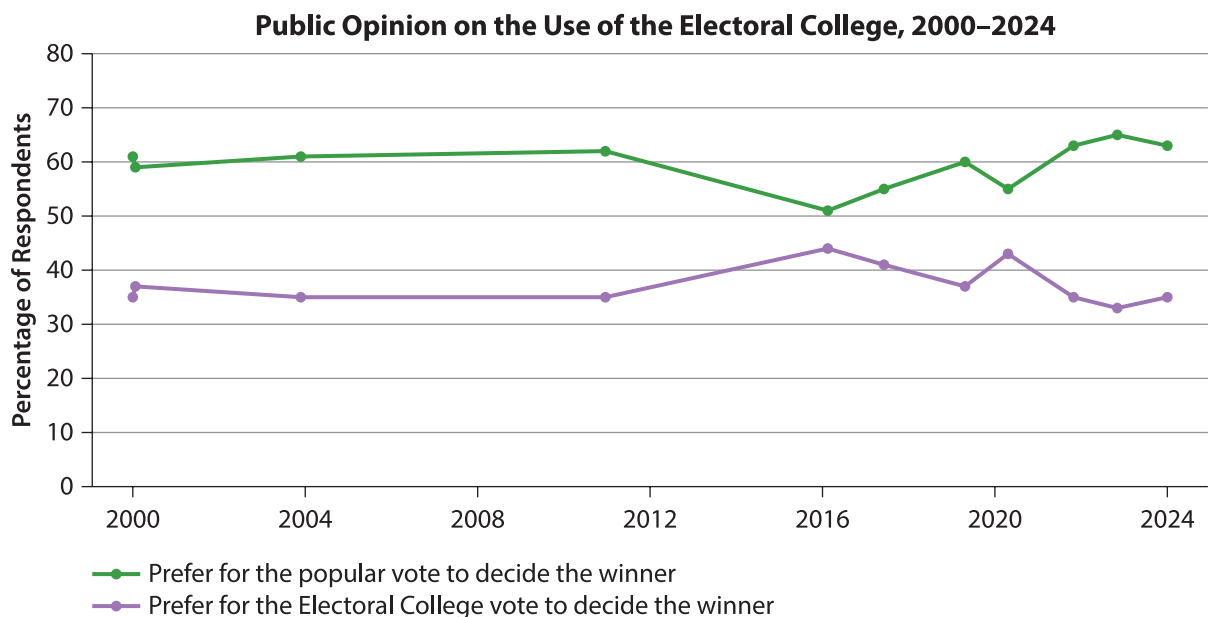
Our opinions are formed by many internal and external factors, like the things we value, what we are interested in, what we know and believe, how we feel, and our patterns

of behavior. They are also influenced by our family and friends, where we go to school, and the various communities we belong to. Individual and public opinions are not fixed; both can change over time in response to major events, changing circumstances, and increased exposure to alternate viewpoints. For example, the decades-long women's suffrage movement gradually shifted public opinion in support of the Nineteenth Amendment in 1920, while the book *Silent Spring*, published by Rachel Carson in 1962, radically changed public opinion on the environment.

Unsurprisingly, the media affects public opinion. Today, people in the United States have virtually unlimited access to news sources

and social media; as a result, information travels quickly. People often seek out or are targeted by content that reinforces their viewpoints on certain parties, candidates, or issues. At the same time, leaders, candidates, political parties, associations, corporations, interest groups, and other organizations can communicate their messages to large audiences with relative ease. You will read more about the role of the media in politics in the following section.

Public opinion is often measured through polling, or the process of asking a group of people a predetermined set of questions. Polls may be conducted door-to-door, by mail, by phone, or online. Effective public opinion polls use random sampling to



This graph shows the results of a public opinion poll conducted in 2024. Respondents were asked whether they believed the use of the Electoral College in presidential elections should continue or if the popular vote should determine who becomes president.

have participants from a broad range of backgrounds, political affiliations, and belief systems answer questions on things like preferred presidential candidates, the favorability of different policies, and views on government actions. The information from these random samples is meant to reflect the broader opinions of society. Poll results are then shared by the polling agency itself, as well as by the media. Polls can influence elections in their own right. They can lead candidates to shift their positions on different policies. They can also encourage voter turnout when an election appears close or discourage voter turnout if the projected outcome of a race seems like a foregone conclusion.

Public opinion can influence the actions of the government and government leaders. A representative democracy is one in which the government is accountable to the people. Voters can cast their ballot to keep leaders in office or replace them. This means leaders have a vested interest in at least considering public opinion when they make policy decisions. Public opinion can also affect candidates running for office, who often use public opinion polling to tailor their messages and presentation to appeal to more voters.



Think Twice

How is public opinion formed, and how can it change over time?



The Media's Effect on Politics

The media plays an important role in our daily lives. Media has taken the form of newspapers, radio, television, apps, and the Internet, and it is responsible for informing people about current events and politics at the local, state, national, and international levels. News media is a collaborative effort; journalists, fact-checkers, editors, publishers, photographers, and artists work together to present objective, factual coverage of events as they happen. Content creators also produce opinion pieces to advocate for certain policies or promote particular candidates.

Roles of the Media

The media is an important part of our democracy, in which the First Amendment protects the freedom of the press. The Founders saw a free press—today, the media—as an active participant in the democratic process. The media holds the government accountable by reporting on policies and actions that an informed public needs to know about. Recall from Unit 2 the effects when *the New York Times* and other newspapers began printing the Pentagon Papers during the Vietnam War, revealing that the federal government had actively deceived the public about the nature of the



Social media has had a profound effect on politics in the United States. Today, candidates can announce news and positions in real time, reaching their followers instantaneously.

conflict. The newspapers' publication of the Pentagon Papers shifted public opinion against the federal government and against U.S. involvement in Vietnam.

Beyond serving as a government watchdog, the media helps set the public agenda by picking and choosing what to cover. This, in turn, affects what people learn about and discuss. For example, in the 1980s, Western news outlets began covering an ongoing famine in Ethiopia. Video footage of the famine's effects sparked public outcry and led to the United States providing about half a billion dollars in humanitarian aid to the East African country. In recent years, the development and adoption of social media has only further highlighted how quickly issues can go viral with the global circulation of posts, images, and videos.

The media is also a place for public discourse and debate. Elected leaders and experts appear on television programs, radio

broadcasts, livestreams, and podcasts to discuss various policies. During election years, news programs hold debates between candidates. This makes the media a place for politicians to gain exposure and to spread their messages and policy views.

Think Twice

What purposes does the media serve in the democratic process?



Examples of the Media's Impact on Policy and Perception

In Unit 4, you read briefly about the First Red Scare. The country experienced the Second Red Scare after World War II, as the democratic United States and the communist Soviet Union worked to spread their ideologies around the globe. Newspapers stirred up anti-communist sentiment for decades. As television became an increasingly important part of American culture and media, anti-communist groups used this to their advantage. They organized boycotts of companies that paid to advertise their products on television shows that employed or featured people accused of "un-American" activities.

Just as television helped propel the Second Red Scare, however, it also helped end it. In 1950, Senator Joseph McCarthy of Wisconsin publicly claimed in a speech that more than

two hundred communists were working in the State Department. McCarthy spent the next four years accusing, investigating, and interrogating employees from a number of federal government departments and agencies, including the Central Intelligence Agency (CIA) and the U.S. Army. While McCarthy claimed he had evidence for his accusations, he never produced any. In 1954, public opinion began to turn against McCarthy as Americans watched him make his baseless accusations on television during what became known as the Army-McCarthy hearings. People began to call McCarthy's investigations "witch hunts" and to decry McCarthyism, the use of reckless and unproven attacks to bully people and damage their reputations. The televised hearings caused the senator's popularity to plummet. Americans realized that instead of promoting the national interest, McCarthy's actions were unfairly targeting and disparaging real people.

The media can also affect the actions of politicians, as was the case during the Vietnam War era. The Vietnam War is considered the "first television war." Between 1946 and 1960, the number of television sets in the United States grew from seven thousand to fifty-two million. For the first time, news of a foreign conflict was delivered to Americans in their living rooms. Media coverage of the Vietnam War was also different from that of past conflicts. During World War II, the government heavily censored the media, and coverage

was focused on bolstering and maintaining American morale. However, during the 1960s and 1970s, the media experienced much less government scrutiny. At the same time, broadcasters sent journalists directly into war zones, which changed the nature of the information being covered. Graphic coverage contributed to growing anti-war sentiment across the country, especially on college campuses.

Members of the media also influenced American perceptions of the war. Walter Cronkite, a popular television news anchor of the time, earned a reputation as "the most trusted man in America" for his straightforward reporting on the evening news. After he visited Vietnam following the Tet Offensive, Cronkite's experience led him to conclude on national television that the Vietnam War was "mired in stalemate." In simple terms, Cronkite did not think the war could be won. This statement influenced future media coverage and public opinion of the war and led President Lyndon B. Johnson not to seek reelection in 1968. When the story of the My Lai Massacre broke in 1968, pressure mounted for American leaders to withdraw from the conflict altogether.

The media in the United States has changed significantly since the 1960s. As you are about to read, while print media (including newspapers and magazines), radio, and television still wield much



Walter Cronkite's reporting on the Vietnam War helped change public opinion about the war.

influence, the media has become increasingly intertwined with technology—namely, the Internet.



Think Twice

How does the media affect the actions of politicians?

Technology's Influence on Politics and Government

Technology is all around us. In addition to affecting how we live, learn, and work, technology also influences the way we

interact with information, politics, and the government. The effects of technology, especially the Internet, can be both positive and negative.

In the previous section, you read about the role of media in politics based on the traditional forms of media: print, radio, and television. Historically, these sources disseminated information to readers, listeners, and viewers at set intervals. This began to change with the development of cable news and the 24-hour news cycle in the 1980s. The Internet took this further by giving people instant access to information with the click of a button on computers, tablets, and smartphones. While in some instances this is



President Barack Obama is considered the country's first "social media president." This photograph, taken in 2012, shows Obama in the private residence of the White House during a live social media chat.

positive, it has also led to media saturation. There is so much content online that it can be difficult for media outlets to reach their target audiences. At the same time, people can be overwhelmed by the volume of information.

The Internet has also contributed to polarization and increased partisanship in media. This is in part because the economics of the media has changed. In the past, traditional news organizations earned most of their revenue from advertisers who bought print ads or commercials. The Internet has changed this model. Today, the media relies more and more on subscriptions and traffic to their websites. As a result, media companies often have greater incentive to develop splashy headlines and content—or "clickbait"—that attract as many viewers as possible. At the same time, media outlets are more likely to write for a specific audience—their core subscribers and visitors—than to present information objectively.

Social media is a popular source of information for people of all ages, and it's an inexpensive way for news organizations to quickly disseminate information. Algorithms, or computer codes, help distribute information to people based on their demographics and past media engagement. One downside to this is that algorithms can create information bubbles that influence what people see and think. Social media posts are short by nature. While this makes them easily digestible, the limited number of characters means that posts can oversimplify news stories or create misleading headlines. Social media is also a way for politicians to circumvent traditional media to reach voters directly. This allows them to share information, build a following, and encourage voter participation—although the resulting relationship between politician and voter is often a one-way relationship.

The Internet has also contributed to civic discourse by creating new forums for people to engage in discussions about public policy and government. People can more easily connect with like-minded individuals. They can also find more opportunities for civic engagement, including mobilizing voter drives, protests, or candidate events. Federal, state, and local governments also use the Internet to interact directly with the people, often posting important updates to social media and their official websites. For example, federal and state agencies use

social media and legacy media (newspapers, radio, and television) to provide emergency information, such as hurricane evacuation orders and directions for finding assistance after a natural disaster. They also make available vast amounts of digitized content, from historic documents and labor statistics to transcripts of congressional hearings and city council meetings.

It is important to note that credibility in the media matters. Many traditional media outlets have existed for decades or longer, and they have worked hard to build a reputation with their consumers as trustworthy news sources. Technology has made it easier for new companies and news outlets to proliferate, making

it more difficult to determine their credibility. In some instances, online media generates intentionally misleading information on websites and accounts that appear legitimate. This is called *disinformation*. The Internet is also a source of *misinformation*, or false information that is not intentionally misleading. Both mis- and disinformation can sway public opinion and influence voter behavior. This makes it imperative to verify the accuracy, authority, and objectivity of a source and the information it provides.

Think Twice

How has technology affected politics and government?



Glossary

A

anarchist, n. a person who rebels against or works to disrupt an established authority, usually a government or an economic system (69)

antitrust, adj. relating to legislation designed to prevent companies from monopolizing an industry, whether individually or by agreeing not to compete with each other (38)

asylum, n. protection from persecution, especially political persecution in one's country of origin (36)

at-large, adj. relating to an elected official who represents an entire area instead of one of its subdivisions, such as a city instead of a precinct (169)

B

ballot measure, n. an issue or topic that is placed on a ballot for voters to decide (158)

bipartisan, adj. involving two political parties (187)

C

campaign finance, n. the process of raising and spending money for use during political campaigns (190)

capital offense, n. a crime that can be punished with the death penalty (105)

citizen, n. a person who is legally recognized as a member or subject of a country or state (110)

civil liberty, n. freedom from excessive or unwarranted interference by the government (79)

civil right, n. any of the liberties, freedoms, and entitlements that are guaranteed to citizens by their government through legislation or other government action (70)

communist, n. a person who supports an economic system based on community ownership of property and industry (68)

comparative advantage, n. the ability of a country to produce a good or service at a lower cost relative to other products than other countries can (52)

competition, n. in economics, rivalry between producers who seek consumers for their goods or services (17)

constituent, n. a person represented by a specific elected official (5)

contractionary, adj. in monetary policy, tending to suppress spending and slow inflation with the side effect of increasing unemployment (23)

D

dark horse, n. a political candidate who receives an unexpected nomination (135)

deficit, n. the shortfall when spending exceeds the amount of money brought in (19)

diplomacy, n. the cultivation of peaceful relationships between countries through communication and negotiation (4)

discretionary program, n. a government program whose budget can be changed from year to year as determined by Congress (19)

domestic policy, n. a government's decisions and actions relating to issues that affect people living within the country (4)

draft, n. a system that requires individuals to serve in the military (132)

“dual mandate” (phrase) the requirement that the Federal Reserve work to maximize employment and keep prices stable in order to also regulate interest rates (22)

E

economic policy, n. a government's decisions and actions to influence and regulate the economy (4)

embargo, n. a legal prohibition on doing business or conducting trade with a certain country (54)

exit poll, n. questions asked of voters as they leave a polling place after casting their ballots (183)

expansionary, adj. in monetary policy, tending to promote spending and increase employment with the side effect of driving up inflation (22)

export, n. a good or service that is produced in one country and sold to buyers in another country (46)

F

factor of production, n. a good or service used in the process of production, such as land, labor, or capital (15)

fiscal policy, n. the part of economic policy concerned with raising tax revenue to spend on government programs (15)

foreign aid, n. assistance given by one country to another in the form of money, goods, or credit (61)

foreign policy, n. a government's strategies and actions when engaging with other countries (4)

free trade, n. trade between countries with few or no restrictions (50)

freedom of expression, n. the right to express to express one's opinions freely without interference from the government (94)

G

general election, n. an election held at regularly scheduled intervals in which candidates are elected to the majority of positions in a country or state (136)

gerrymandering, n. the practice of manipulating the boundaries of an electoral constituency so as to favor one party (168)

globalization, n. the process of developing increasingly integrated economic, technological, and cultural connections among people and countries worldwide (46)

gubernatorial, adj. relating to a governor (153)

I

ideology, n. a set of beliefs that support a political system, party, or group (185)

imperialist, adj. relating to the extension of a country's power through acquisition of territory and involvement in that territory's economy or government (13)

import, n. a good or service that is bought in one country after being produced in another country (46)

incorporation, n. the process by which restrictions on the federal government in the Bill of Rights are made applicable to the states (100)

incumbent, adj. currently holding a position or political office (156)

inflation, n. the general increase in prices over time (22)

initiative, n. a process that allows citizens to propose and enact new laws through petition and popular vote (158)

interest, n. a charge for borrowed money that is typically a percentage of the amount borrowed (20)

intergovernmental organization (IGO), n. an organization through which multiple countries' governments coordinate their activities in some area of policy (63)

international law, n. the set of laws that countries recognize in their dealings with one another (63)

interventionism, n. an approach to foreign policy in which a country becomes involved in the political or economic affairs of other countries (9)

isolationism, n. an approach to foreign policy in which a country avoids political or economic entanglements with other countries (9)

L

lobbyist, n. a person who works to influence lawmakers' decisions (5)

M

mandatory program, n. a government program whose spending is set in advance and can only be changed by the passage of new laws (19)

minor party, n. in a two-party system, a political party that forms for a limited time to compete with the major parties; also called a third party (180)

moderate, n. a person who holds political beliefs toward the middle of the ideological spectrum (186)

monetary policy, n. the part of economic policy concerned with the management of interest rates, inflation, and the money supply (15)

monopolistic competition, n. competition among many firms producing similar but not identical products (37)

monopoly, n. exclusive control over a product or service by a company or other entity, eliminating competition (17)

N

national debt, n. the sum of money that a government has borrowed to make up deficits and has yet to pay back (19)

nativism, n. a preference for people born in a country over immigrants to that country (123)

naturalization, n. the process of becoming a citizen of a country if born a noncitizen outside of that country (110)

nongovernmental organization (NGO), n. a nonprofit organization that functions independently of governments (63)

O

oligopoly, n. a market in which a few producers dominate (37)

P

pacifist, n. a person who opposes war and violence as a way to resolve conflict (99)

perfect competition, n. an economic concept in which a market operating under idealized conditions leads to a situation where no single consumer or producer has the power to influence the price of goods or services (37)

platform, n. the policies supported by a political party (184)

pluralism, n. the existence of diverse groups that maintain their distinct identities within a society while working together to benefit the society as a whole (131)

polarization, n. the process of dividing into two distinctly opposite groups (187)

political action committee, n. an organization that raises money and distributes funds to political campaigns with the goal of advancing their interests and policy goals (190)

poll tax, n. a fee that a person has to pay before they can vote (80)

popular vote, n. the results of an election based on individual ballots cast by citizens (145)

precinct, n. a division of municipal government used for administrative and voting purposes (141)

primary election, n. an election in which voters select candidates to compete in a general election (136)

protectionist, adj. focused on protecting a country's domestic industries and producers by restricting foreign competition (48)

proxy war, n. a conflict fought with the support of other, usually more powerful countries that do not themselves take part in the fighting (60)

public opinion, n. the views held by the majority of a community about a specific topic, issue, or event (173)

Q

quota, n. in trade, a restriction put in place by a government to limit the quantity or value of goods that a country can export or import during a specific time period; in immigration, the number of immigrants who may be admitted into a country annually (54)

R

recall, n. a process that allows citizens to remove public officials through a popular vote (159)

referendum, n. a process that allows citizens to uphold or overturn existing legislation through a popular vote (158)

S

sanction, n. an economic or political restriction placed by one or more countries on another country as punishment for not complying with international law or policy (65)

service economy, n. an economy in which most activity is focused on providing services rather than manufacturing physical goods (48)

social welfare, n. programs and support focused on helping people meet basic needs, such as securing food, housing, and health care (32)

special election, n. an election that happens outside of a regularly scheduled election cycle (136)

special interest group, n. a group of people or organizations with common political goals (5)

subsidize, v. to financially support with public money (30)

superpower, n. a nation with an exceptionally great ability to project its economic, political, and military influence worldwide (59)

supranational, adj. having authority that transcends individual national governments (62)

surplus, n. the money left over when revenue exceeds spending (19)

T

tariff, n. a tax on goods imported to or exported from a country (49)

trade, n. the buying and selling of goods (46)

V

visa, n. approval by an authority that shows a person may legally enter, stay in, or leave a country for a given period of time (36)

voter turnout, n. the number of people who participate in an election, presented as a percentage of different populations, including total population, voting age population, voting-eligible population, and registered voting population (160)

Appendix: U.S. Supreme Court Cases

***Baker v. Carr* (1962)**

In 1959, Charles W. Baker and other residents of Tennessee brought a case against Joe Carr, the state's secretary of state, claiming that by failing for nearly sixty years to redraw voting district lines, the state was in violation of a 1901 law. During that time, the state had become more urban and less rural, but a majority of the state's representatives had been elected by the rural minority because legislative districts had not changed. Baker sued in federal district court, which determined it was a political question and dismissed his case. The case was appealed to the Supreme Court.

The Supreme Court needed to consider whether courts had jurisdiction over the process by which states chose their representation. In a 6–2 ruling, the court decided that the case did fall within their purview because it was relevant to the equal protection clause of the Fourteenth Amendment. Justices Felix Frankfurter and John Marshall Harlan both dissented, arguing that the solution to unequal apportionment fell under the responsibility of legislators, not judges.

***Dred Scott v. Sandford* (1857)**

In 1820, the Missouri Compromise established at 36°30' north latitude a

boundary that divided free states and slave states. That same year, a man named Dred Scott was purchased by a Missouri enslaver, who then moved with him to Illinois and the Wisconsin Territory, places where slavery was illegal. Dred Scott and his wife, Harriet, later returned to Missouri, and with the help of abolitionist lawyers, Scott and his wife sued for their freedom.

The Supreme Court needed to decide whether the doctrine of “once free, always free” applied to Scott. The Scotts had argued that because they had lived in places that were free, they should be considered free. In a 7–2 decision, the Supreme Court ruled that the Scotts were not entitled to freedom. Chief Justice Roger Taney wrote for the majority that people of African descent “are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.” Furthermore, this decision meant the Missouri Compromise was considered unconstitutional.

In dissent, Justice Benjamin Curtis wrote that it was “not true, in point of fact, that the Constitution was made exclusively by

the white race”; rather, because free African Americans were able to vote “in five of the thirteen original States” at the time the Constitution was drafted, they were “in every sense part of the people of the United States” and thus “were among those for whom and whose posterity the Constitution was ordained and established.”

Engel v. Vitale (1962)

In 1962, a group of parents in New York challenged a state law that authorized public school districts to have their schools begin each day by reciting a nondenominational prayer. Students could choose not to say the prayer if they wished. The parents, led by Steven Engel, argued that the recitation violated the establishment clause of the First Amendment, which prohibits the government from establishing a religion. Lower courts ruled against the parents, citing the ability students had to exclude themselves from reciting the prayer.

The case was taken up by the Supreme Court, which, in a 6–1 ruling, determined that even though the students had an option to not participate, the prayer did violate the establishment clause because the government was interfering with religion. For the majority, Justice Hugo Black wrote, “There can, of course, be no doubt that New York’s program of daily

classroom invocation of God’s blessings as prescribed in the Regents’ prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty.”

Gideon v. Wainwright (1963)

In Florida in 1961, Clarence Earl Gideon was charged with a felony for breaking and entering. Gideon could not afford a lawyer to defend him at his trial, so he requested the court appoint one for him. His request was denied because according to Florida law, lawyers could be appointed only to defendants living in poverty who were charged with a capital offense. Gideon represented himself in the trial and was convicted and sentenced to five years in prison. While in prison, he filed a petition for a writ of habeas corpus in the Florida Supreme Court and challenged his conviction. The Florida Supreme Court denied his petition, so he appealed to the U.S. Supreme Court.

The Supreme Court needed to determine whether the Fourteenth Amendment’s right to due process applied at the state level to the Sixth Amendment’s right to an attorney. In a unanimous decision, the court ruled that Gideon’s trial was unconstitutional, setting the following precedent: Defendants have the right to legal representation in the form of public defenders.

Korematsu v. United States (1944)

During World War II, the U.S. government, citing national security concerns, forcibly relocated more than 120,000 Japanese Americans to internment camps. A Japanese American man named Fred T. Korematsu refused to leave his home and was convicted for denying a government order. He challenged the conviction and took the case to the Supreme Court.

The Supreme Court needed to consider the question of whether the Constitution gives the government the authority to restrict individual liberties during wartime to protect public safety. In a 6–3 decision, the court ruled in the government’s favor, finding that interning Japanese Americans was a “military necessity” and not racially motivated. In his majority opinion, Justice Hugo Black wrote, “When under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.”

Justice Owen Roberts, in dissent, wrote, “It is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States.”

McDonald v. Chicago (2010)

In 2008, residents of Chicago who felt their neighborhoods weren’t safe challenged a city law that prevented them from owning handguns. The city required all handguns to be registered but had stopped allowing new registrations in 1982. The plaintiffs in the Chicago and Oak Park cases argued that the Supreme Court’s ruling in *District of Columbia v. Heller* earlier that year, which stated that a handgun ban in Washington, D.C., violated the Second Amendment, should also apply to the states.

The Supreme Court needed to determine whether the Second Amendment was incorporated by the privileges and immunities clause of the Fourteenth Amendment and should be made applicable to the states. In a 5–4 ruling, the court determined that states must also recognize individuals’ Second Amendment right to keep and bear arms for self-defense because it is a right that is “fundamental to the Nation’s scheme of ordered liberty” and “deeply rooted in this Nation’s history and tradition.”

Miranda v. Arizona (1966)

Miranda v. Arizona was a consolidation of four cases about people who were accused of a crime and were not informed of their Fifth Amendment rights before

interrogation. The case is named for Ernesto Miranda, who in 1963 was arrested at his home and interrogated by police officers. After two hours of intense questioning, Miranda, who had not been informed of his rights, signed a confession that was later used as evidence during his trial.

When the case reached the Supreme Court, the court needed to determine whether the Fifth Amendment, which protects a suspect from self-incrimination, extends to their interrogation. In a 5–4 decision, the court concluded that it does and ruled that suspects must be informed of their rights. For the majority, Chief Justice Earl Warren wrote, “We have concluded that without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual’s will to resist and to compel him to speak where he would not otherwise do so freely.”

***Roe v. Wade* (1973)**

In 1970, Jane Roe (a fictional name used to protect her identity) challenged a Texas law that made abortion illegal unless a doctor said one was needed to save a woman’s life. She had tried to end a pregnancy illegally but failed, which spurred her to file the lawsuit.

The Supreme Court needed to determine if a woman’s right to end her pregnancy was protected by the Constitution. In a 7–2 decision, the court ruled that because the due process clause of the Fourteenth Amendment protects a person’s right to privacy, women have the right to choose to have an abortion. The court also decided that the state has an interest in protecting the health of pregnant women and “the potentiality of human life.” The court thus said abortions must not occur after a fetus is viable, or able to live outside the womb, which typically occurs twenty-four to twenty-eight weeks into a pregnancy.

***Schenck v. United States* (1919)**

Shortly after the United States entered World War I, Congress passed the Espionage Act, making “insubordination, disloyalty, mutiny, or refusal of duty” illegal. Socialists Charles Schenck and Elizabeth Baer distributed leaflets that encouraged the public to disobey the military draft, claiming it violated the Thirteenth Amendment’s prohibition against involuntary servitude. Both Schneck and Baer were charged with and convicted of violating the Espionage Act. Schneck appealed, arguing that the Espionage Act violated the First Amendment.

The Supreme Court had to determine whether the convictions of Schneck and Baer violated their First Amendment right to freedom of speech. In 1919, the court unanimously upheld their convictions and determined the Espionage Act did not violate the First Amendment because the nation was at war. For the majority, Justice Oliver Wendell Holmes Jr. wrote, "Words which, ordinarily and in many places, would be within the freedom of speech protected by the First Amendment, may become subject to prohibition when of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent."

Shaw v. Reno (1993)

After the 1990 census, the state of North Carolina redrew district lines throughout the state; the U.S. attorney general rejected the plan on the grounds that it included only one district with an African American majority. The state then created two African American–majority districts, but this was challenged by five white North Carolina residents. They argued that the second Black-majority district had been gerrymandered into an unusual

shape and gave African American candidates an unfair advantage.

When the case reached the Supreme Court, the question the court needed to answer was whether districts that appeared to be racially gerrymandered could be challenged under the equal protection clause of the Fourteenth Amendment. In a 5–4 decision, the court ruled that redistricting that appears to have been done on the basis of race rather than other concerns, such as geography, can be challenged. For the majority, Justice Sandra Day O'Connor wrote, "A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid."

Tinker v. Des Moines (1969)

In 1965, not long after U.S. combat forces entered Vietnam, students at a public school in Des Moines, Iowa, agreed to wear black armbands to protest the Vietnam War. The school administration created a policy stating that any student who did not remove their armband

upon request would be suspended.

The students refused to take off their armbands and were sent home. Through their parents, the students sued the school district for violating their First Amendment right to free expression. After the Iowa district court and court of appeals sided with the school district, the case was appealed to the Supreme Court.

The Supreme Court needed to determine if the wearing of black armbands was protected by the First Amendment. In a 7–2 ruling for the students, the court held that the armbands were, as Justice Abe Fortas wrote, a form of “symbolic speech” and that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Fortas also wrote, “In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”

Wisconsin v. Yoder (1972)

In 1968, members of a Wisconsin Amish community refused to enroll their children in school past eighth grade, the highest level of education required by the Amish community. They were prosecuted for violating a state law that required all children to attend public school until age sixteen.

The Supreme Court needed to decide whether the compulsory school attendance law violated the free exercise clause of the First Amendment. In a unanimous decision, the court ruled that the state could not require mandatory schooling if it ran counter to the values of the religious community. For the majority, Chief Justice Warren Burger wrote, “Amish objection to formal education beyond the eighth grade is firmly grounded in [their] central religious concepts. They object to the high school, and higher education generally, because the values they teach are in marked variance with Amish values and the Amish way of life.”

Subject Matter Experts

Dr. Belinda Cambre, Louisiana State University Laboratory School

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Department of Labor naturalization class teaching immigrants English and US political culture in 1920/Everett Collection / Bridgeman Images: 120

Des Moines, Iowa: March 4, 1968 These two students, brother and sister, were suspended from North High School for wearing these armbands to mourn the Vietnam war dead. The case will be heard before the U.S. Supreme Court as to how much public schools can restrict the wearing of political symbols./Underwood Archives/UiG / Bridgeman Images: 96

Everett Collection Historical / Alamy Stock Photo: 74, 123

eye35.pix / Alamy Stock Photo: 24–25

Food Collection / Alamy Stock Photo: 7

Glasshouse Images / Alamy Stock Photo: 143

Heritage Image Partnership Ltd / Alamy Stock Photo: 14

Imago History Collection / Alamy Stock Photo: 98

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James Brittain-VIEW / Alamy Stock Photo: 64

Jana Shea / Alamy Stock Photo: 112

Jeffrey Isaac Greenberg 19+ / Alamy Stock Photo: 47

John Elk III / Alamy Stock Photo: 61

Library of Congress, Prints & Photographs Division, Farm Security Administration/Office of War Information Black-and-White Negatives.: 92

Maria Dryfhout / Alamy Stock Photo: 34

National Democratic nominating convention in session, Charleston, South

Carolina on April 23, 1860. The convention remained deadlocked on its last day, and adjourned without choosing candidates for President and Vice President. It scheduled a second convention in Baltimore, Maryland for June 18–23, 1860 (wood engraving)/Everett Collection / Bridgeman Images: 139a

Nelly George / Alamy Stock Photo: 44–45

Niday Picture Library / Alamy Stock Photo: 11, 56, 179, 180

Ninette Maumus / Alamy Stock Photo: Cover D, 1, 36

Norma Jean Gargasz / Alamy Stock Photo: Cover A

North Wind Picture Archives / Alamy Stock Photo: 186

Old Paper Studios / Alamy Stock Photo: 139b, 169

Patti McConville / Alamy Stock Photo: 19

piemags/DCM / Alamy Stock Photo: 63

Portrait de Adam Smith (1723–1790), philosophe et economiste ecossais./© Iberfoto / Bridgeman Images: 16

Science History Images / Alamy Stock Photo: 73, 85

Senator Robert M. La Follette, progressive Democratic speaking into radio microphone. Sept. 1, 1924. His emphatic gesturing would have no effect on his radio audience, as it did from the Speaker's podium. He was campaigning as the Progressive Party nominee against President Coolidge and Democrat John Davis/Everett Collection / Bridgeman Images: 99

Shiiko Alexander / Alamy Stock Photo: 127

SOPA Images Limited / Alamy Stock Photo: 133, 137

Stacy Walsh Rosenstock / Alamy Stock Photo: 200

Tetra Images / Alamy Stock Photo: Cover B, 71b

The Menace of the Hour, Antio-Monopoly Cartoon, George Luks, The Verdict Magazine, 1899/J. T. Vintage / Bridgeman Images: 38

The Protected Art Archive / Alamy Stock Photo: 81

The Syndicate / Alamy Stock Photo: 89

The two Presidential nominees from the two major parties are seen in three photos on a television screen during their nationally televised debate on 9-26-60. Top: Senator Kennedy, moderator Howard K. Smith; and Vice-President Richard Nixon. Bottom left, Senator Kennedy; Right Vice-President Nixon (b/w photo)/GG Vintage Images / UiG / Bridgeman Images: 172–173

The Union is dissolved! (Charleston Mercury, Extra Ed.), 20th December 1860 (litho)/American School, (19th century) / American/Gilder Lehrman Collection, New York, USA/© Gilder Lehrman Institute of American History / Bridgeman Images: 28

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World History Archive / Alamy Stock Photo: 59

ZUMA Press, Inc. / Alamy Stock Photo: 191

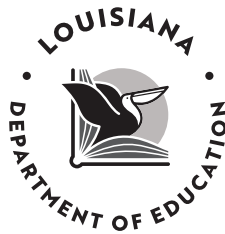


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