

## Why Does the First Amendment Prohibit Congress From Establishing a National Religion?

A religious revival in the mid-eighteenth century known as the Great Awakening drew many into new religious groups, such as Methodists and Baptists. Diverse religious groups often existed within the same community, and people became used to living and working with others who had different beliefs. The growing number of religious groups made it unlikely that one particular church could dominate all others. Increased religious diversity also made it difficult for only one church to claim special privileges from the government. Government support began to go to several Protestant churches in the effort to support religion in general. Catholics, Jews, and other religious groups were not supported and frequently were the subjects of discrimination.

Eighteenth-century Americans generally thought that religion was important in developing the character of individuals needed to maintain a free society. By the closing years of the century, when the Constitution was written, most Americans also thought that freedom of belief was an essential right that needed protection. Americans considered freedom of religion to be something that strengthened both church and state.

Although most Americans believed that the nation should not have an established religion, some, such as James Madison, also believed that individuals in a free society should be able to decide for themselves what to believe. The religion clauses of the First Amendment address both concerns:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*



How did religious diversity contribute to the development of freedom of religion?

Figure 5.28.2

### Content Highlight: WHAT DO YOU THINK?

1. Do you think it is important to keep church and state separate? Why or why not?
2. What are the advantages and disadvantages of religious diversity in society? What role, if any, should government play in fostering or limiting religious diversity? Why?
3. The First Amendment is stated in absolute terms: "Congress shall make no law respecting an establishment of religion." Does that wording reflect hostility toward religion? Why or why not?

## How Does the Establishment Clause Affect the States?

The **establishment clause** prohibits Congress from establishing a national religion. In 1791 some people supported the First Amendment because they thought it would leave the states free to maintain established religions. However, as new sects developed throughout the United States, religious groups learned to coexist in the same community. People became accustomed to working and associating with others of different beliefs. States began to abandon the practice of established churches. By 1833, when Massachusetts changed its constitution to require the separation of church and state, there were no longer established state churches in the United States.

The disappearance of established religions in the states did not end controversy about the meaning of the establishment clause. Debate shifted to other issues. For example, some states passed laws providing aid to religious organizations or requiring prayer and Bible reading in public schools. In 1947 the Supreme Court held that the Due Process Clause of the Fourteenth Amendment incorporates the establishment clause against the states (*Everson v. Board of Education*). The establishment clause therefore limits both the states and the national government.

### Key words

#### **establishment clause:**

The part of the First Amendment that prohibits the government from declaring an official religion



Why did the states abandon the practice of established state churches?

Figure 5.28.3

## How Have the Courts Interpreted the Establishment Clause?

There is general agreement that the establishment clause means that government may not sponsor an official church. What else the



establishment clause means is subject to much disagreement. The disagreement can be summarized as three types of interpretation.

### **BROAD INTERPRETATION**

People holding this position argue that the First Amendment prevents the government from providing any aid to any religion. They believe that no tax money can be used to support any religious activity, practice, or institution. However, the government may give religious groups the same services that everyone else receives, such as police and fire protection. The government may provide assistance that makes it easier for people to exercise their religion. For example, schools may excuse students from classes during religious holidays.



*Figure 5.28.4*

### **NARROW INTERPRETATION**

People holding this position argue that government is prohibited from giving one religious group preferential treatment. They believe that the First Amendment does not prohibit government from supporting religion as long as it does so impartially. This group supports placing the words “In God We Trust” on currency and allowing nondenominational school prayer. People using a broad interpretation of the First Amendment often oppose these kinds of actions.

People who hold either the broad or the narrow interpretation agree that the First Amendment prohibits government acknowledgment of Christmas as a holiday if the holidays of other religious groups are not recognized.

### **LITERAL INTERPRETATION**

People holding this position suggest that the First Amendment prohibits only the establishment of an official government religion. They would not prohibit the government’s participation in particular religious practices. For example, the government may participate in Christmas celebrations as long as Christianity is not declared an official established religion.

Since 1947, the Court has heard many cases involving freedom of religion. These cases have involved issues such as prayer in schools, Christmas displays of nativity scenes on government property, and various kinds of support for religious education. Although most people agree that church and state should be separate, Americans are no closer today to defining that separation than the country was in 1791.



Should government tell you what religious beliefs you must have or restrict the way you practice your religion? Why or why not?

Figure 5.28.5



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Taking and Defending a Position on the Establishment Clause

Work in one of four groups. Each group should read one situation and answer the questions that follow. Be prepared to present and defend your position to the class as a whole.

##### GROUP 1

New York City arranged a voluntary program permitting its public schools to release students during school hours to receive religious instruction off campus.

##### GROUP 2

A Minnesota statute allowed state taxpayers to deduct from their income taxes the costs of providing tuition, textbooks, and transportation for their children who attended religious schools.

##### GROUP 3

A Kentucky statute required a copy of the Ten Commandments, purchased with private funds, to be posted on the wall of every public school classroom in the state.

##### GROUP 4

An Ohio statute authorized the state department of education to provide students at religious schools with books, standardized testing and scoring, diagnostic services, and therapeutic and remedial services.

1. Do you think the law or program violates the Establishment Clause? Why or why not?
2. Does your position reflect a broad, narrow, or literal interpretation of the Establishment Clause?

## What Rights Does the Free Exercise Clause Protect?

Another important clause is called the free exercise clause. There are two parts to the constitutional guarantee of free exercise of religion. One is the freedom to believe. The other is the freedom to practice religious beliefs. The Supreme Court has held that individuals have an absolute right to freedom of belief or conscience. No government may interfere with this right by prescribing religious beliefs. However, the right to practice one's religion is not absolute. The practice of religious beliefs may be limited to protect other important values and interests. The problem is deciding which religious practices should be protected and which practices government may limit.



Under what circumstances, if any, can freedom of religious expression be limited?

Figure 5.28.6



### Content Enhancement:

#### CRITICAL THINKING EXERCISE

##### Examining Tensions Between Establishment and Free Exercise

The establishment and free exercise clauses frequently are in tension. Work in small groups to consider the following examples. Be prepared to take and defend a position in each of the three situations.

- If the government pays to provide for chaplains in the armed forces and in prisons, does it violate the establishment clause? If the government refuses to provide chaplains, does it limit the free exercise of beliefs by persons in the armed forces or in prison?
- If public school officials excuse Jewish students from attending classes on Yom Kippur to attend religious services, do they give preference to a particular religious group in violation of the establishment clause? If they deny students the right to be absent, are they prohibiting the free exercise of religion?
- If schools provide meeting facilities for student religious groups that want to meet after school, do they violate the establishment clause? If they do not, are they limiting students' rights to the free exercise of religion?



## How Is the Right of Free Exercise Balanced Against Other Interests of Society?

The justices of the Supreme Court often have held differing opinions on these issues. Sometimes they have overruled earlier decisions. The justices have continually attempted to refine the “tests,” or criteria, they use to make a decision.

The Court has considered some issues several times. For example, when the health of the community must be balanced against the religious beliefs of an individual or group, public health is considered to be more important. By contrast, when the life, health, or safety of individuals, rather than the community, is involved, the Court has upheld the right of mentally competent adults to make their own decisions based on their religious beliefs. For example, an adult may refuse to receive a blood transfusion even if their life is at risk. But parents may not refuse a transfusion for their child in similar circumstances. The courts may step in to protect the rights of minors.

The Court also has protected the right of students to refuse to salute the flag or to attend high school if doing so is against their religious beliefs. In deciding such cases the Court asked whether the government had a **compelling state interest**, one that was great enough to justify limiting the individual’s free exercise of religion. For example, the justices held that reasons the government might have to require a student to salute the flag are not strong or compelling enough to require the student to violate their religious beliefs.

### Key words

#### **compelling state interest:**

A public or common good claimed to take precedence over individual interests or, in some cases, rights



Should students have the right to refuse to salute the flag?

Figure 5.28.7

In deciding cases involving the free exercise clause, the Supreme Court usually asks two questions, which together compose the Court’s current test for deciding cases arising under the free exercise clause:

- Is the law to which religious adherents object neutral and does it apply to everyone? If the law is neutral and it applies to everyone, then the law does not violate the free exercise clause, even if it hinders religious practices.
- If the law is not neutral and does not apply to everyone, did the government have a compelling interest for enacting it, and did the government adopt the least restrictive means for furthering that compelling interest?

The government has the burden of proving that its interest in the law is compelling—such as protecting public health or safety—and that it satisfied its interest in the least intrusive way possible. If the government

can meet its burden of proof, then the law does not violate the free exercise clause. Two cases demonstrate how the justices have applied the free exercise test.

### **EMPLOYMENT DIVISION V. SMITH (1990)**

An Oregon statute outlaws the use of peyote, a drug that has hallucinogenic effects. Peyote use is a felony, a serious crime. The Native American Church uses peyote in religious ceremonies. A member of the Native American Church contended that the Oregon law violated his rights under the free exercise clause. The Supreme Court upheld the law, because it was a neutral law outlawing drug use that applies to everyone.

### **CHURCH OF THE LUKUMI BABALU AYE, INC. V. CITY OF HIALEAH (1993)**

The City of Hialeah, Florida, prohibited the slaughter of animals in religious ceremonies. Animal sacrifice is a central part of the Santería religion, a combination of traditional African religion with elements of Roman Catholicism. The Court held that the prohibition violated the free exercise clause. Seven justices reasoned that the prohibition did not apply to everyone because it did not outlaw all animal slaughter. They also held that the city failed to show that it had a compelling interest in outlawing the religious practice. Two justices believed the prohibition targeted the Santería religion.

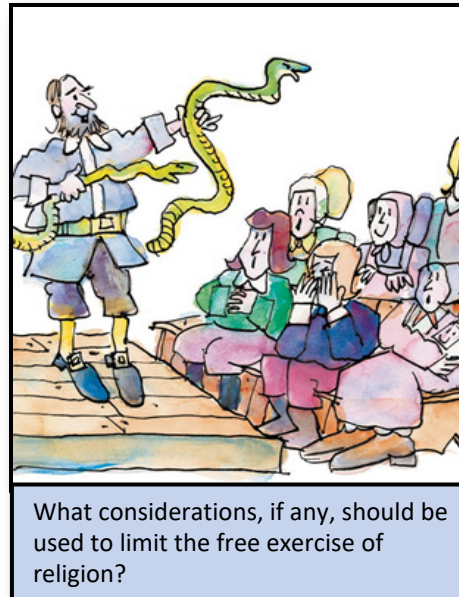


Figure 5.28.8



## **Content Highlight:**

### **WHAT DO YOU THINK?**

The following are questions that have been raised in cases before the Supreme Court under the religion clauses of the First Amendment. If you were a Supreme Court justice, how would you go about answering each question? Which provisions of the Constitution or constitutional principles support your responses? Explain your reasoning.

- Should conscientious objectors be exempt from military service in times of mandatory conscription (the draft)?
- Should persons whose religious Sabbath falls on a day other than Sunday, be excused from working on their Sabbath?
- Should public school students whose religious beliefs prohibit worshipping “graven images” be excused from saluting the American flag?
- Should a student whose religious beliefs oppose war be excused from attending mandatory classes in military science and tactics at a public university?
- Should a profit-making company that provides health care coverage for its employees, be allowed to refuse its employees coverage for contraception because it violates the religious beliefs of the owners of the company?



## *Content Enhancement:*

### CRITICAL THINKING EXERCISE

#### **Taking and Defending a Position on the Free Exercise Clause**

Work in one of three groups. Each group should read one situation and answer the questions that follow. Each group should be prepared to explain and defend its positions to the class.

##### **GROUP 1**

A local ordinance makes it illegal for anyone who distributes literature to ring a doorbell or otherwise summon a resident to the door to receive the literature. Mormon missionaries are instructed to ring doorbells and to engage residents in conversation while handing out church literature. They contend that the ordinance violates their right to free exercise of religion.

##### **GROUP 2**

A Jehovah's Witness, whose religion opposes war and all activities associated with war, is ordered by his company to work on an assembly line that makes parts for the military. He quits his job and applies for unemployment benefits. His application is denied because he did not quit "for good cause." He contends that being denied unemployment benefits violates his right to free exercise of religion.

##### **GROUP 3**

A state law requires all school-age children to attend school through the tenth grade. The Amish religion values a simple life of labor in communities that are insulated from materialism and modern life. Amish parents refuse to send their children to school past the eighth grade and contend that forcing their children to attend school through the tenth grade violates the Free Exercise Clause.

- What values and interests support the law or government action?
- What values and interests might be endangered by the law or government action?
- What decision would you make in each of the three situations described using the two types of questions from the previous critical thinking exercise? How useful were those questions in making your decision?



## Conclusion

Freedom of religion is one of the most basic American rights. In this lesson, you learned that the United States does not have an established religion. People are free to belong to any religion, or no religion, without fear of punishment by the government. While the government cannot favor one religion over another, constitutional scholars argue about what the government *can* do when it comes to religion. You also learned that freedom of religion is balanced against other interests of society. People cannot ignore any law just because they believe their religion would oppose that law. In general, the Supreme Court uses a neutrality test for these laws and attempts to determine if the state has a compelling interest in enforcing the law and if public safety is an issue.

## Lesson Check-up



- What is an “established church”? Why is the establishment clause important even though there have not been established churches in America for nearly two centuries?
- How would you explain the principle of separation of church and state?
- Why have disagreements arisen over the meaning of the establishment clause?
- What is the free exercise clause?
- How might the establishment clause and the free exercise clause come into conflict? Give examples.

# Freedom of Speech and the Press



## Key words

- libel
- prior censorship
- seditious libel
- time, place, and manner restrictions

## What You Will Learn to Do

Evaluate the rights and limits of freedom of expression

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** the importance of freedom of expression to both the individual and society and its historical significance
- **Explain** considerations useful in deciding when the government should be able to place limits on freedom of speech and the press



## Essential Question

How does the First Amendment protect free expression?

### Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on issues involving the right to freedom of expression
- **Define** key words: libel, prior censorship, seditious libel, time place and manner restrictions

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### Introduction

The First Amendment says that “Congress shall make no law...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.” Together these four rights may be considered as one—the right to freedom of expression.

This lesson examines the benefits that freedom of speech and freedom of the press offer to the individual and society, why they were important to the Founders, and the circumstances under which the government should be able to limit them.

### Why Is Protecting the Right to Freedom of Expression Important?

The First Amendment was written because the Founders believed that the freedom to express personal opinions is essential to free government. The Founders knew from their own experience and knowledge of history that the freedom to write and publish must be protected from government interference.

It is not easy for people to tolerate the speech or writings of those with whom they strongly disagree. In a democracy the danger to freedom of speech comes not only from government officials but also from majorities intolerant of minority opinions.

The pressures to suppress freedom of expression are widespread and powerful in any society. It is important therefore to reaffirm constantly the benefits of freedom of expression to the individual and society. Following, are arguments that favor free speech.



- Freedom of expression promotes individual growth and human dignity. The right of people to think about issues and to arrive at their own conclusions concerning morality, politics, or anything else is part of individual freedom. That right would be meaningless without the freedom to speak and write about opinions and without the freedom to test those opinions by comparing them to the views of others.
- Freedom of expression is important for the advancement of knowledge. New ideas are more likely to be developed in a community that allows free discussion. As the British philosopher John Stuart Mill (1806–1873) said, progress is possible only when all points of view can be expressed and considered. This way, scientific or other discoveries can form the basis for future discoveries and inventions.
- Freedom of expression is a necessary part of representative government. In the United States, governments respond to the will of the people. If the people are to instruct government properly, then they must have access to information, ideas, and various points of view. Freedom of expression is crucial both in determining policy and in monitoring how well governments carry out their responsibilities.
- Freedom of expression is vital to bringing about peaceful social change. The right to express one's ideas freely provides a safety valve for strongly held opinions. Freedom of expression allows a person or a group to try persuasion rather than by resorting to violence.
- Freedom of expression is essential for the protection of all individual rights. The free expression of ideas and the right to speak against the violation of one's rights by others or by the government are essential for the protection of all the other rights of the individual.



How might freedom of expression help to bring about peaceful social change?

Figure 5.29.1

## How Was Freedom of Expression Protected in Early America?

Many ideas about the importance of freedom of speech and of the press were brought to America from England. In the seventeenth century, the English won the right to speak and

publish without **prior censorship**. But they could still be prosecuted afterward for what they said or wrote under the common law of **seditious libel**. This law made it a crime to publish anything that might injure the reputation of the government. And there were other restrictions on what could be published, such as **libel** directed at individuals, indecent expression, and blasphemy.

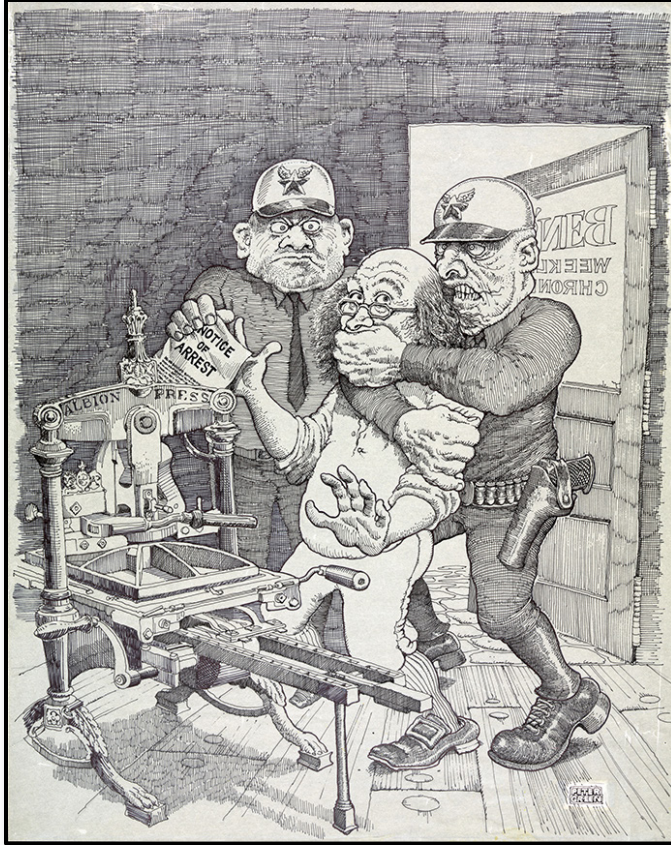


Figure 5.29.2

There is no indication that the Framers intended the Constitution or the Bill of Rights to prevent prosecution for seditious libel. The common view in both America and Britain was that no one should be able to make false or malicious accusations against the government.

However, the Constitution made no mention of a free press because the Framers believed, as Roger Sherman of Connecticut declared, “The power of Congress does not extend to the Press.” The First Amendment was designed to quiet fears that Congress might interfere with the press anyway. These fears seemed to be confirmed by the passage of the Sedition Act of 1798. This act, passed by some of the same people who approved the Bill of Rights, indicates that some Americans still had a narrow view of free expression.

Many people opposed such limitations. One reason that the Republicans won the election of 1800 was that they were viewed as supporters of political freedom. By 1800, freedom of speech and press were beginning to be considered an essential part of free government. As Jefferson put it, “Our liberty depends on freedom of the press, and that cannot be limited without being lost.”

## Key words

### **prior censorship:**

The act of the government keeping certain speech or writing from being published, preventing censored materials from being distributed

### **seditious libel:**

Written language that seeks to convince others to engage in the overthrow of a government

### **libel:**

Published words or pictures that falsely and maliciously defame a person

## How Did the Trial of John Peter Zenger Help Establish Freedom of the Press?

What is “seditious libel?” The common law definition was vague. In general, it meant defaming or ridiculing officers of the government, the constitution, laws, or government policies in a way that might jeopardize “public peace.” This included publishing not only things that were false and malicious but also things that were true.

In 1735, John Peter Zenger (1697–1746), a New York printer, was charged with seditious libel by the colonial authorities. Zenger’s lawyer argued that what Zenger had published was true and therefore could not be libelous.

The judge told the jury that the common law did not permit truth as a defense. It was the judge’s prerogative to decide, as a matter of law, whether the articles met the definition of seditious libel. He instructed the jury that the only thing they could decide was the “fact” of whether Zenger was the publisher of the articles in question. If he was the publisher, which Zenger did not deny, then he was guilty pure and simple.

The jury ignored the judge’s instructions and found Zenger not guilty because the information he reported in the articles was true. Many Americans believe that this case not only established an important right of freedom of the press but also proved the importance of the jury as a check on arbitrary government.



Do you think the jury was justified in refusing to apply the law in the Zenger case? Why?

Figure 5.29.3

## When Has Freedom of Expression Been Suppressed?

There has been pressure at many times throughout history to suppress unpopular ideas. Restrictions generally have been imposed during times of war or when the government has felt threatened. Before the Civil War, for example, Congress made it a federal offense to send abolitionist literature through the mail. The early years of the twentieth century were marked by fears of the growing labor movement, socialism, communism, and anarchy. From World War I through the McCarthy era of the 1950s, state and federal governments prosecuted many suspected anarchists, socialists, and communists for advocating draft resistance, mass strikes, or violent overthrow of the government. These actions raised serious questions about the right of free speech and led to a number of Supreme Court cases. However, since the 1960s there have been fewer attempts to prosecute those who advocate their beliefs, including belief in the benefits of a different form of government.





## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Evaluating and Developing Positions on the Scope and Limits of Freedom of Expression

Judges, professors of constitutional law, and other students of the Constitution have tried to develop standards for deciding when freedom of expression may be limited. The following exercise calls for you to critically review two positions that judges and others have proposed. Work in one of two groups to debate the opposing positions described below. Make sure you address the questions at the end of each position summary.

##### POSITION 1

The freedom of expression of groups that advocate antidemocratic ideas may be limited. The rights of certain groups to express their ideas should not be protected by the First Amendment. Typically, these are groups that advocate overthrowing our representative government. They also may be groups that express malicious ideas that violate the dignity and hurt the feelings of other people in the community.

Advocates of this viewpoint often conclude by arguing that only people who agree to abide by the rules of our society, such as those in the Constitution and the Bill of Rights, should be allowed to participate in free and open discussion.

- What rights, values, and interests of individuals and society might be promoted or endangered by this position?
- Do you prefer this position? Why?

##### POSITION 2

All people should be allowed freedom of expression no matter how dangerous or obnoxious their ideas. People holding this position say that rarely, if ever, should government be allowed to limit freedom of expression. For example, if public order is jeopardized, limitations on free expression could be justified. They claim that even totalitarian, racist, and other unpopular ideas may serve to make people defend and better understand their own values. To suppress such expression only makes those people who were denied the right to express their ideas more hostile. It eliminates the safety-valve function of free speech and weakens society.

Advocates of this viewpoint also argue that to give government the power to suppress the expression of ideas that some people find unacceptable is too dangerous. It gives government the power to decide what beliefs and opinions are acceptable and unacceptable.

A statement often attributed to Voltaire (1694–1778), the eighteenth-century French philosopher noted for his criticism of tyranny and bigotry, summarizes this position: “I disapprove of what you say, but I will defend to the death your right to say it.”

- What rights, values, and interests of individuals and society might be promoted or endangered by this position?
- Do you prefer this position? Why?

## What Are Commonly Accepted Limitations on Freedom of Expression?

Despite the statement in the First Amendment that “Congress shall make no law...abridging the freedom of speech,” most people argue in favor of limiting freedom of expression in certain situations.

Suppose the First Amendment were interpreted to mean that there could be no laws at all limiting speech. People would be able to say anything they wanted at any time they wanted. People could lie in court and deprive others of their right to a fair trial. People could scream in libraries, give political speeches in the middle of church sermons, or speak through loudspeakers in neighborhoods in the middle of the night.

Most judges and legal scholars believe that the First Amendment should not be interpreted to protect freedom of expression in situations such as these examples where other people might be harmed or their rights infringed upon. Freedom is not a license to do anything one pleases. In some situations, limiting freedom to speak may actually increase a person’s opportunity to be heard. For example, there are rules governing when someone may talk at a meeting or a debate.

Governments do make laws that limit freedom of expression to protect other important values and interests. Such laws usually do not violate the First Amendment. Laws that limit freedom of speech that are commonly accepted include, among others, those prohibiting the following:

- **Defamation.** Laws that prohibit people from defamation of others. These are laws that prohibit slander which is to make false and malicious statements about another person that injures their reputation. Laws also prohibit libel, which is to print false and malicious statements about another person that injures their reputation.
- **Incitement to crime.** Laws that prohibit people from urging others to take immediate action which is against the law.
- **Revealing of government or trade secrets.** Laws that prohibit people from giving military secrets to an enemy or secrets of a company one works for to another company.
- **False advertising.** Laws that prohibit companies from making false statements about the products they sell.
- **Obscenity.** Laws that prohibit speech that is deeply offensive in light of contemporary community standards.
- **Time, place, and manner.** Laws that prohibit speech at certain times, in certain places, and in the ways speech is expressed. For example, one cannot give a political speech through a loudspeaker in a residential area in the middle of the night (time), one cannot give a speech about the death penalty in a kindergarten classroom (place), and one cannot shout one’s responses to questioning in a courtroom (manner).

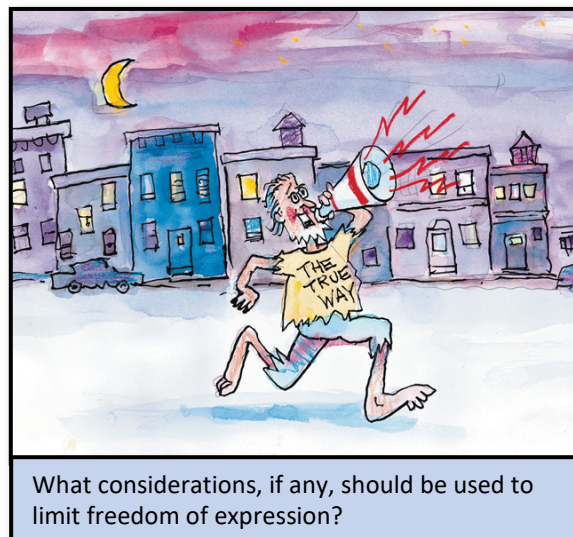


Figure 5.29.4

## What Limits Are There on Government's Power to Limit Expression?



What limits should be placed on government's right to restrict freedom of expression?

*Participants in a civil rights march from Selma to Montgomery, Alabama, in 1965. Several of the peaceful marches from Selma were violently put down by police, which caused national outrage and prompted the federal government to step in to protect the marchers.*

Figure 5.29.5

The Supreme Court always has permitted some regulation of speech and press. The Court's approach to analyzing restrictions on speech and press has been described as both "dynamic" and "unpredictable." That is because the Court's rulings change with changes in the Court's membership. Generally, the following rules limit the government's power to make laws and rules restricting free speech and press:

- Laws may not discriminate unfairly on the basis of the content of the expression or the speaker. For example, a city council could not permit some religious organizations to pass out literature on public streets but forbid other religious organizations from doing so.
- Laws and regulations also cannot single out people who hold unpopular views and prevent only them from speaking. However, no one has the right to publish secret military information or the names of U.S. intelligence agents working overseas.
- Laws restricting the time, place, and manner of expression must be content neutral and applied fairly. Speech can be limited by **time, place, and manner restrictions** on when, where, and how it can occur. For example, a city council can restrict public speeches to certain parts of the day or require organizations to obtain permits for large public gatherings. Such regulations may not affect the content of expression or favor some individuals, groups, or opinions over others.

### Key words

#### time, place, and manner restrictions:

Government regulations that prohibit speech at certain times and in certain places

- Laws restricting expression cannot be vague. Restrictions on expression must be clear so that people know what is permitted and what is forbidden. For example, an administrative rule prohibiting “disrespectful speech that interferes with the public good” would be too vague. Neither a person wanting to speak in a lawful manner nor a police official charged with enforcement would know what the rule permits or prohibits.
- Laws restricting expression may not be overly broad and must be implemented by the “least restrictive means.” Regulations must be written narrowly so that they solve a specific problem without limiting more expression than is necessary. Regulations also must employ the “least restrictive means” of achieving their goals. For example, violence sometimes erupts during political protests. Banning all political protests would be broader than necessary to solve the problem of occasional violence, therefore such a ban would not be the least restrictive means for reducing the risk of violence. See *Ashcroft v. American Civil Liberties Union* (2002) for a case involving the least restrictive means requirement.



### Content Highlight: WHAT DO YOU THINK?

- The Supreme Court has held that the First Amendment does not protect obscene material. However, the Court also has been unable to agree on a definition of obscenity. In 1973, the Court held that “contemporary community standards” should provide the basis for deciding what is obscene and therefore subject to prohibition. How might a community go about deciding what is obscene? Who ought to be involved in making that determination? Is leaving the definition of obscenity to local communities a better solution to the problem than attempting to establish a national standard? Explain your reasoning.
- Do you think that a law restricting the amount of money that an individual, or group, is allowed to give to a political party, or candidate, violates freedom of expression? Why or why not?
- Consider the following examples that raise contemporary issues involving free speech and press. Which, if any, do you think should be subject to (a) regulation, (b) prohibition, (c) punishment, or (d) more speech or press expressing different opinions? Explain your reasoning.
  - A newspaper publishes an editorial cartoon calling on opposing religious sects to attack one another so that we can finally know “which side God is on.”
  - A student places a statement on the school’s website falsely accusing a teacher of reading obscene magazines at home.
  - A student displays a message in a public school that promotes the use of illegal drugs at school-supervised events.
  - A website targeted at children age’s nine to twelve contains much information of interest to children but also allows pornographic pictures to pop up without warning.
  - A newspaper editorial compares a popular political figure to Adolf Hitler and claims that Americans are too complacent to find out the truth about him.

## Should There Be Speech Codes on College and University Campuses?

Colleges and universities are places where free inquiry, debate, and expression are highly valued. Professors and students are supposed to have freedom to explore, express, debate, and discuss both popular and unpopular ideas. The university is a place where all ideas are worthy of exploration.

In years past most students at major colleges and universities were white. Today student bodies of colleges and universities better reflect the diversity of our nation. Despite the increased understanding of diversity in the United States, conflicts among students along racial, ethnic, and religious lines have occurred on college campuses. As a result, university administrators and student governments have attempted to promote civility and understanding on campus by various means.

Recently at more than two hundred colleges and universities across the nation, student codes of conduct or “speech codes” were established. They are designed to prevent statements or comments about race, gender, religion, national origin, or sexual orientation that might offend some people. The goal of such codes is to discourage prejudice and to create a more comfortable learning environment for all students.

Supporters of the codes explain that “freedom of expression is no more sacred than freedom from intolerance or bigotry.” Critics charge that the result has been to violate students’ and teachers’ right to free expression. They refer to various instances in which students have been suspended or expelled for comments that were offensive to others.



### Content Highlight: WHAT DO YOU THINK?

- Should any limits be placed on the freedom of expression of professors whose courses are required of all students for graduation? Explain your position.
- Should any limits be placed on the freedom of expression of professors of elective courses? Explain your position.
- Should any limits be placed on which guest speakers can be invited to address students at a university? Explain your position.

## How Do Wars and Emergencies Affect Free Speech and Press?

During wars and emergencies free speech and press frequently are curtailed. Government officials seek to limit dissent or criticism in the name of defense. Early examples discussed in previous units include the Alien and Sedition Acts of the 1790s and restrictions on expression imposed during the Civil War.

From World War I through the McCarthy era of the 1950s, states and the national government enacted laws punishing suspected anarchists, socialists, and communists for advocating draft resistance, mass strikes, or the violent overthrow of the government. Many people were prosecuted for violating the laws.

In 1969, the Supreme Court adopted an approach to free speech and press that was much more tolerant of provocative, inflammatory speech than past approaches. The Court



explained that its decisions had fashioned the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. (*Brandenburg v. Ohio* 1969)

Between 1969 and 2001, the Court heard very few cases involving this Brandenburg test. However, in 2001 terrorist attacks on the United States rekindled public debate about whether the Brandenburg test is too lenient in times of war and emergency.



What restrictions, if any, should be placed on the press during times of war and national emergency?

Figure 5.29.6

### Content Highlight: WHAT DO YOU THINK?

Do you think that in time of war and emergency the government should be able to place greater limitations on freedom of expression than at other times? Why or Why not?

## Conclusion

Freedom of the press is vital to democracy. Without it, the government has little accountability to citizens. In this lesson, you learned that freedom of speech and the press come with limits. In most cases, those limits are common sense restrictions. However, the government has also worked to limit freedom of the press in times of crisis and war.

## Lesson Check-up



- How does freedom of expression contribute to individual liberty and good government?
- What forms of expression does the First Amendment protect?
- What are time, place, and manner restrictions?
- How might new forms of communication, such as the Internet, give rise to important First Amendment issues?

# Freedom to Assemble, Petition, and Associate



## Key words

- gag rule
- public forum
- right to assemble
- right to associate
- right to petition

## What You Will Learn to Do

Explain the benefits and limitations of the freedoms to assemble, petition, and associate

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** the importance of the rights to assemble, petition, and associate
- **Describe** the history of these rights and when they can be limited
- **Evaluate**, take, and defend positions relating to the exercise of the rights to assemble, petition, and associate

## Essential Question

How does the First Amendment protect freedom to assemble, petition, and associate?

### Learning Objectives (cont'd)

- **Define** key words: gag rule, public forum, right to assemble, right to associate, right to petition

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### Introduction

The previous lesson examined the First Amendment protection of speech and press. This lesson focuses on “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” It examines the importance and historical background of these rights. It also discusses an important related right—the freedom to associate. Just as in Lesson 29 you will examine the importance of these rights and something of their history. You will also examine what limits government may place on these rights without violating the Constitution.

### What Is the Importance of the Rights to Assemble, Petition, and Associate?

The First Amendment protects people’s right to form their own opinions, including those about politics and religion. It also protects the right to communicate those opinions to others. These rights would not mean very much if the government had the power to prevent people from getting together to express their views. To petition means to ask the government to take action or change its policies, or to ask for a redress of grievances—that is, for the government to grant a remedy for a perceived wrong. The people’s freedom to assemble and to petition the government enhances the First Amendment protection of political rights.



Why are the rights to assemble, petition, and associate important in a representative democracy?

*Figure 5.30.1*



## Key words

### **right to associate:**

The freedom to meet with others for political or any other lawful purposes

### **right to assemble:**

The right or legal claim provided for in the First Amendment that allows people to meet to discuss and express their beliefs, ideas, or feelings, especially in a political context

### **right to petition:**

The legal claim that allows citizens to urge their government to correct wrongs and injustices or to take some other action

A related right that has been recognized by courts is the **right to associate**. People are free to associate with others who share their opinions. These associations include political groups, church groups, professional associations, social clubs, and community service organizations. The right to associate freely protects all such groups.

## Why Were the Rights to Assemble and Petition Important to the Founders?

The rights of assembly and petition were part of English common law for hundreds of years and were seen by Americans as fundamental to a constitutional democracy. Historically these two rights have been associated with each other. People thought that the purpose of the **right to assemble** was to petition the government. The right of petition was recognized in the Magna Carta. In fact, the Magna Carta itself was a petition addressed to the king demanding that he correct certain wrongs. A century before the American Revolution, a resolution of the House of Commons in 1669, along with the English Bill of Rights of 1689, guaranteed English subjects the **right to petition** both the House of Commons and the monarch.

The American colonists considered the right to petition a basic right of Englishmen and used it often. They could not send representatives to Parliament, and so they saw the right to petition as an important means of communication with the British government. One of the colonists' frustrations in the years before the Revolution was the feeling that Parliament was ignoring their petitions.

During and after the Revolution most states protected the rights of assembly and petition, either in their state constitutions or in their state bills of rights. Today, the rights of assembly and petition have been included in all but two of the fifty state constitutions.



What were some of the consequences of the colonists' feelings that the British government was ignoring their petitions?

Figure 5.30.2

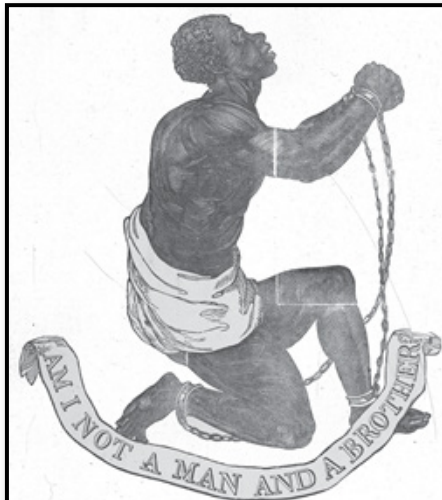
## How Have the Rights to Assemble and Petition Been Used?

From the beginning, Americans have felt free to ask the government for action on issues that were important to them. In the 1790s, one task that faced the first Congress was acting on hundreds of petitions for pensions or back pay promised to the widows and orphans of soldiers in the Revolutionary War.



In the 1830s, Congress received numerous petitions urging that slavery be abolished in the District of Columbia. The feeling against abolitionists was so strong that in 1836 the House of Representatives—but not the Senate—passed a **gag rule**, which is a rule prohibiting debate on certain topics, to prevent petitions against slavery. This rule not only prevented any discussion of ending slavery in the House of Representatives, it also limited an important way that nonvoters could express their views on the issue. The use of the right to petition was an important way for women, African Americans, and others who were denied the right to vote to communicate with public officials. The gag rule was finally repealed in 1844, thanks to the leadership of former President John Quincy Adams, a member of Congress at that time.

The U.S. government has tried to silence its critics at other times. For example, during the Great Depression a group of World War I veterans known as the Bonus Army converged on the nation's capital in the summer of 1932 to petition Congress for early payment of their military bonuses. Congress refused to support the bill, and half the veterans returned home. However, several thousand remained in a camp outside the city. President Herbert Hoover ordered General Douglas MacArthur and the army to drive the veterans out of the camp. MacArthur did so with tanks, guns, and tear gas, killing two veterans and wounding several others.



How did the House of Representatives attempt to silence abolitionists in the 1830s?

*This image was popular among abolitionists in the United States and England.*

Figure 5.30.3

American women made extensive use of petition and assembly in their long struggle to win the vote, to serve on juries, to own property, and to gain opportunities for education and employment. For example, in the early 1800s women and girls who worked in textile mills organized the Lowell Female Labor Reform Association. They presented petitions with more than two thousand signatures to the Massachusetts legislature urging laws limiting the workday to ten hours and requiring safety devices on dangerous machinery. They did not succeed, but they adopted the motto Try Again. Other women's associations did just that. Women in New York gathered ten thousand signatures to petition their state legislature for the right to vote and the right of married women to own property. In 1865, women's groups sent a petition with four hundred thousand signatures to Congress asking for a Thirteenth Amendment to the Constitution to abolish slavery.

The importance of the right to assemble is nowhere better illustrated than in the civil rights movement of the 1950s and 1960s. Under the

## Key words

### **gag rule:**

Any rule restricting open discussion or debate on a particular issue

leadership of the Reverend Martin Luther King Jr. (1929–1968) thousands participated in the March on Washington for Jobs and Freedom in 1963.

Today the right to petition is widely used at the local, state, and national levels. Groups that do not have the money to buy advertising often use the right to assemble and petition to make their views known by attracting the attention of the news media. In 2006, millions of Latin American immigrants sponsored marches throughout the United States to draw attention to the plight of undocumented workers.

The right to petition includes much more than formal petitions. Faxes, emails, phone calls, and letters to public officials also are methods of petitioning the government. The right to petition is not limited to people wishing the government to correct wrongs. Individuals, groups, and corporations lobby government officials to try to persuade them to adopt policies that will benefit their interests or the interests of the country as a whole.



How did American women and girls use the rights of petition and assembly to obtain better working conditions in textile mills?

Figure 5.30.4

### What Limitations May Government Place on the Right to Assemble?

The Supreme Court has emphasized the importance of the right to assemble in a free society, but it has approved certain restrictions. For example, in 1939 the Court held in *Hague v. Congress of Industrial Organizations* that people have the right to assemble in a **public forum**, such as in the street, in parks, and on sidewalks. But government is responsible for ensuring that demonstrations remain peaceful and do not endanger community safety or unreasonably inconvenience the public. The justices have struggled with how to balance the right to assemble against other rights and the needs of the public. The Court generally has held that time, place, and manner restrictions—which affect when, where, and how assemblies occur—are permissible if two conditions are satisfied:

- **Government Interest.** The government imposing the restriction identifies a legitimate government interest, such as preventing riots or keeping streets clear during rush hour, and does not impose the regulation with the purpose of suppressing free speech or assembly.

## Key words

### public forum:

Geographical places in a community, such as streets, parks, or virtual reality sites, where people can express and exchange their views

- **Nondiscriminatory Interest.** The restriction is precisely worded and is applied in a nondiscriminatory manner. That is, the restriction must apply to all groups and cannot be imposed because of the theme or subject of the assembly.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Taking and Defending a Position on the Right to Assemble

The following are examples that illustrate the difficulty of balancing the right to assemble with the obligation of government to protect the public. Work in small groups to examine the following situations and then answer the questions that follow for each situation.

- Demonstrators plan to march on a public sidewalk in front of a private home to protest the investment decisions of the corporate executive who lives there. A city ordinance prohibits gatherings on public sidewalks that are “intended to harass or upset” others.
  - People plan to assemble in a park across the street from a shopping mall to protest the sale of animal-fur coats by one of the stores. A county law permits people to gather in public parks only for picnics.
  - Several students plan to march through a public school during their lunch hour—while other students are in class—to protest a new dress code. A school rule requires students to remain in the cafeteria during their lunch hour.
  - A group of striking workers demanding healthcare benefits as part of their union contract plans to block the sidewalk in front of the entrance to a grocery store. A state statute prohibits members of unions from blocking public sidewalks.
1. What constitutional arguments can you make on behalf of allowing those participating in the assemblies described above to do so without restriction?
  2. What constitutional arguments can you make on behalf of the government official defending the restriction in each situation described above?
  3. How does each situation illustrate the difficulty of balancing the right to assemble against the government’s obligation to protect the public?

### How Is the Right to Associate Protected?

The right of association is not mentioned in the Constitution, but the courts have said that it is implied by the other rights in the First Amendment—in particular, by the rights of free speech and assembly. The right to associate freely with other citizens is part of living in a free society. The government should not interfere with people’s right to join with others, it is argued, whether such association takes place in private clubs, college fraternities or sororities, political parties, professional organizations, or labor unions.

The first time that the Supreme Court dealt with an issue regarding the right to associate was in 1958. The state of Alabama had ordered the National Association for the Advancement of Colored People (NAACP) to disclose its membership list. During this time the

NAACP was engaged in a bitter civil rights struggle. The Supreme Court thought that if the NAACP membership list was made public, then this disclosure might lead to hostile acts against NAACP members. The Court ruled in *NAACP v. Alabama* (1958) that the First Amendment protects the right to associate and that Alabama's demand for the membership list violated this right.

However, soon after the Alabama ruling the Court upheld laws that required disclosure of membership lists of the Communist Party. In *Barenblatt v. United States* (1959), the Court justified this decision on the ground that the organization advocated violent overthrow of the government.

One question that arises is whether the right to associate means that one has the right not to associate with certain people. Should private organizations be able to prohibit some people from becoming members? For example, should the government be able to require private golf courses to admit African Americans or private men's clubs to admit women? This question involves the right of equal protection as well as that of association.

In cases involving this question the Supreme Court has ruled that the government cannot interfere in a person's choices about whom to associate with in private life. On the other hand, the Court has ruled that in some situations that go beyond close personal relationships and involve larger social purposes, the government may require private organizations not to discriminate on the basis of race, gender, or ethnic background. For example:

- Some associations are so large, and their purposes are so diverse and focused on social policy that they must comply with anti-discrimination laws. The Rotary Club and the Junior Chamber of Commerce are examples of such organizations.
- Some private clubs operate much like restaurants, providing regular meals to members and their guests. Such clubs must comply with laws that prohibit discrimination.
- Some employers pay their employees' memberships in associations. In general, if members do not pay the dues themselves, then the association must comply with laws that prohibit discrimination.

These issues can be very difficult. The difficulties reflect the tension between two important ideals:

- Eliminating unfair discrimination in American life
- The right of each individual to live their own life as free as possible from government interference

One hundred fifty years ago, French political thinker Alexis de Tocqueville commented on Americans' habitual practice of joining together to solve common problems. The exercise of freedom of association was, Tocqueville believed, one of the outstanding characteristics of American citizenship. It is difficult to imagine the development of labor unions, political parties, and a host of other organizations that play important roles in American civic life without the exercise of this right.

Tocqueville believed that the right to associate was essential for preserving free government in the United States given the country's social equality. Americans did not need to rely on government to solve all their problems because private groups could organize themselves quickly to respond to common concerns or needs. Tocqueville thought



that this capacity helped to make Americans more public spirited. Americans were aware that they were responsible for helping to achieve the common good, and each citizen could do something to help achieve it.



## Content Highlight:

### WHAT DO YOU THINK?

- Should the right to associate be interpreted to mean that organizations may not impose any limits on their membership? Explain your position.
- Do you think that the actions by some cities and towns to prohibit certain groups from peacefully gathering in public parks violate the rights to assemble and associate? Why or why not?
- What conflicts might occur between the right to assemble and other values and interests of society? How should these conflicts be managed?



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Taking and Defending a Position on a First Amendment Issue

Board of Education of the *Westside Community Schools v. Mergens* (1990) involved most of the First Amendment rights you have been studying—religion, speech, and association. Read the summary of the case below. Then to complete this exercise, work in one of three groups. All groups should be sure to address the questions that follow the case summary.

In 1984 Congress passed the Equal Access Act, which prohibits any public secondary school that receives federal funds and provides facilities for extracurricular organizations from discriminating against student clubs because of their religious or philosophical orientation.

Westside High School is a public school in Omaha, Nebraska, with about fifteen hundred students. Students have the opportunity to participate in a number of groups and clubs, all of which meet after school on school premises. Among these groups are the Creative Writing Club, the Math Club, and the Future Medical Assistants. School board policy requires that each group have a faculty sponsor, and no group may be sponsored by any organization that denies membership based on race, color, creed, gender, or political belief.

In January 1985, student Bridget Mergens met with the Westside principal to request permission to form a Christian Club, the purpose of which would be to “permit students to read and discuss the Bible, to have fellowship, and to pray together.” The club would be open to all students, regardless of religious beliefs. There would be no faculty sponsor.

... {Continued on next page} ...



## Content Enhancement:

### CRITICAL THINKING EXERCISE (CONT'D)

Both the principal and the district superintendent denied the request. They said, first of all, that the sponsor requirement was not met. More important, permitting the religious club to meet on school property would be unconstitutional. The school board upheld the denial.

Mergens and her parents sued the school for violating the Equal Access Act and the First Amendment protections of speech, association, and exercise of religion. The trial judge ruled in favor of the school saying that the Equal Access Act did not apply because all the other clubs at school were related to the school curriculum and linked to the school's educational function.

The U.S. Court of Appeals reversed the lower court ruling, noting that there were other school clubs, such as the Chess Club and the Surfing Club, that were not directly related to the school's educational function. The school district appealed to the Supreme Court.

#### **GROUP 1:**

Develop arguments for the Westside High School position.

#### **GROUP 2:**

Develop arguments for the position of Bridget Mergens.

#### **GROUP 3:**

Act as judges, listen to both arguments and decide whether the Christian Club should be able to meet after school. The judges should be able to explain the basis for their decision and defend it before the class.

Be sure to consider the following questions:

- What First Amendment issues are raised in this case?
- What values and interests are in conflict in this case?
- What arguments can you make for allowing the group to meet?
- What arguments can you make for prohibiting the group from meeting?

## Conclusion

The rights to assemble, petition, and associate are some of the most important rights in a democracy. Along with freedom of speech and freedom of the press, they are rights that citizens can use to hold the government accountable. In this lesson, you also saw that the government has an interest in limiting these rights if they conflict with public safety. Limits on these rights must be done in a nondiscriminatory manner. The Supreme Court has held that the government cannot single out groups critical of the government or groups associated with a certain religion.

## Lesson Check-up



- How would you explain the rights to assemble, petition, and associate?
- How would you describe the historical origins of the rights to assemble and petition?
- How and why have the rights to assemble and petition been important in American history?
- What restrictions have been imposed on the right to assemble, and how have these restrictions been justified?
- Although the right to associate is not mentioned in the First Amendment, how have courts justified treating it as a constitutional right?

# Unreasonable Law Enforcement Procedures



## Key words

- affidavit
- exclusionary rule
- probable cause
- reasonableness
- search
- seizure
- self-incrimination
- use immunity
- warrant

## What You Will Learn to Do

Describe the applications and limitations of the Fourth and Fifth Amendments

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** the purpose and history of the Fourth Amendment and issues raised by its interpretation
- **Explain** the importance of the Fifth Amendment provision against self-incrimination





## Essential Question

How do the Fourth and Fifth Amendments protect against unreasonable law enforcement procedures?

### Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on contemporary issues involving the Fourth Amendment and self-incrimination
- **Define** key words: affidavit, exclusionary rule, probable cause, reasonableness, search, seizure, self-incrimination, use immunity, warrant

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### Introduction

The Fourth Amendment limits the powers of government officials to **search** and seize individuals, their homes, their papers, and other property. The Fifth Amendment contains several other important protections for criminal defendants, including protection from **self-incrimination**. This lesson focuses on the Fourth Amendment and the protection from self-incrimination in the Fifth Amendment. It examines the history of these protections and why they were important to the Framers.

### What Is the History of the Fourth Amendment?

Americans inherited from British history the principle that “a man’s home is his castle.” The right to privacy and its importance to a free society have been understood at least since the Magna Carta. One way English common law protected the right to privacy was by prohibiting judges from giving law enforcement officials general **warrants**, also known as writs of assistance. A warrant is a document given to a police officer or other government official giving permission to intrude into a person’s privacy—search—or interfere with a person’s property or freedom of movement—**seizure**. A general warrant does not describe in detail the places to be searched or the things or persons to be seized. General warrants have been referred to as open-ended “hunting licenses” because they allow

### Key words

**search:**

In the context of American constitutional law, intrusion into someone's privacy

**self-incrimination:**

When someone is compelled or forced to testify against themselves

**warrant:**

A court order authorizing a police officer to make an arrest, or search or perform some other designated act

**seizure:**

In the context of U.S. constitutional law, interference with a person's property or freedom of movement

government officials to search people, businesses, homes, and property indiscriminately.

Despite the common-law prohibition against general warrants, Parliament and royal commissions sometimes allowed their use. General warrants were used to harass and persecute individuals who were critical of the government or who, like Puritans, dissented from the Church of England.

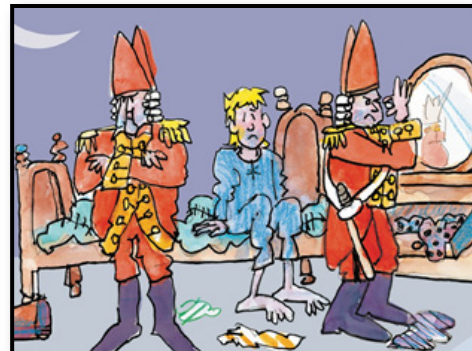
In the eighteenth-century Parliament also approved the use of general warrants in the American colonies. British officials used such warrants to collect taxes, to recover stolen goods—including slaves—and to prosecute persons they believed to have violated British trade restrictions by smuggling tea and other products into the colonies. The British were not entirely wrong in suspecting the colonists of smuggling. John Hancock's father, for one, made a great deal of money smuggling tea into Boston. A general warrant enabled the British to discover that John Hancock himself was smuggling wine.

The colonists' strong objections to British trade laws and the use of general warrants contributed to the American Revolution. After the Revolution state declarations of rights typically outlawed general warrants. Anti-Federalists later criticized the Constitution for not placing similar limitations on the national government. Abraham Holmes, a delegate to the Massachusetts ratifying convention, said, "There is no provision made in the Constitution to prevent...the most innocent person...[from] being taken by virtue of a general warrant...and dragged from his home."

### What Is the Purpose and Importance of the Fourth Amendment?

Few provisions in the Bill of Rights grew so directly out of colonial experience as the Fourth Amendment. The amendment protects persons, houses, papers, and other personal effects from "unreasonable searches and seizures." In particular the amendment:

- Prohibits general warrants
- Requires applications for warrants to be supported by **probable cause** (discussed later in this lesson)
- Requires a judge or magistrate, not the official who will serve the warrant, to decide whether probable cause exists
- Requires applications for warrants to "particularly" describe the "place to be searched, and the persons or things to be seized"



Under what conditions, if any, should a judge be able to issue a warrant allowing your home to be searched?

Figure 5.31.1

## Key words

### probable cause:

Reasonable grounds for presuming that a crime has been or is in the process of being committed

Soon after he served as a chief United States prosecutor at the Nuremberg trials of Nazi war criminals in 1949, Supreme Court Justice Robert Jackson stressed the importance to a free society of the protections against unreasonable searches and seizures. He said,

*Among the deprivations of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror in every heart as uncontrolled search and seizure. It is one of the first and most effective weapons in the arsenal of every arbitrary government.*

Courts have interpreted the Fourth Amendment as protecting reasonable expectations of privacy, although the amendment does not specifically state that it protects privacy. However, protecting privacy against intrusion by government officials is a deeply held value in the United States. Privacy also is an important component of the rights to freedom of conscience, thought, religion, expression, and property. The rapid growth of surveillance and other technology makes concerns about privacy particularly acute today.



### Content Highlight: WHAT DO YOU THINK?

1. What powers should be given to law enforcement officers in order for them to be able to enforce the law? Is the Fourth Amendment's prohibition against general warrants still desirable in light of ongoing threats of terrorism? Explain.
2. What values are served by requiring law enforcement officers to get permission from a judge to arrest someone or search their property?
3. In 2007 the deputy director of national intelligence stated, "Protecting anonymity isn't a fight that can be won. Anyone (who has) typed in their name on Google understands that." Privacy, he argued, has basically become what the government and the business community say it is. Do you agree or disagree? Why?

### What Issues Arise in Interpreting and Applying the Fourth Amendment?

The Fourth Amendment protects against "unreasonable" searches and seizures. It seeks to strike a balance between society's need for order and safety and the individual's right to autonomy and privacy. Achieving the proper balance under ever-changing circumstances is the ongoing challenge in interpreting the Fourth Amendment. The Fourth Amendment raises three important questions:

- When is a warrant required?
- What is probable cause and when is it required?
- How should the Fourth Amendment be enforced?



Under what conditions, if any, should a law enforcement officer be able to enter a person's home without a warrant?

Figure 5.31.2

### When Is a Warrant Required? What Is Probable Cause?

## Key words

**affidavit:**  
A formally sworn statement

Requiring police officers and other officials to get warrants before they can search, arrest, or seize evidence is a means of checking their power and protecting individuals from arbitrary and unlawful government actions. Government officials who want a warrant must submit an **affidavit**, or sworn statement, to a judge. Probable cause means that there is enough evidence for a reasonable person to believe that it is likely that an illegal act is being or has been committed. The official requesting a warrant must describe facts and circumstances in sufficient detail to persuade the judge that probable cause exists to issue a warrant.

Probable cause requires more than a hunch or a vague suspicion, but it does not require absolute certainty. Determining whether probable cause exists requires careful analysis of the facts of each case and is somewhat subjective. The Supreme Court continually refines the specific criteria for probable cause in light of experience. This process reveals a commitment to protecting the rights of individuals while also protecting society from those who break the law.

During the 1960s, the Supreme Court held that searches conducted without warrants are inherently unreasonable. By the 1970s, the Court had recognized a number of exceptions to the warrant



What purposes are served by requiring law enforcement officers to get a warrant from a judge before conducting a search?

Figure 5.31.3



requirement. There are times when law enforcement officers cannot wait for a warrant. For example, police may be on the scene of a violent crime or a robbery in progress. If they do not arrest the suspect immediately, then the person might injure a police officer or others, or escape. Under these emergency circumstances it is necessary for officers to be able to arrest a person or search property without a warrant.

The Court has also held that in some circumstances warrants are never required. For example, vessels may be boarded and searched randomly for purposes of inspecting documentation. No warrant is required if a person consents to being searched or arrested or to having their property seized.



Figure 5.31.4

### Content Highlight: WHAT DO YOU THINK?

1. Should law enforcement officers who have legally arrested a person be allowed to search the entire contents of the person's cell phone without a warrant?
2. Should law enforcement officers be allowed to secretly place a tracking device on a suspect's vehicle without a warrant to track their movements on public streets?



Figure 5.31.5

## Key words

### **exclusionary rule:**

The rule established by the U.S. Supreme Court that evidence unconstitutionally gathered by law enforcement officers may not be used against a defendant in a trial

## How Does the Exclusionary Rule Enforce the Fourth Amendment's Warrant Requirement?

What should be done if law enforcement officers or other government officials break the law by not showing probable cause and obtaining warrants for searches and seizures?

In 1914, the Supreme Court held that the national government could not introduce papers belonging to a defendant in court as evidence because officers had seized the papers from the defendant's home without a warrant (*Weeks v. United States*). Preventing the government from using illegally obtained evidence at trial is known as the **exclusionary rule**. Judges created the exclusionary rule to discourage law enforcement officers from breaking the law. The courts have argued that the rule is the most effective way of preventing violations of individual rights during arrests, searches, seizures, and interrogations.

In 1961, the Supreme Court extended the exclusionary rule to criminal trials in state courts (*Mapp v. Ohio*). This resulted in considerable controversy and widespread criticism of the Court's action. Criminal defendants in state courts often have committed dangerous crimes. Public sympathy for the rights of such defendants usually is not as high as it is for so-called white-collar criminals, who more often are prosecuted in federal courts. The use of the exclusionary rule in state courts sometimes resulted in defendants being set free or retried if the evidence against them was not allowed to be used at their trials. Some critics claim that the Court has "tied the hands of the police." They argue that the exclusionary rule is too high a price to pay for government violations of the Fourth Amendment. Others believe that the Supreme Court's decision in *Mapp* is inconsistent with principles of federalism and exceeds the national government's power over the states.

Since 1961 the Supreme Court has modified the exclusionary rule in several ways. For example, if government officials relied in good faith on a defective search warrant, then they can introduce at trial evidence that they obtained in an illegal search. If government officials can show that they would have discovered the evidence as a routine matter—the "inevitable discovery" rule—then they can introduce at trial evidence they obtained in violation of the Fourth Amendment.

## What Are Some Alternatives to the Exclusionary Rule?

Americans continue to debate other ways to check the abuse of power by law enforcement officers and other government officials, rather than losing valuable evidence against criminals at trial. Proposals include:

### **DEPARTMENTAL DISCIPLINE**

Some law enforcement agencies have created independent boards that investigate claims that an officer violated a right of a criminal defendant. A board conducts hearings and if it finds that the officer violated the Fourth Amendment, then it imposes discipline.

## **CIVILIAN REVIEW BOARDS**

A civilian review board appointed by local government officials sometimes supervises law enforcement agencies. Such boards investigate charges against officers accused of breaking the law or violating rules and procedures. If a board concludes that an officer broke the law, then it recommends appropriate action to the law enforcement agency or suggests criminal prosecution.

## **CIVIL SUITS**

Persons who believe that their rights have been violated by government officials sometimes have the right to sue individual officers or their agencies for money damages in a civil court or under the Civil Rights Act of 1964. Some argue that awarding money damages to criminal defendants whose Fourth Amendment rights were violated would be better than excluding evidence in a criminal trial.



### ***Content Enhancement:*** **CRITICAL THINKING EXERCISE**

#### **Deciding Whether to Apply the Exclusionary Rule**

Work in small groups. Consider the following situations in which government officials illegally obtained evidence of a crime. Then answer the questions that follow and be prepared to present and defend your positions.

- A chief executive officer (CEO) of a major corporation that employs hundreds of thousands of workers faces criminal charges for stealing millions of dollars from employee pension funds. Government officials obtained evidence of the crime by hacking into the CEO's home computer.
- A high school junior faces criminal charges for selling marijuana. Police suspected that the student was involved in drug trafficking, went to the student's home without a warrant, and broke in after they determined that no one was home. They found receipts for drug sales and other incriminating evidence.
- A person faces criminal conspiracy charges for planning to blow up an office building in a major American city. Government officials obtained evidence of the plot by illegally wire-tapping the defendant's home telephone.
- A person faces criminal charges for tax evasion, a crime that government officials had suspected for many years but never been able to prove. They obtained evidence to support the charges by paying the defendant's accountant to give them records of the defendant's income for the past fifteen years.

Should the evidence obtained in each situation be allowed in or excluded from the trial of each of the defendants? Explain your reasoning.

If you think the exclusionary rule is not appropriate in any of the situations described above, what alternative would you suggest and why?

## When Are Warrants Not Required?

The Supreme Court has held that warrants are never required in certain circumstances. For example, the warrant requirement is “unsuited to the school environment” because school officials are guardians of students, not law enforcement officers. Searches conducted at schools are reviewed to determine if the search was “reasonable.” The Court has held that a search is reasonable if:

- Specific facts, together with rational inferences from those facts, justified the intrusion
- The search was reasonably related in scope to the circumstances justifying it (*T.L.O. v. New Jersey, 1985*)

Safety and health are primary considerations used for determining whether a search is reasonable in the public school setting. The Court has approved the **reasonableness** standard in two other settings:

- Random drug testing of public and transportation employees and students who participate in extracurricular activities in public schools
- Searches of homes of people who are on probation

## Key words

### **reasonableness:**

The quality of what a rational and fair-minded person might say



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Evaluating, Taking, and Defending Positions on Reasonableness and Probable Cause

Work in one of three groups:

#### **GROUP 1**

Make your best arguments for abandoning the probable cause requirement and using a reasonableness standard to evaluate all searches after they have occurred.

#### **GROUP 2**

Make your best arguments for always requiring probable cause before a search.

#### **GROUP 3**

Make your best arguments for using a reasonableness standard in some circumstances but requiring probable cause in others.

#### **EVALUATE POSITIONS**

After each group has compiled its arguments, the groups should compare their responses. In evaluating the positions each group has developed, the class as a whole should consider how each group’s arguments balance the government’s interest in combating crime with the individual’s interest in being free from government intrusions. Did any group’s argument change your personal views on this issue? Why or why not?



## What Is the Purpose of the Fifth Amendment Provision Against Self-Incriminations?

The right not to incriminate oneself, or the right against self-incrimination, means that a criminal defendant cannot be forced to take the stand to testify at trial. However, if a criminal defendant decides to testify, that person has to answer all questions that are asked. Anyone else who testifies cannot be forced to answer questions that would tend to implicate themselves in a criminal act unless the prosecution offers the witness **use immunity**. This kind of immunity means that neither the witness' testimony nor evidence subsequently uncovered by the government because of the witness' testimony can ever be used to prosecute that person as a criminal.

An incriminating statement is one that tends to establish a person's guilt or to connect the person to criminal activity. The Fifth Amendment limits the government's power to obtain incriminating statements. It states, "No person...shall be compelled in any criminal case to be a witness against himself." The source of the Self-Incrimination Clause is the Latin maxim, *nemo tenetur seipsum accusare*—no man is bound to accuse himself. The clause underscores the principle that in an adversary system of justice, the government carries the burden of proof in a criminal proceeding. It cannot shift that burden to the defendant by forcing the defendant to reveal incriminating facts.

The right to remain silent does not mean that suspects cannot make statements voluntarily after they acknowledge that they understand their rights. However, if police violate the Miranda rule, explained in the next section, and a defendant makes incriminating statements, then the statements are generally excluded at trial. A statement made by a defendant after a Miranda violation may be admitted at trial only if the defendant subsequently testifies in court and says something that is inconsistent with the statements made after the Miranda violation.

Protection against self-incrimination applies in any public proceeding in which information obtained could tie a person to criminal activity. For example, in the 1950s when the House Committee on Un-American Activities asked for information about links to the Communist Party—which could subject witnesses to prosecution under the 1940 Alien Registration Act—some people "took the Fifth." That means they sought refuge in the Fifth Amendment's right against self-incrimination to avoid answering the questions.



Figure 5.31.6

## Key words

### use immunity:

A guarantee government prosecutors give to a witness, not to use the witness' self-incriminating compelled testimony as evidence against the witness in a subsequent criminal prosecution

The right against self-incrimination is personal. Individuals can refuse to incriminate themselves. However, unless they have some special privilege that the law respects, such as a doctor-patient relationship, no one can refuse to testify on the grounds that the testimony might incriminate someone else.



## *Content Enhancement:*

### **CRITICAL THINKING EXERCISE**

#### **Identifying Violations of the Protection Against Self-Incrimination**

Work in groups of four or five Cadets. Examine the following situations and develop your responses to the questions that follow. Be prepared to present and defend your positions.

- A state statute makes it a crime for anyone under age eighteen to own a gun. A different statute requires gun owners to register their guns with a state agency. The registration form asks the gun owner's age. A sixteen-year-old received a gun for his birthday and plans to use it for target shooting. He claims that the gun registration law violates his right against self-incrimination.
  - Federal tax laws require taxpayers to report and pay taxes on income earned the previous year from "any source." Failure to list income can result in a fine. A taxpayer earned more than \$200,000 from illegal gambling. The taxpayer objects to listing the income on her tax returns, asserting that doing so would violate her right against self-incrimination.
  - A county ordinance requires convicted sex offenders to register with the county. Names and addresses of registered individuals are then posted on a county website. Failure to register carries a fine of \$100 and can be used as evidence in any future prosecutions. An individual who wishes to establish residency in the county was convicted of sex abuse twenty years ago, has had no subsequent convictions, and contends that the registration requirement violates her right against self-incrimination.
  - A city ordinance requires all city employees to live inside the city limits. Employees must disclose their home addresses annually. Failure to reside within the city can result in job loss. A sanitation worker has been employed by the city for more than ten years but no longer can afford to pay the high rental rates in the city. He has moved to an affordable apartment in the suburbs and contends that requiring him to give the city his new address violates his right against self-incrimination.
  - A congressional statute requires all persons to maintain and make public records of corporate activities. Violation of the statute can result in a fine and imprisonment. A member of the Communist Party refuses to disclose the contents of the party's corporate records on the grounds that it will violate his right against self-incrimination.
1. Which, if any, of the laws described above do you think violate the Fifth Amendment provision against self-incrimination? Explain your reasoning.
  2. Do you think the right against self-incrimination should be interpreted to apply in noncriminal as well as criminal cases? Why or why not?



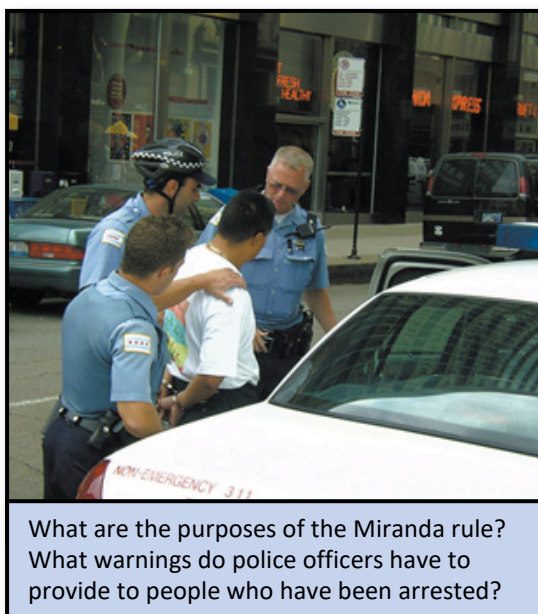
Should a sixteen-year-old who received a gun for his birthday register his gun if doing so would expose the fact that he is not old enough to legally own a firearm? Why or why not?

Figure 5.31.7

## What Is the Miranda Rule?

In 1966, the Supreme Court held that police officers must tell all people taken into police custody about their right against self-incrimination (*Miranda v. Arizona*, 1966). Under Miranda, law enforcement officers must give suspects the following warnings:

- They have the right to remain silent.
- They have the right to have an attorney with them when they are being questioned.
- Anything they say may be used against them in court.
- If they cannot afford an attorney, one will be appointed for them.

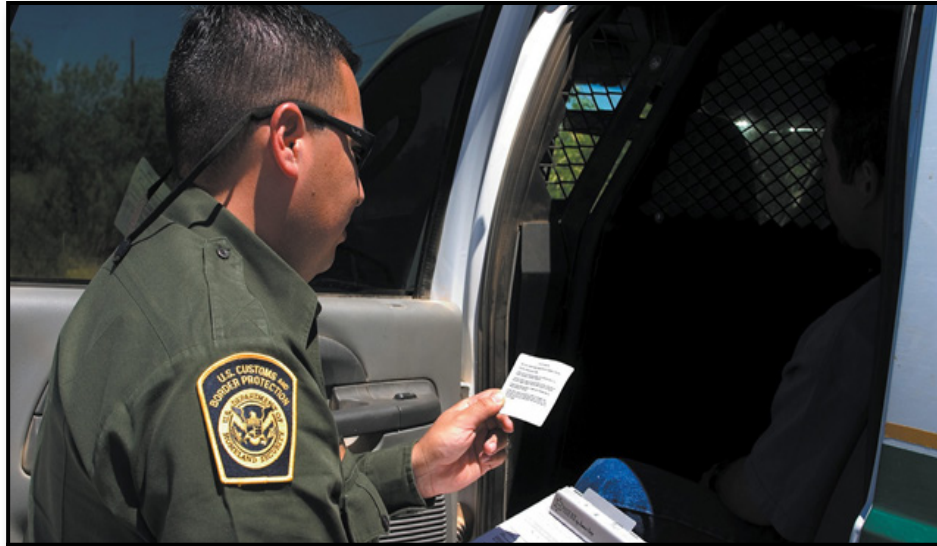


What are the purposes of the Miranda rule? What warnings do police officers have to provide to people who have been arrested?

Figure 5.31.8

As mentioned earlier, the right to remain silent does not mean that suspects cannot make statements voluntarily after they acknowledge that they understand their rights. However, if police violate the Miranda rule and a defendant makes incriminating statements, then the statements are excluded at trial.

Some critics argue that the Miranda decision “hand-cuffs” police. Others believe the decision is inconsistent with principles of federalism because it interferes with state processes for fighting crime. In 1968, Congress attempted to overturn the decision by passing a statute that declared that all voluntary statements are admissible at trial. However, in 2000 the Supreme Court reaffirmed Miranda, holding that it was a constitutional decision that could not be overruled by an act of Congress (*Dickerson v. United States*).



Do the requirements of the Miranda rule make it harder for police officers to do their jobs? Is the tradeoff between effective policing and protection of individual rights worth it? Why or why not?

Figure 5.31.9



### Content Highlight: WHAT DO YOU THINK?

- What is the basic purpose of the Miranda rule?
- Do you think the Miranda rule should be maintained, modified, or eliminated?



## Conclusion

The Fourth and Fifth Amendments protect Americans from unlimited police powers. This is a theme that is connected to the idea of limited government. Even though the government is responsible for enforcing laws, it does not have the power to conduct arbitrary searches and invade personal privacy. In this lesson, you saw that over the years, the Supreme Court has made many rulings on how to interpret the Fourth Amendment.

## Lesson Check-up



- What historical experiences led to the adoption of the Fourth Amendment? Which, if any, of those conditions exist today?
- What rights does the Fourth Amendment protect?
- What rights does the Fifth Amendment protect?
- What is a warrant? When are warrants required? What are some exceptions to the warrant requirement?
- Explain the term probable cause.
- What is the Miranda rule?
- How does the exclusionary rule reinforce the principles of the Fifth Amendment?
- How would you explain the right against self-incrimination? How is that right related to principles of limited government and rule of law?

# Protecting Rights Within the Judicial System



## Key words

- bail
- capital punishment
- cruel and unusual punishment
- double jeopardy
- grand jury
- indictment
- plea agreement
- right to counsel

## What You Will Learn to Do

Explain the constitutional rights of those who have been accused or convicted

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** the Fifth and Sixth Amendment guarantees regarding indictments, double jeopardy, and due process of law
- **Identify** the rights protected by the Sixth Amendment, particularly the right to counsel



## Essential Question

How do the Fifth, Sixth, and Eighth Amendments protect rights within the judicial system?

### Learning Objectives (cont'd)

- **Describe** the Eighth Amendment provisions about bail and punishment
- **Evaluate**, take, and defend positions on the death penalty
- **Define** key words: bail, capital punishment, cruel and unusual punishment, double jeopardy, grand jury, indictment, plea agreement, right to counsel

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### Introduction

Four of the first eight amendments in the Bill of Rights address the rights of criminal defendants. The previous lesson examined how the Fourth and Fifth Amendments protect accused persons from unreasonable law enforcement practices. This lesson explores how the Fifth, Sixth, and Eighth Amendments protect the rights of accused criminals before and during trial and the rights of those who have been convicted of crimes.

### Why Is Procedural Justice Important?

The fundamental premise of the American criminal justice system is that a person accused of a crime, no matter how horrible the alleged offense, is innocent until the government proves guilt beyond a reasonable doubt. That means that the prosecution must eliminate doubts about guilt in the mind of a reasonable, ordinary person about every element of the crime.

The procedural rules contained in the Bill of Rights are designed primarily to protect the innocent. Sometimes people who are accused of crimes use the rules to prevent government from obtaining convictions, as can happen when prosecutors are not allowed to introduce illegally obtained evidence at trial. Many observers have argued that allowing some guilty people to remain free is a small price to pay to avoid mistakenly convicting innocent persons. Above all, they argue, it is a reminder of America's commitment to the rights of each individual and to the rule of law.

The Fourth, Fifth, Sixth, and Eighth Amendments contain guarantees ensuring that police, prosecutors, judges, and juries will follow fair procedures when dealing with people accused of crimes. Procedural rights are important because criminal law pits the power of the government against the individual.



In what ways do the procedural rules in the Bill of Rights protect individuals from the power of government?

Figure 5.32.1

## Key words

### **bail:**

Money or other security given to obtain an arrested person's release from legal custody, which is forfeited if the individual subsequently fails to appear before the court for trial

### **plea agreement:**

Pleading guilty to a lesser crime than that charged by a prosecutor

### **indictment:**

A formal charge by a grand jury accusing a person of having committed a crime

### **grand jury:**

A panel of jurors designated to inquire into alleged violations of the law in order to ascertain whether the evidence is sufficient to warrant trial

## How do the Fifth, Sixth, and Eighth Amendments Protect an Individual's Rights Before Trial?

The period between arrest and trial is very important to prosecutors and people accused of crimes. Judges rule on pretrial motions, or requests for rulings on legal points, over issues such as whether the accused should be released on **bail** pending trial. Both sides gather evidence, interview witnesses, and develop trial strategies. Criminal defendants must decide whether to enter into a **plea agreement**—pleading guilty to a lesser crime—or to proceed to trial.

The Fifth, Sixth, and Eighth Amendments protect the people accused of crimes between arrest and trial in three ways: indictment, bail, and counsel.

### **INDICTMENT**

Government prosecutors have many choices about whether to charge an individual with a crime and which crime or crimes to charge. The Fifth Amendment requires them to issue an **indictment**, or a formal statement of charges, so that the defendant knows how to prepare a defense. Indictments also limit the range of evidence that the government may present at trial.

The Fifth Amendment states that indictments must be by **grand jury**. A grand jury is a special panel of jurors who listen to the evidence that prosecutors have obtained and decide whether the government has a strong enough case to proceed to trial. If the grand jury concludes that there is enough evidence for an indictment, it issues a "true bill." If it does not issue a true bill, then the government may not proceed with the case.



The grand jury requirement applies only to cases in federal courts. The Supreme Court has held that states may use other indictment processes as well. Some states rely mostly on preliminary hearings. These hearings resemble trials but judges, not juries, evaluate whether the government has enough evidence against the accused to issue formal charges. Some states indict by information, a less formal process that also requires a judge to determine whether the prosecution has enough evidence to proceed to trial.

## **BAIL**

Permitting criminal defendants to be released on bail and free before trial helps them prepare their defense and avoids punishing innocent suspects by holding them in jail without a conviction. Bail refers to the sum of money that a court requires a defendant to deposit with the court.



Figure 5.32.2

Not all criminal suspects can be trusted to appear in court when they are supposed to, and some may be so dangerous that a judge will require them to remain in custody between arrest and trial. If a judge allows a criminal suspect to be free on bail before trial, then the Eighth Amendment prohibits the government from requiring “excessive bail.” A defendant who fails to appear forfeits the bail deposit. Bail is excessive when it is higher than an amount reasonably calculated to ensure the government’s interest in having the defendant appear for trial.

## **COUNSEL**

The Sixth Amendment guarantees criminal defendants the assistance of counsel for their defense. The **right to counsel** includes having a lawyer present during police interrogation, while preparing for trial, and during the trial. Both state governments and the national government are required to permit criminal defendants to hire lawyers and to provide counsel for defendants at government expense if they cannot afford to pay (*Gideon v. Wainwright*, 1963).

The American criminal justice system is an adversary system as opposed to the inquisitorial system used in some countries. In an adversary system, there are two sides that present their positions before an impartial third party—a jury, a judge, or both. The prosecuting attorney presents the government’s side; the defense attorney presents arguments for the accused person.

The complexity of the adversary system requires the use of lawyers to represent defendants. Even well-educated people and many lawyers who do not specialize in criminal law are not competent to conduct an adequate defense in today’s courts.

## **Key words**

### **right to counsel:**

Part of the right to a fair trial, allowing for the defendant to be assisted by an attorney, and if the defendant cannot afford counsel, requiring that the state appoint an attorney or pay the defendant's legal fees

The Supreme Court and Congress have extended the right to counsel to people for whom it had not been provided in the past. This right is now interpreted to guarantee that:

- Every person accused of a felony—a major crime—may have a lawyer.
- Those too poor to afford to hire a lawyer will have one appointed by the court.

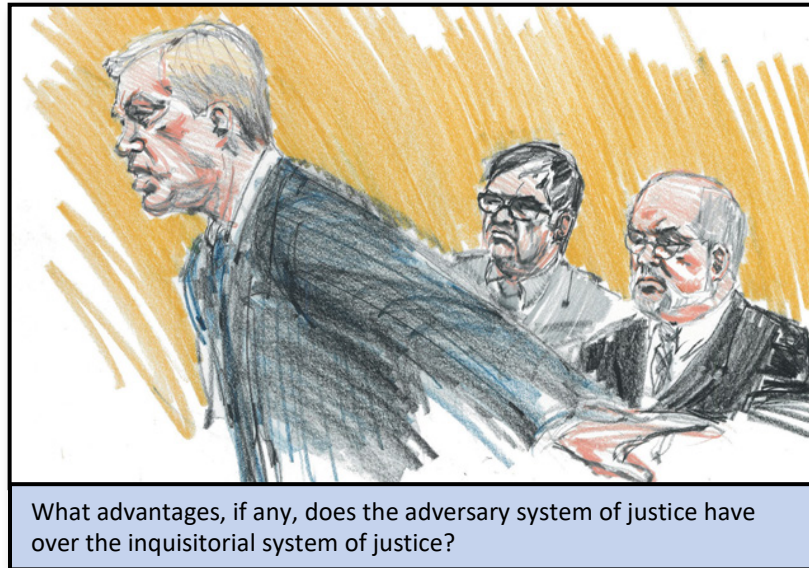


Figure 5.32.3

### How Might a Free Press Endanger a Fair Trial?

Many have questioned whether it is possible for criminal defendants in high-profile cases to receive fair trials because of pretrial publicity. The United States and Britain have adopted considerably different approaches. In Britain when someone has been arrested on criminal charges, members of the press face contempt of court if they publish much more than the name of the accused, the name of their counsel, a summary of the offense charged, and where and when the trial will take place. Only rarely do judges lift these restrictions.



How might media coverage endanger the right to a fair trial? Media coverage of the case of the kidnapping of the son of aviator Charles Lindbergh (center) riveted Americans in the 1930s. Bruno Richard Hauptmann was convicted of the crime and executed in 1936.

Figure 5.32.4

In the United States, media coverage, speculation, and expression of opinions about guilt or innocence are common in high-profile cases, even at the early stages of a criminal investigation. Judges have some tools for responding to pretrial publicity, including the following:

- Changing the venue, or location, of the trial
- Postponing the trial to permit publicity to die down
- Restricting what prosecution and defense attorneys can say publicly
- Questioning prospective jurors about the effect of pretrial publicity

These tools may not be effective, leading some observers to contend that in high-profile cases, criminal defendants in the United States face two trials—trial by jury and trial by the media.



### *Content Highlight:* **WHAT DO YOU THINK?**

Work in groups of three to five Cadets and discuss the following questions. Be prepared to report and defend your positions before the class.

1. Identify a recent high-profile case that has received extensive pretrial publicity. Were your views of the defendant's guilt or innocence affected by the publicity? Why or why not? Do you think the media coverage before the trial was appropriate or inappropriate? Explain.
2. Should the United States adopt the British approach to media coverage of criminal cases? Why or why not? What constitutional principles inform your response?

## **How Are the Rights of Criminal Defendants Protected During Trial?**

A criminal trial is a carefully planned presentation of witnesses and evidence. Proof of guilt beyond a reasonable doubt is the most rigorous level of proof that the law requires. The judge ensures that both the prosecution and the defense obey the rules of evidence and procedure.

### **DEFENDANTS' RIGHTS**

The Fifth and Sixth Amendments give criminal defendants the following procedural rights.

#### **A Speedy, Public Trial**

The requirement for a speedy trial prevents the government from holding a defendant in jail for a long time without trial. A speedy trial contributes to procedural fairness by diminishing the possibility that evidence will disappear and that witnesses' memories will fade.

The requirement of a public trial safeguards against courts being used as instruments of persecution. This requirement also provides ordinary citizens the opportunity to see the justice system in action and to become more informed about issues in their community and the performance of their elected officials, including prosecutors and judges in many states.

The requirement of a public trial does not prevent judges from imposing regulations to preserve a defendant's right to a fair trial. For example, a judge can order some proceedings to be closed if having the press or public present would make it impossible for the defendant to receive a fair trial. Judges also decide whether television cameras should be permitted in the courtroom.

#### **Right to Counsel**

As discussed earlier in this lesson, this right includes having a lawyer at trial. Indigent, or poor, defendants are entitled to court-appointed counsel at public expense if they risk

### Right to Counsel (cont'd)

loss of life or liberty if convicted. A defendant can waive, or give up, the right to counsel if the waiver is informed, intelligent, and voluntary.



What rights do defendants have in criminal trials?

Figure 5.32.5

### Compulsory Process and Confrontation

The right to “be confronted by the witnesses against” them means that defendants can require accusers to appear in court and be cross-examined, or questioned, by the defense. This requirement prevents prosecutors from establishing a defendant’s guilt through written statements from witnesses who are not subject to cross-examination to test the truth of those statements.

### Impartial Jury

Trial by an impartial jury in the state and district where the crime was committed. The jury trial guarantees help in protecting accused persons against unfounded criminal charges and biased, complacent, or eccentric judges. The guarantee also reflects trust in average community members to hear evidence and make decisions about guilt or innocence.

## JURIES

Although it is revered, the guarantee of a jury trial has raised several questions. Among them are the following.

### ***Is trial by jury required in all criminal cases?***

Jury trials are expensive and time-consuming. The Supreme Court has held that jury trials are not required for petty offenses, those for which the maximum penalty for conviction is six or fewer months in jail.

### ***Must all juries have twelve jurors?***

Juries need to be large enough to provide a cross-section of the community and to encourage group deliberation. Historically, juries had twelve members. The Supreme Court held that fixing the jury size at twelve was a “historical accident” (*Williams v. Florida, 1970*). The Court has permitted juries to be as small as six in cases not involving the death penalty.

### ***Does proof beyond a reasonable doubt require a criminal jury to be unanimous?***

English common law required unanimous jury verdicts in criminal cases. The Supreme Court has upheld state laws permitting less than unanimous verdicts by twelve-person juries if the defendant does not face the death penalty. However, juries must be unanimous to convict in capital, or death penalty, cases or if the jury consists of only six people.



Figure 5.32.6



### ***Who is qualified to serve on a jury?***

For many years only men were allowed to serve on juries in the United States. More than half a century after women gained the right to vote the Supreme Court held that laws that automatically exclude women from juries violate a criminal defendant's right to trial by a jury drawn from a representative cross-section of the community (*Taylor v. Louisiana, 1975*). The court also has struck down laws discriminating against prospective jurors on the basis of race and religion.



## **Content Enhancement:**

### **CRITICAL THINKING EXERCISE**

#### **What Problems Does the Right to Counsel Present?**

The requirement that courts appoint counsel for indigent defendants who risk losing their life or liberty if convicted has proven very costly to the states because most criminal defendants in state courts cannot afford to pay a lawyer. States have devised a variety of ways to meet the requirement. Some states have created public defender offices staffed by lawyers whose job is to represent indigent defendants. A public defender is a lawyer paid by the government and appointed by a court to represent a person accused of a violation of criminal law who cannot pay for legal representation. Other states maintain lists of lawyers willing to represent indigent defendants.

Study each situation below and then respond to the questions. In formulating your responses, consider the constitutional right to counsel, the expense associated with providing counsel, and the values underpinning the American criminal justice system.

1. The county in which a defendant will be tried has a public defender's office, but the defendant does not like the lawyer who has been assigned to represent her. She claims the lawyer refuses to visit her in jail to learn the details of the case and does not return her telephone calls. Should the judge order another lawyer to take over the case? Explain your reasoning.
2. The state in which a defendant is being tried maintains a list of lawyers who have volunteered to represent indigent criminal defendants at no charge. The defendant has been charged with a drug crime and faces six years in prison if convicted. The lawyer who has volunteered to represent the defendant has no experience with criminal cases. Should the judge permit the volunteer lawyer to represent the defendant? Why or why not?
3. A defendant is on trial for murder and faces the death penalty if convicted. The defendant received court-appointed counsel but asked the court to appoint someone else because of a "personality conflict." The court did so. The defendant complained about the second appointed attorney was not preparing adequately and developing the defense that the defendant wanted to present. The court appoints a third attorney. The defendant asserts that his current counsel has not had enough trial experience to represent him adequately. Should the judge appoint another lawyer to represent the defendant? Why or why not?



## How Do the Fifth and Eighth Amendments Protect Criminal Defendants After Trial?

Criminal defendants have four important rights after trial.

### NO DOUBLE JEOPARDY

If a defendant is acquitted—that is, found not guilty of a crime—then the government cannot again prosecute the person, or put them in jeopardy of conviction, for the same crime. This right of criminal defendants ensures that prosecutors cannot wear someone out with repeated charges and trials for the same conduct. There is an important exception to the protection against **double jeopardy** that reflects American federalism: A defendant can be charged for the same conduct in both federal and state courts, if the conduct violated both state and federal laws.

### NO EXCESSIVE FINES

If a criminal defendant is convicted or pleads guilty, then one penalty might be a fine. The prohibition of excessive fines ensures that fines are reasonable in relation to the crime. The Supreme Court has not interpreted this prohibition directly, because the Court has focused instead on whether a particular fine deprives a defendant of the equal protection of the laws guaranteed by the Fourteenth Amendment.

### RIGHT TO APPEAL CONVICTIONS

Anyone convicted at a trial has the right to appeal the conviction to a higher court if they think mistakes have been made at trial such as evidence being admitted that should have been excluded. Except when reviewing a petition for habeas corpus, which is not technically an appeal of the underlying conviction, an appeals court will not hear new evidence or reevaluate evidence presented during a trial. It will examine the records of the trial to see if mistakes were made in its conduct. If they were, the appeals court may order a new trial or order the release of a defendant.



Figure 5.32.7

### NO CRUEL AND UNUSUAL PUNISHMENT

The prohibition against **cruel and unusual punishment** reflects the belief that society should treat with dignity even those who have committed the most horrible crimes. The prohibition also reflects the history of torture and barbarous punishment in the eighteenth century. Punishments such as drawing and quartering, the rack, and public dismemberment have never been acceptable forms of punishment in the United States.

## Key words

### **double jeopardy:**

The provision in the Fifth Amendment to the U.S. Constitution that a person may not be tried twice for the same crime

### **cruel and unusual punishment:**

A criminal sanction or penalty that is not in accord with the moral standards of a humane and compassionate society

However, neither the Supreme Court nor the American people have been able to agree on a precise definition of the prohibition. The Court has held that taking away the citizenship of a natural-born citizen is cruel and unusual punishment because it results in the “total destruction of the individual’s status in organized society” (*Trop v. Dulles*, 1958).



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### What Were Some Historical Positions on Punishment?

The French philosopher Montesquieu, discussed in previous lessons, greatly influenced American’s views on law and punishment. Below is a quotation from his writings, followed by an excerpt from a letter by Thomas Jefferson. Read these selections and then answer the questions that follow.

*Experience shows that in countries remarkable for the lenity of their laws the spirit of the inhabitants is as much affected by slight penalties as in other countries by severer punishments.... Mankind must not be governed with too much severity.... If we inquire into the cause of all human corruptions, we shall find that they proceed from the impunity (exemption from punishment) of criminals, and not from the moderation of punishments.... It is (also) an essential point, that there should be a certain proportion in punishments.... It is a great abuse amongst us to condemn to the same punishment a person that only robs on the highway and another who robs and murders.*

– Baron de Montesquieu, “Of the Power of Punishments,” *The Spirit of the laws*, 1748

*The fantastical idea of virtue and the public good being a sufficient security to the state against the commission of crimes, which you say you have heard insisted on by some, I assure you was never mine. It is only the sanguinary (bloodthirsty) hue of our penal laws which I meant to object to. Punishments I know are necessary, and I would provide them, strict and inflexible, but proportioned to the crime.... Let mercy be the character of the lawgiver, but let the judge be a mere machine. The mercies of the law will be dispensed equally and impartially to every description of men.*

– Thomas Jefferson to Edmund Pendleton, August 26, 1776

- What position does Montesquieu take on the effects of lenient and severe punishments?
- What does Montesquieu say is a major cause of crime?
- In what ways do Montesquieu and Jefferson appear to be in agreement?
- What idea is expressed in Jefferson’s statement that is not found in the statement by Montesquieu?
- Do you agree or disagree with the positions stated by Montesquieu and Jefferson? Explain your position.

## What Is Capital Punishment and Why Is It Controversial?

### Key words

**capital punishment:**

The use of the death penalty by a judicial system

The Supreme Court has ruled that **capital punishment**, or the death penalty, is a constitutionally acceptable form of punishment. At one time death was the automatic penalty for conviction of murder or other serious crimes. By the early twentieth century most states had passed laws that allowed juries a choice between the death penalty and other forms of punishment, including life in prison. However, in most states juries were not given much guidance in making these decisions.

In 1972, the Supreme Court held that states and Congress had to enact new laws containing standards to avoid arbitrarily imposing the death penalty (*Furman v. Georgia*, 1972). Five years later the Court held that imposing the death penalty in rape cases is unconstitutional because the sentence is disproportionate to the crime (*Coker v. Georgia*, 1977). In 2005, the Court held that it is unconstitutional to sentence anyone to death who was younger than eighteen years of age when the crime occurred (*Roper v. Simmons*, 2005).

States are not required to have the death penalty. Some states have abolished it. Others have abolished it, only to reinstate it years later. Public debate continues over whether the death penalty should be abolished altogether.



### Content Enhancement: CRITICAL THINKING EXERCISE

#### Taking and Defending a Position on the Death Penalty

Work in one of two groups to complete the exercise described below.

##### GROUP 1

Prepare a list of reasons why your state and the national government should allow the death penalty. Identify the values that are served by each reason. For example, one reason commonly advanced in support of the death penalty is public safety. Once a convicted murderer is executed, there is no chance that they will break out of prison and kill or injure someone else.

##### GROUP 2

Prepare a list of reasons why the death penalty should be abolished. Identify the values that are served by each reason. For example, one reason commonly advanced in opposition to the death penalty is that it is not applied equitably. The poor, men, and racial minorities are over represented among those executed.

- Explain your personal position on the death penalty.
- What evidence or argument might convince you to change your position on the death penalty? Why?

## Conclusion

The Fifth, Sixth, and Eighth Amendments provide important protections to criminal defendants. Defendants are innocent until proven guilty. In this lesson, you saw that the constitutional rights of the accused limit the government's power to treat defendants unfairly. Someone accused of breaking the law has constitutional rights before they are arrested, while they are waiting to go to court, and after their court case ends.

## Lesson Check-up



- What rights does the Sixth Amendment guarantee? How do these rights ensure a fair trial for those who are accused of crimes?
- Explain the terms indictment, grand jury, bail, double jeopardy, and plea agreement.
- What is the right to counsel? Why is it important?
- Why is it important for criminal defendants to have rights before, during, and after trial?
- What limitations has the Supreme Court placed on states that use the death penalty?

# The Meaning of Citizenship



## Key words

- alien
- citizen
- denaturalization
- dual national citizenship
- enlightened self-interest
- E pluribus unum
- jus sanguinis
- jus solis
- naturalization
- resident alien

## What You Will Learn to Do

Analyze the historical and current concept of “citizenship” in the United States

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** the meaning of citizenship in the United States, the ways Americans become citizens, and why all American citizens are citizens both of their states and their nation
- **Identify** essential rights and responsibilities of citizens, and why citizenship is particularly complicated for Native Americans





## Essential Question

What does it mean to be a citizen?

### Learning Objectives (cont'd)

- **Describe** the process of naturalization, differences between citizens and resident aliens, and how citizenship can be lost
- **Evaluate**, take, and defend positions on the legal and moral rights and obligations of citizens
- **Define** key words: alien, citizen, denaturalization, dual national citizenship, enlightened self-interest, E pluribus unum, jus sanguinis, jus solis, naturalization, resident alien

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### Introduction

Justice Louis D. Brandeis once remarked that “the only title in our democracy superior to that of president is the title **citizen**.” Brandeis was acknowledging one of the oldest principles of American democracy, part of the nation’s legacy of classical republicanism. America’s experiment in self-government depends foremost not on presidents, members of Congress, or justices, but on each of us as citizens. This lesson examines the concept of “citizen,” how the concept has changed in American history, how one becomes a citizen, and the moral and legal rights and obligations of citizens.

### What Did the Founders Think About Citizenship?

As discussed in Lesson 1, America has been strongly influenced by the ideas of classical republicanism and natural rights philosophy. Each tradition continues to affect Americans’ thinking about what it means to be a citizen. Citizenship, broadly defined, refers to the rights and responsibilities of people who owe allegiance to a particular government and are entitled to that government’s protection.

### Key words

**citizen:**

A person who is a legal member of a nation, country, or other organized, self-governing political community

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



To what extent today, if at all, do Americans put the common good ahead of selfish interests?

Figure 5.33.1

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

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

The Founders looked in general to two solutions: religion and education. The Founders held various religious beliefs, and many were wary of the dangers of any one religion becoming dominant in the United States. Nonetheless, the Founders knew that religion helps to promote moral integrity and civic virtue. In addition, religious instruction helps people learn the importance of obeying authority and participating with others to pursue a common goal.

The Founders also knew the importance of education. For the American experiment in republican government to succeed, the country’s citizens had to be schooled in the ideas and principles of popular sovereignty, limited government, individual rights, and how to exercise those rights responsibly. Public, or “common,” schools rapidly developed to prepare Americans not only to work in the country’s growing economy but also to exercise their citizenship, committed to the principles of self-government. Nineteenth-century American educator Horace Mann later would observe that “schoolhouses are the republican line of fortifications.”

## How Did Tocqueville Connect Good Citizenship with Self-Interest in the United States?

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

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

Like the Founders, Tocqueville realized that the civic virtue of the ancients was not practical in the United States and that self-interest is a powerful motivator. However, Tocqueville argued that Americans had found a way to bridge the gap between classical republican virtue and natural rights self-interest. Americans, he argued, demonstrated that an enlightened regard for themselves constantly prompts them to assist each other and inclines them willingly to sacrifice a portion of their time and property to the welfare of the state.

The realization that one can fulfill private ambitions only if one also contributes to the common good is known as **enlightened self-interest**. To this day Americans are willing to devote themselves to public ends because they realize that the success of their private ambitions depends in large part on the success of American democracy.

### Key words

#### **enlightened self-interest:**

A philosophy in ethics that states that persons who act to further the interests of others ultimately serve their own self-interest



According to Alexis de Tocqueville what was the explanation for the success of American self-government?

Figure 5.33.2



## Content Highlight:

### WHAT DO YOU THINK?

1. Some people claim that the best way to achieve the common good is for each person to work only for their own self-interest. Do you agree? Why or why not?
2. Some argue that enlightened self-interest must be learned. What are some effective ways of teaching about and experiencing enlightened self-interest?
3. The idea of the common good is a principle originally associated with small, homogeneous societies. Do you think there is a common good in a nation as large and diverse as the United States? Why or why not?

### How Have Ideas About Citizenship Changed in the United States?

For many years American colonists thought of themselves as British subjects. As explained in Lesson 2, many later began to think of themselves as Americans. However, they initially thought of themselves as Americans who were citizens of particular colonies.

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

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

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

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



*"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside."*

This clause defines national citizenship and says that national citizens also are citizens of the states in which they live. As citizens of both the United States and the states in which they reside, citizens have authority over and responsibility for the proper functioning of their state and local governments as well as the national government.

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

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

## Key words

### **jus solis:**

The right by which nationality or citizenship can be recognized to any individual born in the territory of the related state

### **E pluribus unum:**

Out of many, one



## Content Highlight: WHAT DO YOU THINK?

1. What tensions, if any, between national unity and state sovereignty exist today? How does the Constitution provide for dealing with such tension?
2. What were the implications of the Fourteenth Amendment for racial and other barriers to citizenship included in the laws of many states before this amendment was passed?
3. What limitations does the Fourteenth Amendment place on states in regard to citizenship? Would these limitations be adequate to protect the rights of citizens? Why and why not?
4. What are the advantages and disadvantages of using the *jus soli* principle of national citizenship today? Does simply being born in the United States establish a foundation for good citizenship? Why or why not?
5. Should the Fourteenth Amendment be changed to reflect additional or different criteria for national citizenship? Explain.
6. Corporations enjoy the procedural due process rights of the Fourteenth Amendment, as do all persons in the United States. Should corporations be allowed to gain the political and civil rights of a citizen as well? Why or why not?



## Key words

### **naturalization:**

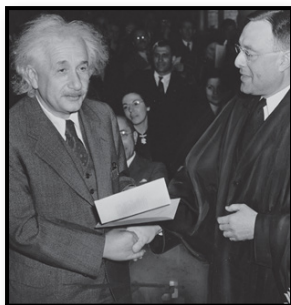
The legal process by which a foreign citizen becomes a citizen of the United States, concluding with an oath of allegiance

## Who Are Naturalized Citizens and What Should the Criteria Be for Naturalization?

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

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

- Are at least 18 years old
- Have been lawfully admitted to the United States for permanent residence
- Have resided continuously in the United States for at least five years
- Show that they are of good moral character
- Demonstrate a belief in and a commitment to the principles of the Constitution of the United States
- Are able to read, write, speak, and understand words of ordinary usage in the English language
- Take the following Oath of Allegiance:



In what ways, if any, do new citizens contribute to the enhancement of American society?  
*Albert Einstein (left) receiving his certificate of American citizenship on October 1, 1940.*

*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.*

Figure 5.33.3

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



## Content Highlight: WHAT DO YOU THINK?

1. Review the list of criteria for naturalization today. Are there other or different criteria you think Congress should adopt? Explain.
2. Should all Americans be required to take the Oath of Allegiance to the United States when they register to vote? Why or why not?
3. Should the wording of the Oath of Allegiance be changed in any way? Explain. Should the oath be enforced? Explain.
4. Should all Americans be required to demonstrate a belief in and a commitment to the principles of the Constitution in order to be able to vote? If so, how should that belief and commitment be demonstrated?

### How Has the Citizenship Status of Native Americans Evolved?

Native American tribes were self-governing communities long before Europeans arrived in what is now the United States. As explained in Lesson 1, the overall number of Native Americans was markedly reduced as American colonies, then states, and eventually the United States expanded its territory westward. Defining the legal status of surviving Native Americans proved to be difficult well into the twentieth century.

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

In 1924 Congress enacted the Indian Citizenship Act, making Native Americans citizens of the United States and of the states in which they reside. Some viewed the act as a tribute for the heroic service of many Native Americans in World War I. Others viewed it as the final step in assimilating Native Americans into the so-called mainstream of American life. But even though Native Americans were declared American citizens in 1924, many were excluded from voting by state laws.

The Indian Civil Rights Act of 1968 affirmed that the United States’ “trust responsibility” for Native Americans includes protecting the “sovereignty of each tribal government.” Thus, today Native Americans are members of their tribe, citizens of the United States, and citizens of the state in which they reside.



What is the legal status of Native Americans today?

Figure 5.33.4



What contributions, if any, are made to American society by diverse ethnic groups maintaining their cultural identity?

Figure 5.33.5

## Key words

### **dual national citizenship:**

The status of a person who is a legal citizen of two or more nations

### **jus sanguinis:**

A right by which nationality or citizenship can be recognized to any individual born to a parent who is a national or citizen of that state

More than a million Native Americans qualify for membership in more than one tribe. The U.S. government recognizes more than 560 tribes within its boundaries.

## What Is Dual National Citizenship?

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

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

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

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

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

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

## How May United States Citizenship Be Lost?

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

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

The following voluntary acts may result in loss of U.S. citizenship:

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

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

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

## Key words

### **denaturalization:**

A legal process by which citizens may voluntarily divest themselves of citizenship

## What Are the Rights of Citizens and Permanent Residents?

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

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

Being a citizen did not always mean that one was allowed to vote. For many years women and free African Americans were not permitted to vote, even though they unquestionably were citizens. Citizens living in the District of Columbia could not vote for president until passage of the Twenty-third Amendment in 1961. Congress has extended citizenship to residents of territories, such as Puerto Rico, but these citizens cannot vote in national elections when they live in their territorial homes and so, like residents of the District of Columbia, they are not represented in Congress.



## Key words

### alien:

A foreign-born resident

### resident alien:

A noncitizen legally residing in a country other than their birth country

Age requirements for the franchise—the right to vote—still apply to all citizens. Since ratification of the Twenty-sixth Amendment in 1971 voters must be at least eighteen years old. Many states also prohibit citizens who have been convicted of felony crimes from voting.

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



Should citizens who live in U.S. territories have the right to vote in national elections?

*Castillo San Felipe del Morro, San Juan, Puerto Rico*

Figure 5.33.6



Should people legally residing in the United States have the right to vote? Why or why not?

Figure 5.33.7

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

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



## Content Highlight:

### WHAT DO YOU THINK?

- Should the United States allow dual national citizenship or does it undermine American citizenship? Explain your response.
- Is the Oath of Allegiance compatible with dual citizenship? Why or why not? If it is incompatible, should the oath be changed to accommodate dual citizenship? Why or why not?
- Should the practice of permitting resident aliens to vote in school board or other local elections be allowed, or should it be eliminated? Explain your response.
- Should resident aliens have the right to be elected to local government office? Why or why not?

### What Are the Responsibilities of Citizens and Resident Aliens?

Citizens and resident aliens share many responsibilities. For example, everyone has a duty to obey the laws and pay taxes. Men must register with the Selective Service when they turn eighteen years of age. Citizens have additional responsibilities, including casting informed ballots in elections and serving on juries.

Some people find jury duty burdensome because it takes them away from work, home, or leisure. However, the constitutional right to trial by a jury of one's peers depends on the willingness of citizens to serve as jurors when called. Juries also help to ensure that government officials who initiate criminal prosecutions do not abuse their power.



Now that women can serve in combat roles in the military, should women be required to register with the Selective Service?

*Young men registering for military conscription in 1917.*

Figure 5.33.8



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### What Are Some of the Rights and Obligations of Citizenship?

This lesson has described ways in which people can become American citizens and some of the rights and responsibilities of citizenship. Work in teams of four Cadets to respond to the following questions. Be prepared to explain and defend your responses.

- List what you think are some of the most important legal rights and obligations of citizens.
- List what you think are some of the most important moral rights and obligations of citizens.

#### What Responsibilities Do Americans Have Toward Undocumented Immigrants?



What is the best way to ensure both the security of our international borders and the safety of undocumented migrants?

Figure 5.33.9

Few issues are as controversial and complex as that of transnational migrants who lack legal status to live or work in the United States. Undocumented immigrants currently number about 11.5 million people. That represents an increase of more than 35 percent since 2000. Most undocumented immigrants come from Mexico or Central America. A surge of illegal border crossings by unaccompanied minor children in 2014 led President Obama to take executive action. He approved a plan to allow Central American children to apply for refugee status while in their home countries and indicated that undocumented minors must receive a court hearing before being deported.

Because Congress failed to enact broad reforms of immigration, some states took action on their own. Several states, including Arizona, Texas, and California, complained that the undocumented immigrants strained their resources to feed and house them. Some states took legal action, arguing that the federal government has failed in its duty to secure national borders.



Should the United States reform the immigration system? If so, how?

Figure 5.33.10

## Conclusion

In this lesson you examined what it means to be a citizen. As you've seen, the meaning of citizenship has changed over time. The United States moved toward a more inclusive view of citizenship when it granted full citizenship rights to everyone born in this country. This lesson also looked at the status of Native American citizens and legal residents who are not citizens. Legal residents are protected by all of the laws of the United States. They pay taxes, and may be drafted into service. However, they do not have voting rights.

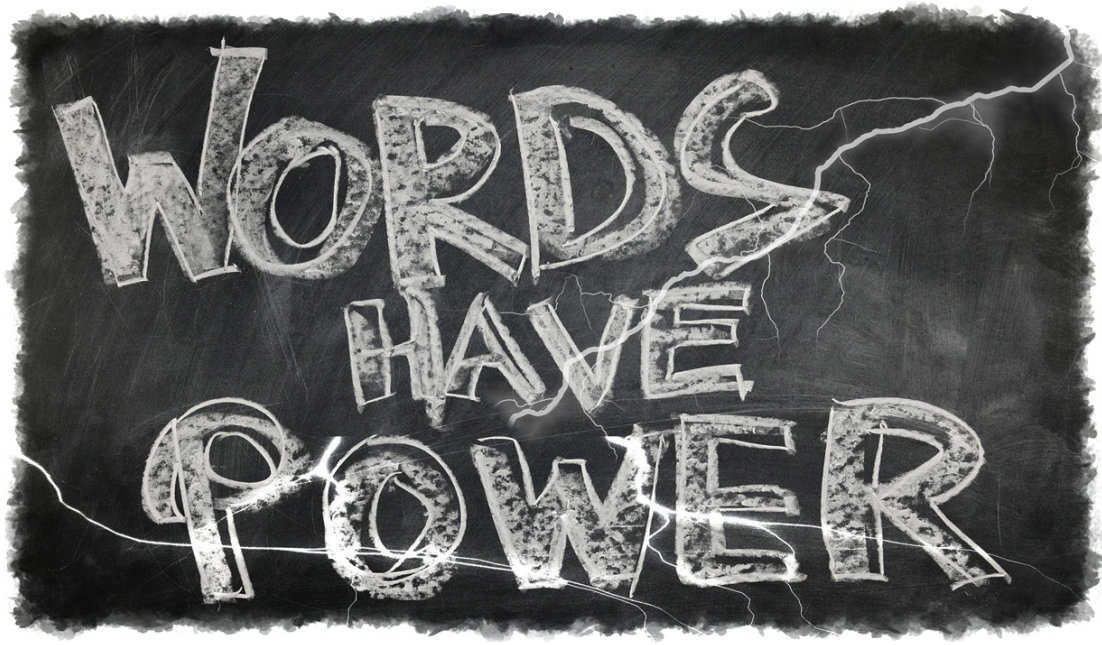
## Lesson Check-up



- How was citizenship defined in the United States before and after the Fourteenth Amendment?
- Explain how *jus soli*, *jus sanguinis*, and residency differ as principles for defining citizenship.
- How does the Constitution define national and state citizenship?
- How is citizenship through naturalization different from citizenship by birth?
- Should all Americans be required to demonstrate their knowledge of American government and history as naturalized citizens must do in order to become citizens? Explain.
- How do the rights and responsibilities of citizens differ from those of resident aliens?



# The Importance of Civic Engagement



## Key words

- nongovernmental organization
- voluntary associations
- voter registration

## What You Will Learn to Do

Relate the importance of civic engagement to American constitutional democracy

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** why Americans need to be engaged in civic affairs
- **Identify** opportunities for civic engagement through voluntary associations and nongovernmental organizations and participation in local, state, and national politics



## Essential Question

What is the importance of civic engagement to American constitutional democracy?

### Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on challenges associated with voting and other forms of participation in civic life in the United States
- **Define** key words: nongovernmental organization, voluntary associations, voter registration

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### Introduction

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

This lesson describes ways that Americans can participate in civic life to help achieve the ideals they have set for themselves and their nation, ideals that were examined in Lessons 1 and 2. It explains how civic engagement can advance both self-interest and the common good. It also discusses issues related to voting and voter turnout.

### Why Should Americans Participate in the Civic Life of the Country?

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

Participation in civic life does more than address problems. Participation helps individuals become attached to their communities, regions, and states as well as the country as a whole. Such attachment is necessary for Americans to develop pride in their communities

and country and to understand that they share a common destiny. For many people, civic engagement includes recommitting to the ideals that they have set for themselves and understanding how those ideals relate to the fundamental principles of American constitutional democracy.

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

### How Do Voluntary Associations Contribute to Civic Engagement?

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



What benefits, if any, do volunteers receive for their services?

Figure 5.34.1

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

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

#### RELIGIOUS ORGANIZATIONS

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

### Key words

#### **voluntary associations:**

Unpaid groups that form to solve community problems and taking care of one another

## SOCIAL ORGANIZATIONS

Millions of Americans have joined groups that provide opportunities to socialize with others and to assist one another in times of need. Many of these groups also perform community service by sponsoring athletic events for youth, collecting books for public libraries, and offering scholarships to needy students or adults who were unable to complete high school. Book clubs, sports clubs, assistance leagues, and women's organizations are examples.

## SERVICE AND BUSINESS ORGANIZATIONS

Early in the twentieth century service and business organizations, such as Kiwanis, Lions, Jaycees, and Rotary, sprang up across the country. These organizations address a variety of interests, from business networking to community service. For example, Kiwanis International "serves the children of the world" by promoting child safety, building safe playgrounds, and offering programs to discourage drinking and smoking among young people. Lions Clubs International supports vision and health screenings, provides disaster relief, and awards scholarships. The United States Junior Chamber, also known as the Jaycees, raises money for cancer research.

## NONGOVERNMENTAL ORGANIZATIONS

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

## Key words

### **nongovernmental organization:**

An autonomous organization independent of direct governmental control that exists to perform any of a large variety of purposes, including those dealing with humanitarian, educational, or public policy problems and issues



### Content Highlight: WHAT DO YOU THINK?

- To what, if any, voluntary associations do you or your parents belong? Why?
- What are the benefits of participating in voluntary associations? The costs?
- Review the discussion of "factions" in Lesson 14. Do NGOs and other voluntary associations with "value-based" agendas fit James Madison's definition of faction? Explain.



## How Can Americans Participate in Local and State Governments?

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

### LOCAL GOVERNMENT

There are thousands of local governments in the United States, ranging from those in townships and cities to counties and special districts. Local governments touch the lives of every American by providing the essential governmental services people need to live together day to day. As explained in Lesson 4, there are many forms and varieties of local government. Each depends on citizens taking an active role in determining appropriate tax bases, electing and overseeing those who hold local government office, and being willing to hold office themselves. Many city councils, county commissions, school districts, and other special districts do not pay elected officials a salary. Those officials are volunteers. In addition to elected positions, local governments rely on citizen advisory boards and commissions. Examples are police review boards, civil rights advisory committees, and library advisory boards. Students often hold elected or appointed positions on advisory boards.



How do city councils provide opportunities for citizen participation?

*Figure 5.34.2*

### STATE GOVERNMENT

All fifty states have representative governments with structures that are like the system of separated and shared powers at the national level. Voters must make informed decisions about who should be governor, who should hold other executive offices, and who should serve in the legislature. Many states also elect their judges, including justices of the peace, municipal judges, county trial judges, and state appellate judges. Like local governments, state governments also rely on residents to serve on boards and commissions to study and make recommendations to elected officials about matters such as child welfare, drug and alcohol programs, and environmental protection.

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



## **Content Enhancement:**

### **CRITICAL THINKING EXERCISE**

#### **Understanding and Participating in State and Local Government**

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

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

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

#### **How Can Americans Participate in the National Government?**

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

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

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

One of the ways that Americans can influence the national government is by joining voluntary associations and NGOs that lobby. Americans also can influence national politics by having their views reflected in public opinion polls. As explained in Lessons 22 and 23, public opinion can have a significant effect on legislation and even on presidential decisions.

### What Needs to be Done to Encourage Voter Turnout?

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

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

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

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



Figure 5.34.3

Since the time of the founding of the nation it has been clear to supporters of democracy that widespread citizen participation is essential to make a government truly represent the needs and interests of the people. However, it is a fact that far too few Americans vote or take part in the political process in all the other ways that are available to them.

## Key words

### **voter registration:**

The requirement in some democracies for citizens to enroll in voting rolls before being allowed to participate in elections



## *Content Enhancement:*

### CRITICAL THINKING EXERCISE

#### **How Can Greater Voter Participation Be Encouraged?**

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

- Between 1960 and 2012, turnout of voting age citizens in elections for national officials ranged from a low of 36.4 percent (1998 and 1986) to a high of 63.1 percent (1960). Turnout typically was lower in state elections and dramatically lower in local elections. The total turnout in 2012 was 58 percent.
- In 2012 for the first time, African American turnout exceeded that of non-Hispanic whites, 66 to 64 percent.
- Hispanic turnout was 48 percent and Asian Americans voted at a 47 percent rate. More native born citizens vote than naturalized citizens.
- At each successive level of educational attainment, voting rates increase.
- The voting rate is highest among citizens age fifty-five and older and among those with annual household incomes greater than \$50,000 per year.
- In the 2012 election, 50 percent of eligible voters 18 to 29 years of age turned out at the polls, which was lower than the 52 percent youth turnout in 2008 but significantly higher than the 37 percent turnout in 1996 and the 42 percent in 2000.

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

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

#### **How Is Civic Participation Connected to Self-Interest?**

Many Americans engage in civic activities and vote because they realize it is in their self-interest to do so. Business people, for example, serve on local boards and commissions or run for county commissions or city councils because they know that healthy communities are good for business. Parents volunteer their time to create and maintain parks because



they want safe places for their children to play. Homeowners join neighborhood associations because they care about the value of their property.

Civic engagement has other personal benefits, including the following:

- Acquiring skills, such as speaking and debating in public, organizing groups, and writing letters
- Becoming more self-confident
- Learning how to affect decisions
- Building a reputation as an important member of the community
- Making a new friend
- Developing important contacts

Self-interest is not necessarily a narrow concept. Tocqueville observed that Americans often demonstrate “enlightened” self-interest as well as narrow self-interest. Many Americans sacrifice time, money, and effort to strengthen their communities and their country because they realize that the good of the whole benefits them as individuals.

### How is Civic Participation Related to Advancing the Common Good?

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

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

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



What benefits do communities receive from the efforts of volunteers?  
*Volunteers clean up after Hurricane Sandy.*

Figure 5.34.4



## Content Highlight:

### WHAT DO YOU THINK?

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

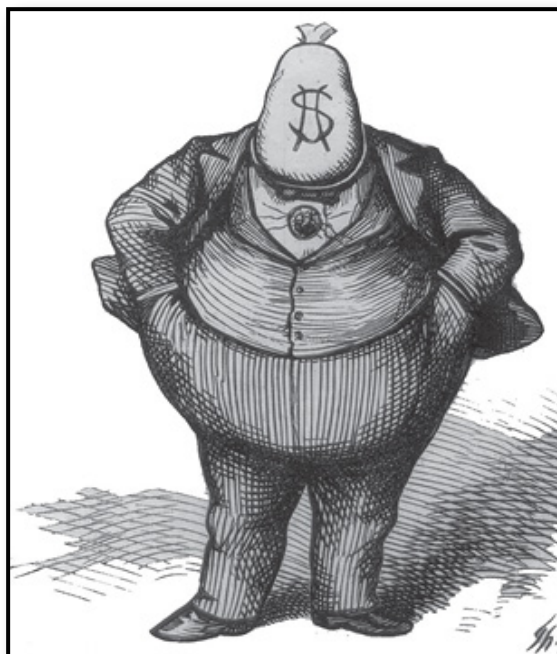
- Parents of school-age children
- Senior citizens who have no children in school
- Members of a civic organization with a community service focus on homelessness
- Small-business owners whose profit margins are small



Figure 5.34.5

## Does Natural Rights Philosophy or Classical Republicanism Dominate American Behavior?

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



To what extent do you think Americans today are preoccupied with the pursuit of economic self-interest at the expense of the common good?

Figure 5.34.6



## *Content Enhancement:* **CRITICAL THINKING EXERCISE**

### **Evaluating the Relationship Between the Ideals of Classical Republicanism and Civic Engagement**

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

- Do you agree with those who are worried about the future health of America's experiment in self-government? Why or why not?
- Do you think the classical republican sense of community is possible in American society today? What forces work for and against it? How might a greater sense of community be promoted in the neighborhood or city where you live?
- What ways can you think of to involve more Americans in civic life? What reforms would you propose to the education system? To the political process? To the Constitution?

## Conclusion

In this lesson you examined the vital role citizen's play when they engage in civic affairs. You learned that civic engagement spans the range of voting in elections to volunteering to help improve your community. Civic engagement can improve personal skills and create friendships. It is also the basis for a strong, engaged citizenship in a democracy.

## Lesson Check-up



- Describe opportunities for participation in civic life afforded by the following:
  - Voluntary associations
  - Non-governmental organizations
  - Service and business organizations
  - Voting
- Explain the difference between self-interest, enlightened self-interest, and the common good. Provide examples of each as related to civic engagement.
- Voting is mandatory in more than sixty countries in the world, many of them democracies. Should it be made mandatory in the United States? Explain your response.
- The most common reason people offer for not voting is lack of time. What suggestions do you have for solving that problem?
- Describe ways to contact the following officials from the area in which you live:
  - City Councilor
  - State Legislator
  - U.S. Representative
  - U.S. Senator
  - U.S. President



# Civil Rights Movements



## Key words

- civil disobedience
- civil rights
- de facto segregation
- de jure segregation

## What You Will Learn to Do

Explain how civil rights movements led to political and social changes in the United States

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Explain** why African Americans, women, and other groups found it necessary to take concerted action to ensure recognition of their civil rights
- **Describe** some of the goals and tactics that civil rights movements have used
- **Describe** and explain the importance of the Civil Rights Act of 1964 and the Voting Rights Act of 1965



## Essential Question

How have civil rights movements resulted in fundamental political and social change in the United States?

### Learning Objectives (cont'd)

- **Identify** some ongoing issues involving civil rights
- **Evaluate**, take, and defend positions on landmark legislation involving civil rights and the role of civil disobedience in America's constitutional democracy
- **Define** key words: civil disobedience, civil rights, de facto segregation, de jure segregation

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### Introduction

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

### What Was the Status of Civil Rights in Mid-Twentieth Century America?

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

#### DE JURE SEGREGATION

**De jure segregation** refers to separation required by law. For example, before the Supreme Court's 1954 decision in *Brown v. Board of Education*, several states had laws requiring school districts to maintain separate

### Key words

**de jure segregation:**  
Racial separation  
mandated by law

## Key words

### **de facto segregation:**

Racial separation not mandated by law

### **civil rights:**

The rights belonging to an individual by virtue of citizenship

schools for white and nonwhite students. These laws always affected African Americans but sometimes affected other racial minorities as well, including Asian Americans.

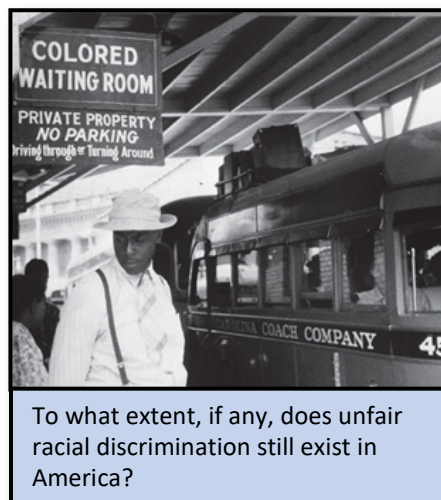
## **DE FACTO SEGREGATION**

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

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

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

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



To what extent, if any, does unfair racial discrimination still exist in America?

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

Figure 5.35.1

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



### Content Highlight: WHAT DO YOU THINK?

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

### What Were the Origins of the Modern Civil Rights Movement for African Americans and What Were its Goals?

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

Organizations such as the NAACP, founded in 1909, helped keep civil rights issues on the national agenda after Brown. The NAACP was joined by several religious organizations, including the Alabama Christian Movement for Human Rights, the Southern Christian Leadership Council, and the Fellowship of Reconciliation, an interfaith organization founded in 1914 to promote peace and justice. Many civil rights leaders also were influenced by principles of nonviolent direct action used by the Indian leader Mohandas Gandhi (1869–1948), commonly known as Mahatma Gandhi, in winning independence for India from Great Britain in 1947. Nonviolent direct action sometimes included **civil disobedience**, or the open violation of unjust laws together with a willingness to accept the consequences of violating those laws.

Preparation and education were central to the civil rights campaigns of the 1950s and 1960s. Many civil rights participants were trained in political organization and nonviolent social action at the Highlander Folk

### Key words

**civil disobedience:**

The nonviolent refusal to obey laws that citizens regard as unjust or in protest of specific public policy



School in Tennessee. After petitioning local, state, and national leaders to repeal laws allowing racial segregation and discrimination, leaders organized direct actions, including sit-ins at restaurants and other public facilities, protests, marches, boycotts, and demonstrations. They were met with hostility and often violence.

In December 1955 as part of a planned protest, NAACP member and chapter secretary Rosa Parks refused to give up her seat to a white man on a city bus in Montgomery, Alabama. She was arrested for violating an ordinance requiring segregated seating on public transportation. The NAACP used Parks' case to test the constitutionality of the ordinance and called for a boycott of the Montgomery bus system. Martin Luther King Jr., a young minister in Montgomery, helped lead the year-long boycott, which ended when the Supreme Court ordered Montgomery city officials to end segregation on city buses.



What contributions did Rosa Parks make to the civil rights movement?

Figure 5.35.2

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



### Content Highlight: WHAT DO YOU THINK?

- Explain the importance of the following for civil rights movements to succeed today:
  - Support of religious groups
  - Leadership and organization
  - Preparation
  - Public education
  - Patience
  - Links to principles in the Declaration of Independence of the Constitution
- What factors would influence your decision to organize, join, or support a civil rights movement today? What factors would influence your decision to refrain from joining such a movement?

### What Is the Civil Rights Act of 1964?

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



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

- Outlaw discrimination in hotels, restaurants, theaters, gas stations, airline terminals, and other places of public accommodation
- Give the national government additional authority to end school desegregation
- Prohibit job discrimination by businesses and labor unions
- Authorize the United States Justice Department to file lawsuits against states that discriminate against women and minorities

### What Is the Voting Rights Act?

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

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

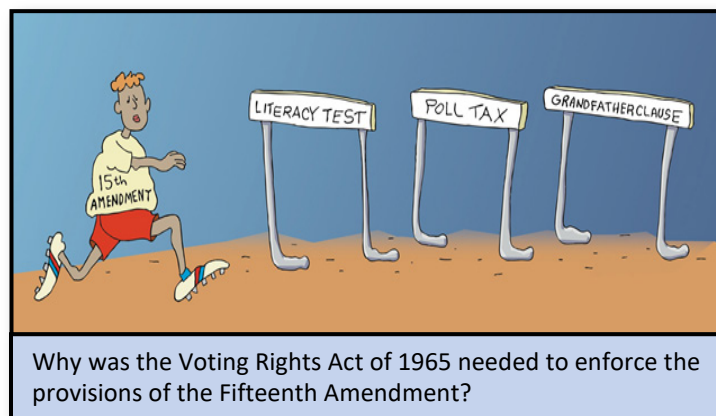


Figure 5.35.3

Although the Voting Rights Act of 1965 has been called “the most successful civil rights law in history,” one of its key provisions, Section 5, was challenged in the Supreme Court in 2013. That provision required states and counties with a history of discrimination in

voting to obtain federal permission before changing voting procedures. In a five-to-four decision in *Shelby County v. Holder*, the Court declared Section 4 to be unconstitutional because it relied on outdated information. Section 4 established a formula that determined which state and local governments had to obtain federal permission to change their election laws under Section 5.

In four decades since the Voting Rights Act of 1965 was first passed, progress has been made toward equality, yet the work for a more perfect union is never ending. Legal equality won by the civil rights movement will continue to build to help ensure that every person enjoys the opportunity that this great land of liberty offers.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Examining the Civil Rights and Voting Rights Acts

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

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

- Does the statute you examined qualify as landmark legislation? Explain your reasoning.
- What are the significant features of amendments to the statute your group examined? Why were they added?
- Have there been obstacles to implementing the statute or its amendments? If so, explain what they have been and what has been done to overcome them.

## What Is the Role of Civil Disobedience As a Form of Political Participation?

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

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

King’s words echoed those of American philosopher Henry David Thoreau (1817–1862), who in 1849 set forth some of the basic ideas about civil disobedience in his essay “On the Duty of Civil Disobedience.” Thoreau argued that individuals should obey their conscience. When conscience and law conflict, individuals have a moral responsibility to promote justice by disobeying the law. Thoreau and others who have written about civil disobedience, such as Russian novelist Leo Tolstoy and India’s Gandhi, agree that civil

disobedience must be nonviolent and that those who participate in civil disobedience must be willing to identify themselves and accept legal sanctions. Civil disobedience does not attempt rebellion or revolution. But it does put conscience above the law.

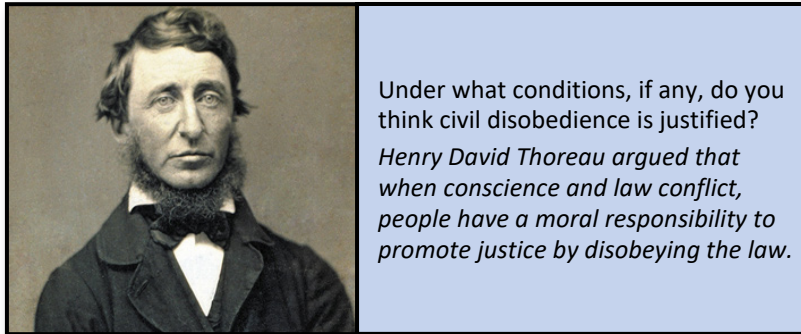


Figure 5.35.4

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

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

Defenders of civil disobedience counter that, in fact, there can be no other final judge of obedience to law than individual conscience. Each person must make their own decision whether to obey particular laws. After all, the defenders contend, laws are not necessarily just. They can be unjust. Defenders therefore argue that there are higher moral laws than the laws of any state, however democratic and constitutional. These higher laws shape the moral conscience of individuals. An unjust social situation breeds disorder. Seeking a more just society through civil disobedience may promote order rather than undermine it.

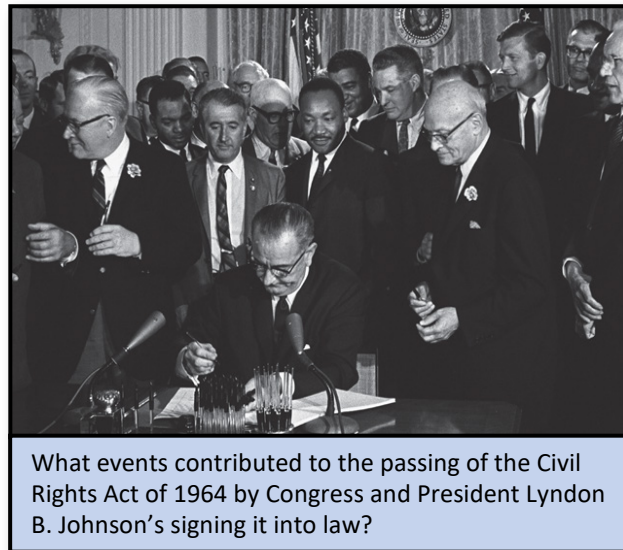


Figure 5.35.5

## How Has the Movement for Civil Rights Changed Since the Mid-Twentieth Century?

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



Figure 5.35.6

After the passage of laws in the 1960s, organizations such as the NAACP turned their attention to other, broader societal concerns, such as:

- Equal educational opportunities for all students
- Equal employment opportunities
- Health care reform
- Protection of voting rights
- Campaign finance reform
- Environmental protection

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

### FARM WORKERS

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

### NATIVE AMERICANS

In 1968, several hundred members of Native American tribes met to discuss issues affecting their communities. Conversations focused on substandard housing, an eighty percent unemployment rate, discrimination in education and other areas, and claims of police brutality. The American Indian Movement (AIM) emerged out of this meeting. AIM gained national and international attention in the 1970s when some of its members seized the



headquarters of the Bureau of Indian Affairs in Washington, D.C., and participated in standoffs with public authorities at Wounded Knee and Pine Ridge, South Dakota, in disputes over land and mineral rights. Today AIM's focus includes cultural renewal, monitoring police treatment of Native Americans, opposing the use of Native American caricatures as mascots for sports teams, and creating employment programs for Native Americans. AIM also supports the efforts of indigenous groups outside the United States.

## WOMEN

Women worked for generations to win the right to vote, which they achieved through the Nineteenth Amendment, ratified in 1920. In the 1960s and 1970s women's organizations turned their attention to issues such as reproductive rights, equal pay for equal work, and harassment in the workplace. The National Organization for Women, formed in 1966, lobbied for the Equal Rights Amendment (ERA), which Congress submitted to the states in 1972. The proposed amendment provided that equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

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

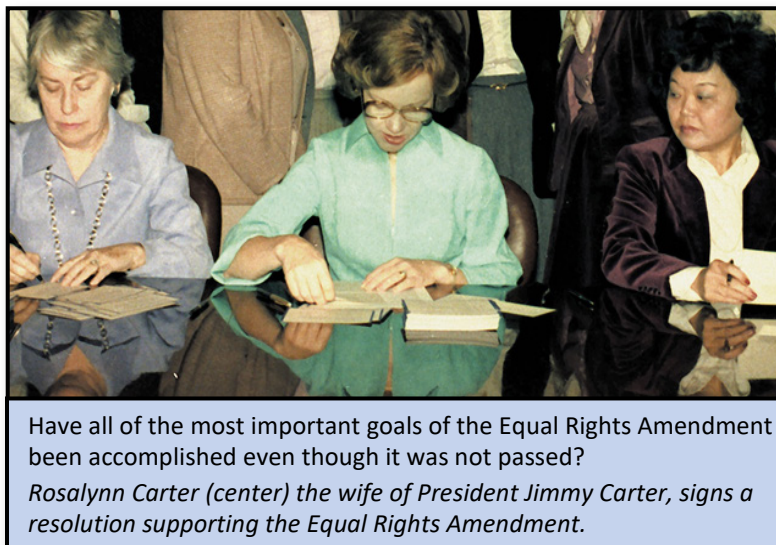


Figure 5.35.7

## LESBIANS AND GAYS

The term lesbian, gay, bisexual, and transgendered (LGBT) people's rights is used to cover a range of issues from the right to serve openly in the armed forces to the decriminalization of homosexuality to prohibiting discrimination in employment and housing.

The LGBT rights movement is noteworthy for how rapidly it has brought about changes, particularly in laws regarding marriage and the family. In 2003, Massachusetts became

the first state to legalize same-sex marriage. Several other states soon followed suit. In 2011, President Obama announced that his administration would no longer defend the 1996 Defense of Marriage Act. When the Supreme Court heard *The United States v. Windsor* in 2013, it struck down the provisions of that act that prohibited the federal government from legally recognizing same-sex marriages. The Court's ruling also made same-sex married couples eligible for a number of federal benefits and tax advantages. The movement for legal recognition of the right of same-sex couples to marry succeeded in 2015 when, in the case of *Obergefell v. Hodges*, the Supreme Court decided that it is a fundamental right guaranteed by the Equal Protection Clause of the Fourteenth Amendment.



What barriers still exist, if any, for same-sex couples gaining equal rights with other Americans?

Figure 5.35.8



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Evaluating Contemporary Civil Rights Movements

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

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

## Conclusion

The civil rights movements in 20<sup>th</sup> and 21<sup>st</sup> century America have done much to ensure that all citizens enjoy the opportunities our nation has to offer. In this lesson, you've seen how the fight for civil rights is one that is active in the courts, and sometimes in the streets. The ability of citizens to use the legal system and public protests to ensure civil rights is one of the greatest strengths of our democracy.

## Lesson Check-up



- What is the difference between de jure and de facto segregation?
- Why has the Civil Rights Act of 1964 been called the most far reaching civil rights legislation in American history?
- Why was it necessary to extend the Voting Rights Act of 1965 in 2006?
- How is civil disobedience different from merely breaking the law?

# The Influence of American Political Ideas



## Key words

- human rights
- Universal Declaration of Human Rights

## What You Will Learn to Do

Explain how American political ideas and the American constitutional system have influenced other nations

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Identify** which aspects of the American constitutional system have been influential elsewhere
- **Explain** why some countries and international organizations have chosen to modify the American system or to use other types of democratic systems





## Essential Question

How have American political ideas and the American constitutional system influenced other nations?

### Learning Objectives (cont'd)

- **Explain** how the Bill of Rights has influenced other countries and how some countries have adopted bills of rights that are considerably different
- **Evaluate**, take, and defend positions on why some aspects of American constitutional democracy that have been effective in the United States have not been used in other countries
- **Define** key words: human rights, Universal Declaration of Human Rights

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### Introduction

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

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

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

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



demands for constitutional government, even though they were unsuccessful, were inspired by American ideas.

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

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

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

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

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



According to Václav Havel, former president of the Czech Republic, what has been the influence in the world of American founding documents?

Figure 5.36.1

### Content Highlight: WHAT DO YOU THINK?

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

## What Elements of American Constitutionalism Have Influenced Other Countries?

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

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

The following are other features of the U.S. Constitution that have attracted attention.

### PRESIDENTIAL GOVERNMENT

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

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

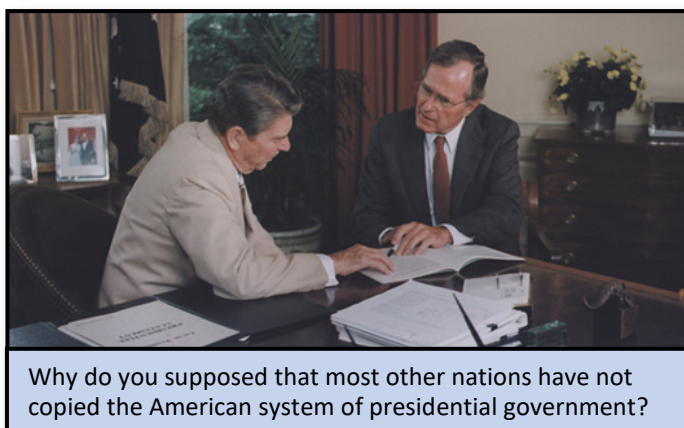


Figure 5.36.2

The current French constitution features a strong president but combines the office with parliamentary government, making it quite unlike the U.S. system. Many countries, especially in Europe, have shied away from strong presidential government because of

their experience with Napoleon Bonaparte (1769–1821) and his successors in the nineteenth century. A general during the French Revolution, Napoleon staged a coup d'état in 1799 and five years later crowned himself emperor. Some countries therefore have been wary of the possibility of positions of executive power and leadership turning into dictatorship. Countries that composed the former Soviet Union, freed from communist rule and mistrustful of executive power, have provided for weak executives in their constitutions.

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

### **FEDERALISM**

America's system of federalism, which establishes two sets of governments with separate and overlapping powers, also has been of great interest and influence in other parts of the world. Scholars have argued that of all the features of American constitutionalism, federalism has had the greatest effect. The American system in 1787 was something new and very different from the ways that governments had been organized in the past. Among the notable aspects of federalism is that it provides powerful support for maintaining limited—constitutional—government by dispersing power. By doing so, it helps protect both the state governments and individuals from abuse of power by the central government.

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

### **JUDICIAL POWER AND HUMAN RIGHTS**

The Bill of Rights in the U.S. Constitution is probably the single greatest contribution of American constitutionalism to the world. Building on the experience of the states after the Revolution, the Bill of Rights provided a prominent example of incorporating fundamental guarantees of individual rights into written constitutions. But the bills of rights in the state constitutions, written in the 1780s, also made their own important contributions to the spread of universal rights ideas. They did so not only by their effects on the 1791 Bill of Rights.

The Bill of Rights became especially important during the second half of the twentieth century, when interest in basic **human rights** increased around the world. Human rights are rights held by individuals simply because they are human beings. Human rights, therefore, are rights shared equally by everyone, regardless of gender, race, or nationality. It was not until after World War II that many people realized how important

## **Key words**

### **human rights:**

Basic rights and freedoms said to belong to all people everywhere

the process of constitutional amendment is to the protection of human rights. The amendment process makes it difficult to change constitutional protections of human rights. If laws protecting human rights were easily changed, as in traditional parliamentary systems, then human rights guarantees could be altered overnight.

Furthermore, what distinguishes the Bill of Rights from other bills of rights, such as the French Declaration of Rights, is that it has an enforcement mechanism. This mechanism is judicial review, the power of the judiciary to void any law that contradicts constitutional provisions. This key connection between human rights as part of a national constitution and judicial review by an independent judiciary should not be overlooked. The spread throughout the world not only of the ideas of human rights but also of the enforcement mechanism of judicial review by an independent judiciary is among the principal achievements of American constitutionalism abroad.

About three-quarters of the countries in the world today recognize some form of judicial review. The American judicial review model has been adopted in at least fifty countries, including Denmark and Estonia in Europe; Botswana, Ghana, Kenya, and Nigeria in Africa; Israel in the Middle East; India and Japan in Asia; New Zealand in Australasia; Canada in North America; and Argentina, Belize, and Bolivia in Central and South America. Emerging constitutional governments in Central and Eastern Europe have embraced judicial review as a means of promoting the supremacy of constitutional principles and protecting fundamental rights. However, unlike in the United States, where all courts have the power of judicial review, European countries have given this power only to specialized constitutional courts. American courts do not give advisory opinions about the constitutionality of acts or statutes prior to enactment. By contrast, European constitutional courts rule on the constitutionality of statutes before they go into effect.



How can the power of judicial review be used to protect human rights by enforcing government compliance with the Constitution?

Figure 5.36.3

### Content Highlight: WHAT DO YOU THINK?

- What features of American history and culture have contributed to the effectiveness of the presidential system, separation of powers, and federalism in the United States?
- For what reasons might those features of American constitutional democracy be a good fit or a poor fit for other constitutional democracies?
- What features of American constitutionalism have been most influential in other countries? Why have some been more influential than others?

## How Do Other Guarantees of Rights Differ From the Bill of Rights?

The Bill of Rights was written in the eighteenth century and in many ways, reflects colonists' concerns about government based on their experience with the English. Most of these concerns, which reflect mistrust of governmental power, are universal and relevant today. The Bill of Rights primarily guarantees individual personal, economic, and political rights. A number of the rights guaranteed in the Bill of Rights are stated as negative rights. That is, they describe what government "shall not" do and how individuals are to be protected from wrongful government acts.

Contemporary charters of human rights, such as the 2000 Charter of Fundamental Rights of the European Union and the 1981 African Charter of Human and Peoples' Rights, reflect changes that have occurred in government and society during the past two hundred years. In addition to protecting rights such as freedom of religion, thought, and conscience, those charters assert positive rights, such as the rights to health care, education, equal pay for equal work, and fair and just working conditions.

## How Is the United Nations' Universal Declaration of Human Rights Similar To and Different From the Bill of Rights?

Before the twentieth century, individual rights generally were regarded as matters to be left to each state or nation to decide for its own population. The worldwide economic depression of the 1930s and human rights violations by totalitarian governments before, during, and after World War II gave the issue of human rights a new urgency. In his 1944 State of the Union address, President Franklin Roosevelt asked Congress to adopt laws that would amount to a "Second Bill of Rights." The laws that he proposed contained economic guarantees, ranging from medical care and adequate housing to jobs and education. After Roosevelt's death in 1945 his widow, Eleanor Roosevelt, used his proposal to help the United Nations craft the **Universal Declaration of Human Rights**.

## Key words

### Universal Declaration of Human Rights:

An advisory declaration adopted by the United Nations General Assembly



What are some of the major differences between the Bill of Rights and the Universal Declaration of Human Rights?

*First Lady Eleanor Roosevelt with a Spanish-language copy of the Universal Declaration of Human Rights.*

Figure 5.36.4



The Universal Declaration of Human Rights and the charter of the United Nations proclaim universal standards of human rights considered to be essential to the dignity of every person. In 1948, the United States was one of forty-eight nations that agreed to the thirty articles of the Universal Declaration of Human Rights. The preamble to this declaration asserts that “the inherent dignity and...the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

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

In some instances, the Universal Declaration strengthens or elaborates rights that are expressed more generally in the American documents. For example, freedom of religion is to include the right to change one’s religion or beliefs.

The right to personal liberty is to include the right not just to marry, but to marry only if both parties consent, eliminating coerced or “arranged” marriages. Slavery is outlawed.

In addition to provisions found in the American founding documents, or that might be considered extensions of them, the Universal Declaration contains other concepts. A novel departure for a declaration or charter of rights is the inclusion of a statement of universal “duties to the community,” and among the limits to freedom are the “just requirements of morality.” The Universal Declaration also contains provisions that have been interpreted as “aspirational goals,” including the following rights:

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

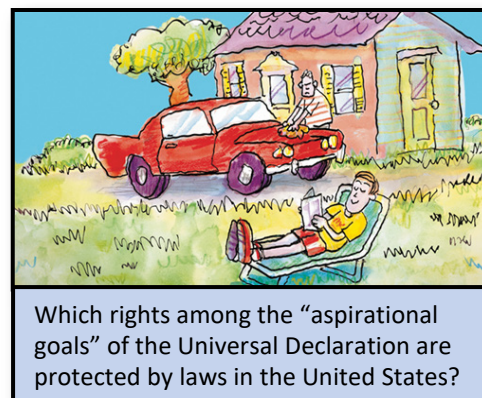


Figure 5.36.5

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

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

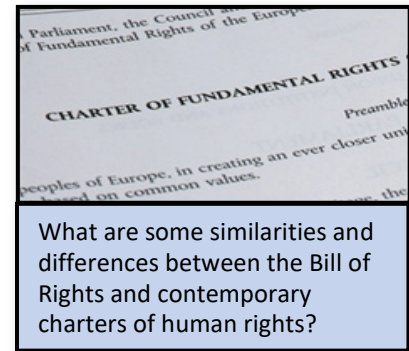


Figure 5.36.6

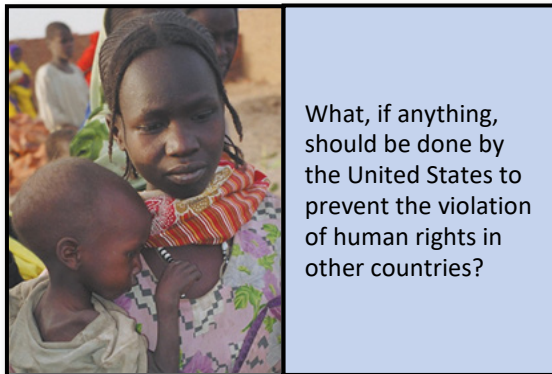


Figure 5.36.7

The protection of rights has become an important diplomatic issue among nations. The United States and other countries have restricted trade with countries considered to be violating human rights, including South Africa before the abolition of racial apartheid, Iraq, North Korea, and Sudan.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Examining the Universal Declaration of Human Rights

Read the Universal Declaration of Human Rights and then respond to the following questions.

- What rights does the Universal Declaration of Human Rights proclaim that are in the U.S. Constitution and the Bill of Rights?
- What rights in the Constitution and the Bill of Rights are not included in the Universal Declaration of Human Rights?
- What rights in the Universal Declaration of Human Rights are not included in the Constitution and the Bill of Rights?
- How, if at all, can the rights in the U.S. Constitution be effectively enforced? If they can be enforced, what are the enforcement mechanisms?
- How can the rights in the Universal Declaration of Human Rights be effectively enforced? What are the enforcement mechanisms?
- How do the rights listed in the Constitution, the Bill of Rights, and the Universal Declaration of Human Rights reflect the history and experiences of the times in which they were written?

## Conclusion

In this lesson you explored how many American political ideas were adopted by other nations in the twentieth century. You saw that the concern for written constitutions often followed political upheavals, such as war, revolution or the collapse of failed states. History has shown that constitutional governments and human rights come with no long-term guarantees. They must be supported by political leaders, independent judicial review, and popular sovereignty.

## Lesson Check-up



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

# American Domestic Challenges



## Key words

- eminent domain
- immigration

## What You Will Learn to Do

Describe key challenges that the United States may face in the future

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Discuss** the effects of diversity and technology on the lives of Americans
- **Explain** the importance of civil discourse in debating divisive issues
- **Evaluate**, take, and defend positions on the changing expectations of America's government and potential constitutional amendments





## Essential Question

What key challenges does the United States face in the future?

### Learning Objectives (cont'd)

- Define key words: eminent domain, immigration

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#### Introduction

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

#### How Might the United States Look in the Future?

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

- The population of the United States will exceed four hundred million.
- Most of the increase in population will result from **immigration**, that is, from people coming from other countries with the intent of remaining in the United States.
- The United States will be more racially and ethnically diverse than ever. Probably twenty-four percent of the population will be Hispanic; fifteen percent, African American; and eight percent, Asian. The Native American population will double, reaching approximately four million.
- Racial lines will blur as people intermarry.

### Key words

**immigration:**

The movement of people into one place from another



- Medical advances will help Americans live longer. At least one in four Americans will be over the age of sixty-five.
- The typical American neighborhood will be in the South or West.
- The cost of water, oil, and natural gas will soar.
- Communications and information technologies will offer new kinds of telephones, televisions, and computers, bringing new ways to acquire information and to communicate.

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

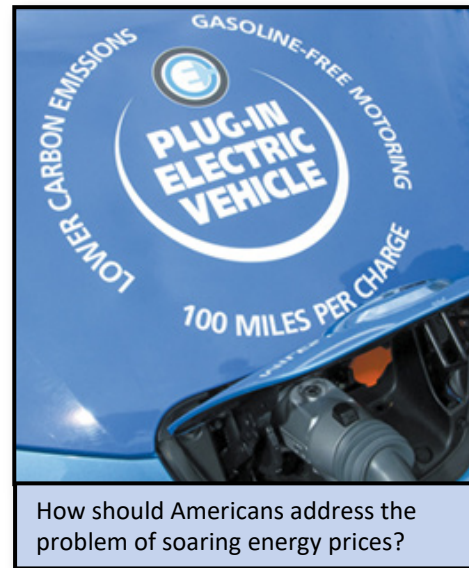


Figure 5.37.1



Figure 5.37.2

## How Does Diversity Create New Challenges?

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

When the first census was taken in 1790, the United States consisted of thirteen states along the East Coast. The U.S. population was almost four million, including more than half a million slaves. The white people were mostly northern European in ancestry and overwhelmingly Protestant. By 2015, the population of the United States exceeded 320

million and was spread across the continent and beyond. The United States has become a nation composed of immigrants and the descendants of immigrants from virtually every country on earth. Those whose ancestors were not native to Europe compose of about a third of the nation's citizenry. Evidence of America's diversity is seen in its public schools, where it is not uncommon to find students from diverse ethnic groups, races, and religions. In the Los Angeles school district, for example, more than two hundred languages are represented.

Americans disagree about the significance of this increasing diversity. Some argue that recent immigration patterns are not substantially different from what has happened throughout American history. They maintain that most recent immigrants, like their predecessors, enrich the nation's economy, culture, and educational institutions. Others worry that there are limits to how much diversity the country can absorb, particularly if large groups of immigrants do not learn to speak English and continue to adhere to cultural practices that conflict with fundamental American principles.



How have immigrants enriched our nation? What challenges does immigration pose?

Figure 5.37.3

### Content Highlight: WHAT DO YOU THINK?

1. What advantages and disadvantages does the American political system gain from diversity of people and ideas? Is there such a thing as too much diversity? Explain.
2. Early in the twentieth century, President Woodrow Wilson argued that a person whose primary identity is with a particular group in America "has not yet become an American." Do you agree or disagree? Why?
3. What obligations, if any, do Americans have toward people who hold social, religious, or political beliefs with which they strongly disagree? Explain.



## **Content Enhancement:**

### **CRITICAL THINKING EXERCISE**

#### **Tracing a Family's Journey to the United States**

Write as complete a history as possible of one family in the United States about whom you can locate information. Your teacher will give you various options from which to choose. Be sure to answer the following questions when writing the family history:

- When did the family or its ancestors come to the United States? Where did they settle? Why?
- What was U.S. policy on immigration when the family or its ancestors came to the United States? Has the policy changed? Explain.
- In what ways, if at all, does the experience of this family affect your understanding of what it means to be a citizen of the United States and of the state in which you reside?

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

- Where was the tribe located before the arrival of immigrants from other countries? How did those immigrants affect the tribe?
- What have been the migration patterns, if any, of the tribe since the eighteenth century? Where is it located today?
- What is the status of the tribe today? What connections does the family have with the tribe? How have tribal membership or tribal connections affected the family's views of the United States and state citizenship?

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

#### **How is Modern Technology Affecting America's Civic Life?**

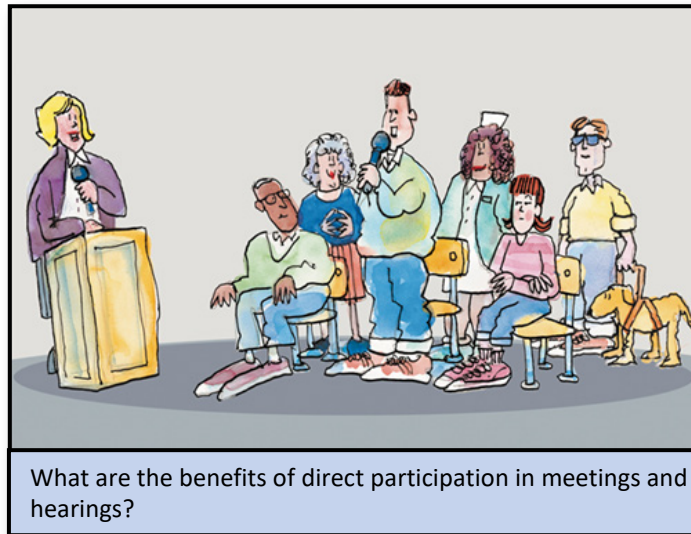
Improvements in electronic communications are transforming how Americans acquire political information and participate in constitutional democracy. Advocacy groups now use the Internet, databases, and email to inform and organize their members. Americans with access to cable or satellite television can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

But advances in technology do not guarantee that Americans are better informed. So much information is available on the Internet that many people feel overwhelmed. Often it is difficult or impossible for Internet users to determine the reliability of what they read.

Radio, television, and print media target increasingly specialized audiences. Political messages frequently are aimed at specific audiences. If people receive news from only one source, then they do not hear all sides of issues.

More than half of the voting-age population now uses the Internet to post their thoughts, watch campaign videos, or forward political content. Facebook is now a top destination, with some 1.4 billion users. Mobile messaging apps are mounting a challenge to Facebook. Younger people are increasingly using a wide variety of mobile messaging apps to communicate while spending less time broadcasting their activities and their views on Facebook's more expansive social network.

Users give three reasons for following political affairs and figures on social media. First, they place a greater importance on finding out about news quickly. Second, they feel more personally connected to political figures when they follow them on social media. Third, they perceive social media to be more reliable than information from traditional news media.



What are the benefits of direct participation in meetings and hearings?

Figure 5.37.4



## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Assessing the Effect of Technology on America's Civic Life

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

- In what ways, if at all, might the unrestricted use of the Internet, social media, electronic databases, smartphones, surveillance cameras and police body cameras, and other technologies threaten or enhance the following fundamental principles of American constitutional democracy?
  - Individual rights (especially privacy)
  - Limited government
  - Rule of law
  - Equality of opportunity
- In what ways, if any, do advances in technology make America's fundamental principles outmoded? Explain your response.
- What suggestions can you make to ensure that technology will have a positive effect on American civic life?



## How Might Americans' Expectations of Their Government Change?

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

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

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



### Content Enhancement:

#### CRITICAL THINKING EXERCISE

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

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

- Schools (preschool through university)
- Public safety (police, crime investigation, and fire)
- Prisons (including jails)
- Welfare (services to low-income, disabled, and elderly people)
- Hospitals
- Highways, streets, and roads
- How, if at all, was the service provided before it became a state or local function?
- What were the historical circumstances leading to the service being provided at public expense?
- To what extent, if at all, are state and local governments today contracting the service to private sources? Has private contracting been successful?

## How Can Civil Discourse Help to Address the Challenges Facing Americans?

Local, state, national, and international matters—from education reform to immigration and foreign policy—call up deeply held values that generate spirited debates. This is nothing new. The robust exchange of ideas and opinions by an engaged citizenry is a



hallmark of a vibrant democracy. Civil discourse—the respectful, thoughtful exchange of ideas in the search for workable solutions to problems—is essential in a democracy.

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

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

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

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

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

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



How might socialization and familiarity with colleagues facilitate compromise?

Figure 5.37.5



## Content Highlight: WHAT DO YOU THINK?

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

### What Additional Constitutional Changes Might Americans Debate?

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

#### LIFE AND DEATH

Modern science is making it possible to sustain life across a broader age spectrum, beginning with the fetus and extending to advanced old age. Life support systems make it possible to sustain life that would not be tenable without such support.

- Should the Constitution be amended to define when life begins and to identify a right to be born?
- Should the Constitution be amended to define when life ends and to identify a right to die?
- Should the Constitution be amended to include the right to use modern medical advances to transform and improve lives?



Figure 5.37.6

#### TERM LIMITS

The Twenty-second Amendment, ratified in 1951, limits presidents to two terms in office. There are no similar restrictions on members of Congress or federal judges.

- Should the Twenty-second Amendment be repealed so that the people, not the Constitution, determine how many terms a president may serve?
- Should the Constitution be amended to limit the number of terms a person can serve in the House or Senate? If so, how many terms? See *U.S. Term Limits v. Thornton* (1995), holding that states cannot add to the qualifications for serving in Congress stated in Article I.
- Should the Constitution be amended so that judges holding office under Article III of the Constitution, including Supreme Court justices, serve limited terms instead of serving during “good behavior”?

## PROPERTY RIGHTS

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

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

## CAMPAIGN FINANCE

Money always has played a role in political campaigns. At this time, no limits are placed on how much money candidates can spend to get elected or on how much money interest groups or others can spend on behalf of candidates. In *Buckley v. Valeo* (1976), the Supreme Court held that laws limiting campaign expenditures violate the First Amendment rights to free speech and association. In *Citizens United v. Federal Election Commission* (2010), the Supreme Court held that under the First Amendment, corporate funding of independent political broadcasts in elections cannot be limited.

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

## Key words

### eminent domain:

The inherent power of the state to seize a citizen's private property or to expropriate property or rights in property without the owner's consent

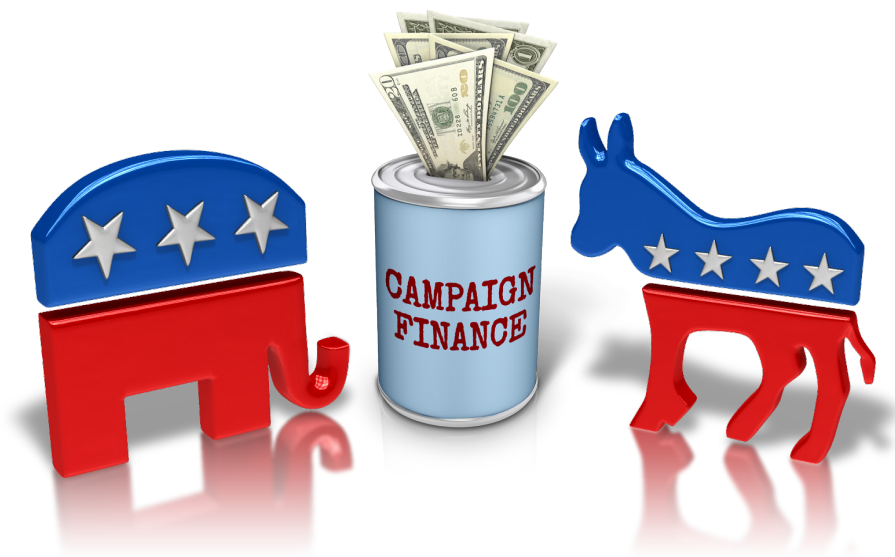


Figure 5.37.7

## IMMIGRATION

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

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



Figure 5.37.8



How can civil discourse facilitate progress?

Figure 5.37.9



## Conclusion

In this lesson, you learned about some of the challenges our nation may face in the future. These challenges range from diversity and technology to possible changes in the Constitution and how basic services are provided. In the years ahead, you may see changes in the way our nation deals with these issues. You may also see changes that we cannot anticipate today.

## Lesson Check-up



- What are some of the most significant challenges posed by increasing social and cultural diversity in the United States? What opportunities do these changes present?
- How might technology improve opportunities for civic engagement in the United States?
- Identify ways in which technology might or might not be consistent with the fundamental principles of American constitutional democracy.
- Explain what is meant by civil discourse. Why is it important? How might civil discourse be promoted in schools, the media, and political life?
- Should the First Amendment right of individuals to freedom of speech be interpreted to give groups of individuals, such as corporations, the right to spend unlimited funds for political broadcasts supporting or opposing candidates for political office or positions on political issues if their funding is made public? Why or why not?
- What issues in addition to those discussed in this lesson might lead to proposals for constitutional change? Which would you favor or oppose? Why?

# Participation in World Affairs



## Key words

- collective security
- globalization
- international law
- isolationism
- letter of marque and reprisal
- multinational corporation
- treaty
- United Nations

## What You Will Learn to Do

Describe the challenges of American participation in world affairs

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Identify** the constitutional responsibilities of the three branches of the national government in shaping the involvement of the United States in world affairs
- **Describe** globalization and identify some of the challenges that globalization poses for citizenship and participation in world affairs



## Essential Question

What are the challenges of the participation of the United States in world affairs?

### Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on issues involving globalization and improving the image of the United States abroad
- **Define** key words: collective security, globalization, international law, isolationism, letter of marque and reprisal, multinational corporation, treaty, United Nations

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### Introduction

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

### Why Is International Engagement Inevitable?

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

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

When the United States declared independence from Great Britain, it needed help to win the Revolutionary War. At the time France wished to avenge its loss to Britain in the

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

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

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

## Key words

### isolationism:

The foreign policy of a nation that wishes to be inward-looking rather than involved with other countries



Is George Washington's advice never to expect "real favors from nation to nation" useful today? Why or why not?

Figure 5.38.1





## Content Enhancement:

### CRITICAL THINKING EXERCISE

#### Examining American Foreign Policy

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

- Monroe Doctrine, 1823
  - “Good Neighbor” policy, 1933–1945
  - Atlantic Charter, 1941
  - Truman Doctrine, 1947
  - Marshall Plan, 1947
  - Détente with the USSR, 1969–1980
1. How did the policy seek to advance the interests of the United States?
  2. How did the policy reflect American values and principles?
  3. How did other nations respond to the policy?
  4. What factors led to changes in the policy?
  5. Was this the right policy for the time it was made? Why or why not?

### How Does the Constitution Provide for the United States’ Role in the World?

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

Congress has power to:

- Regulate commerce among foreign nations and with the Indian tribes. Congress uses this power to regulate imports and exports, encourage or discourage various forms of foreign trade through tariffs and other restrictions, set standards for the health and safety of foreign goods, and regulate employment conditions.
- Declare war, issue **letters of marque and reprisal**, and make rules for captures on land and water. Congress has not exercised the power to declare war since the advent of nuclear weapons near the end of World War II. Instead, it has authorized the president to use military force overseas. Congress must fund all military actions. Historically, Congress issued letters of marque and reprisal to authorize private raids on merchant ships of enemy

### Key words

#### **letter of marque and reprisal:**

A grant of authority from Congress to private citizens, not the president, to expressly authorize seizure and forfeiture of goods by such citizens in the context of undeclared hostilities with another country or countries

## Key words

### international law:

Rules, usually the result of treaties but also from custom, that regulate how countries are to behave toward one another

### treaty:

An agreement under international law between states or international organizations

nations. A letter of marque and reprisal is a warrant that authorizes an agent to go beyond the borders of the nation—“*marque*”, meaning frontier—to search, seize, or destroy assets or people—“*reprisal*”—of the hostile foreign party.

- Raise and support armies, provide and maintain a navy, and regulate land and naval forces. The Constitution does not provide for a standing army. Appropriations for armies can last no longer than two years.
- Define and punish piracies and felonies on the high seas and offenses against the law of nations. There have been few examples of piracy involving the United States since the nineteenth century, but Congress has used its power to punish felonies by authorizing drug arrests on the high seas. The Supreme Court has held that **international law** (discussed later) is part of the law of the United States.
- Ratify treaties. The Senate must ratify treaties negotiated by the president by a two-thirds vote. Ratified treaties require Congress to provide the funds needed to implement them.



Why do you suppose the Constitution did not provide for a standing army?

Figure 5.38.2

The president has power to:

- Negotiate treaties. A **treaty** is a formal agreement with one or more other nations. Treaties are used to conclude wars, help maintain peace, and affect international commerce. The delicate task of negotiating treaties rests with the president. The Department of State assists the president in this ongoing work. Once ratified by the Senate, treaties are part of the “supreme Law of the Land.”
- Act as commander in chief of the army and navy. This power reflects the need for concentrated military authority in wartime. The United States has been at war—declared or undeclared— so often that the role of commander in chief has contributed significantly to the growth of presidential power.
- Appoint ambassadors, other public ministers, and consuls. Ambassadors, public ministers, and consuls make up the nation’s diplomatic corps. They are the country’s face and presence throughout the world. International diplomacy lays the groundwork for commercial treaties and helps implement American foreign policy.
- Receive ambassadors and other public ministers. Receiving ambassadors and other public ministers establishes diplomatic relations with other countries. This power is used to recognize

new nations and to accept changes of government in existing nations. Refusing to receive an ambassador or other public minister means refusing to have diplomatic relations with that country.

The Supreme Court has power to:

- Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls. The activities of these officials are directly related to peace and to the nation's sovereignty.
- Exercise appellate jurisdiction over admiralty and maritime cases. These cases affect the nation's involvement in international trade.



What limits does the Constitution place upon the president's power to make treaties with other nations?

*President Ronald Reagan and Soviet General Secretary Gorbachev in Reykjavik, Iceland, during the 1986 Reykjavik Summit.*

Figure 5.38.3

### Content Highlight: WHAT DO YOU THINK?

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

1. What are the advantages and disadvantages of checks and balances in the area of foreign relations?
2. Are principles of separation of powers and federalism as viable in the making and execution of foreign policy as they are in the making and execution of domestic policy? If not, what are the alternatives? Explain.

## Key words

### United Nations:

An international organization created in 1945 to maintain peace through the collective security of its members

## What Is International Law?

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

- **Equality of sovereign nation-states.** All nations have the authority to exercise governmental power over those within their territory. The equality of nations is the key factor in international law. A corollary, or logical extension, of this principle is the self-determination of peoples.
- **Noninterference in the affairs of other nations.** This principle ensures that each nation respects the rights and powers of other members of the international community.
- **No use of force or threat of force.** This principle reflects the need to avoid armed conflict and has become especially important since the advent of nuclear weapons. A corollary to this principle is the peaceful resolution of disputes.
- **Respect for human rights.** This principle recognizes developments in international law since the end of World War II. This principle frequently comes into conflict with the principles of sovereign equality and noninterference.



What are some of the major differences between international law and the laws of nations?

*The International Court of Justice at the Peace Palace in The Hague, Netherlands.*

Figure 5.38.4

One of the primary aspects of international law is self-help. For example, international law allows nations to defend themselves. Another aspect is that international law differs significantly from domestic law. In many situations, there is no universal enforcement mechanism for international



law. There is no international police force to enforce the law. And although there is an International Court of Justice, it functions only for those countries that wish to join it.

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

### How Do International Organizations Help to Maintain International Order?

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

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

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

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

Other international organizations have emerged since the end of World War II, and the United States is a member of many, including the North Atlantic Treaty Organization, which focuses on regional security in Europe.

### Key words

#### **collective security:**

A system formed to maintain peace among nations in which participant members agree that a military attack on one is an attack on all and will result in a united response by all members

The United States also plays an active role in organizations such as the International Monetary Fund, the World Trade Organization, and the World Bank.

### How Can Americans Influence International Relations?

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

- ***Voting, lobbying, and contacting national officials.*** Candidates for national political office must take stands on issues facing the United States in the global arena. Informed public opinion is important before and after elections and in the course of deliberations about policy choices.
- ***Joining nongovernmental organizations.*** There are more than forty-four thousand nongovernmental organizations in the international arena, in addition to those operating primarily within the United States. They focus on business, environment, health, poverty, education, children's issues, human rights, and other matters that cut across all aspects of international affairs.
- ***Traveling, exercising citizen diplomacy, and participating in international education.*** Traveling to other countries is a common way for individuals to develop knowledge and expertise in international affairs. Students can participate in foreign exchange and sister-city programs, study international relations, and become multilingual. Those who cannot travel can help host foreign exchange students and other visitors from abroad. Americans also can learn about, connect with, and converse with people from around the world on the Internet.
- ***Making informed consumer decisions.*** In the world's increasingly interdependent economy consumer choices can have important ripple effects. Some consumers refuse to buy, or boycott, products that they believe are produced in conditions that violate human rights or violate copyright laws designed to protect inventors and creative entrepreneurs.



How can citizens influence foreign policy?

Figure 5.38.5



To what extent, if any, has the United States followed Thomas Jefferson's advice to avoid "entangling alliances" with the other nations?

Figure 5.38.6

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



### Content Highlight: WHAT DO YOU THINK?

- How important is it for Americans to be informed about what is happening in the rest of the world? Explain your response.
- What suggestions do you have for:
  - Improving Americans' understanding of other countries
  - Improving other countries' understanding of the United States
  - Fostering dialogue among citizens of different nations

## What Is Globalization?

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

- **Trade and commerce.** In the last half of the twentieth century the volume of world trade increased twenty-fold. **Multinational corporations** or enterprises that manage production or deliver services in two or more countries, often have budgets bigger than those of some countries. Globalization also involves massive exports of manufactured goods, particularly from Asia. Some national economies have prospered in the era of globalization. Others, such as those of many African nations, have not.
- **Worker migration.** Workers throughout the world are proving to be remarkably mobile. People move from one country to another seeking better jobs, which can lead to disputes about immigration policies. At the same time, many companies in industrialized nations such as the United States are outsourcing jobs—that is, sending work to other countries to take advantage of cheaper labor and to use workplaces that are relatively free from government regulation. Outsourcing also affects migration patterns within the United States as unemployed or underemployed workers move to different communities or states in search of jobs.

## Key words

### **globalization:**

The process of increasing interconnectedness and closer integration of the world's markets and businesses as a result of advances in transportation, communications, and information technologies

### **multinational corporation:**

An enterprise that operates in at least two nations

- **Capital.** Investment patterns have changed dramatically in the past decade, as corporations explore new markets throughout the world. Creditor nations make loans to debtor nations, often giving the creditors leverage over the debtor nation's political decisions. Capital markets are increasingly volatile, as witnessed by the reactions of stock markets in one part of the world to news of events on the other side of the globe.
- **Information.** Technology has had the greatest effect on globalization. The Internet and other innovations provide all economic actors— consumers, investors, and businesses— with virtually instant access to important information for making decisions. New technologies also make it possible to transfer capital quickly and easily. Information technologies are being used to influence public opinion and to affect political decisions throughout the world.



### Content Highlight: WHAT DO YOU THINK?

- Make a list of the ways you and your family are affected by globalization at home, at school, and in the workplace. Compare your list with those of your classmates. Which effects are positive? Which are negative? Explain.
- Think about the following factors that you might consider in deciding whether to purchase a particular item of clothing or some other consumer good:
  - The country in which it was made
  - Whether the workers who produced the item earn a minimum or working wage
  - Environmental costs of transporting the item for sale
  - Working conditions of the workers who made the item
  - The price of the item
  - The social desirability of owning the item

Which of the above factors would influence your buying decisions? Why? What, if anything, would persuade you to consider factors that you do not now consider when making consumer choices?



### Content Enhancement: CRITICAL THINKING EXERCISE

#### Assessing the Effects of Globalization on the United States

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

- What are the economic and political benefits and drawbacks of globalization for the United States? Explain.
- Some observers claim that globalization of the world economy diminishes citizens' ability to monitor and influence actions that might affect their welfare. Do you agree with this position? Why or why not? If you do agree, what remedies should be used? Explain your reasoning.



## Conclusion

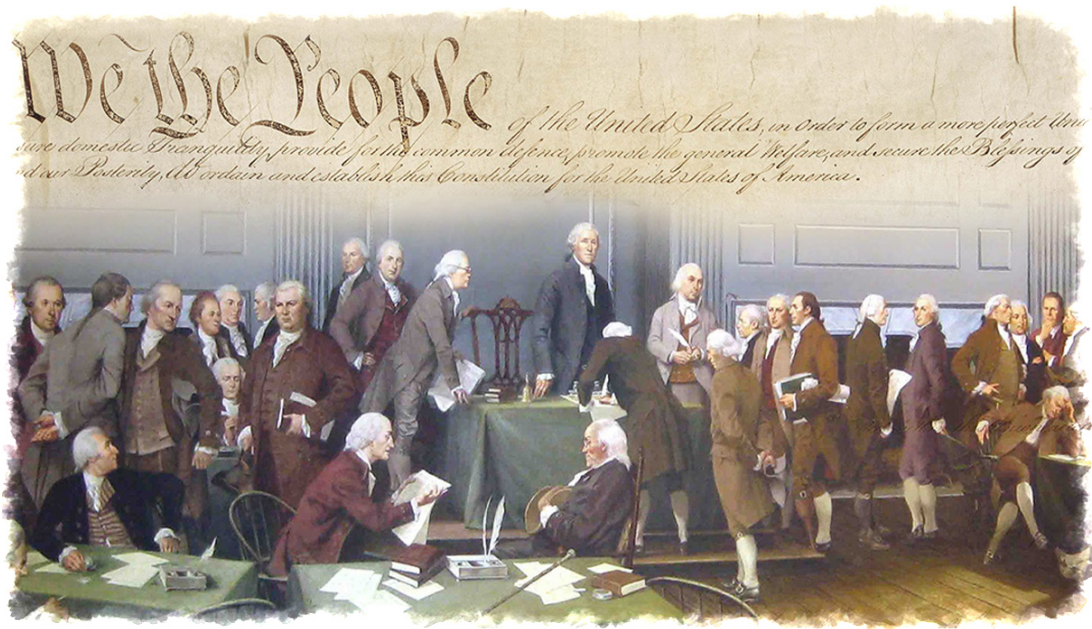
This lesson explored international relations and the checks and balances of those relations. American participation in world affairs is complex. Our foreign policy can shift with new presidents, as well as with events around the world. Trade, technology, natural resources, militarization, globalization and migration play large roles in shaping American participation in world affairs.

## Lesson Check-up



- Explain why the United States is involved in the international arena.
- Identify the three most important constitutional powers that Congress and the president have in the area of international relations. How do checks and balances and the separation of powers affect the exercise of those powers?
- What is globalization? How does globalization affect American society and the U.S. economy?
- Identify ways in which Americans can participate in and have an effect on international relations.

# Returning to Fundamental Principles



## What You Will Learn to Do

Relate fundamental principles to contemporary issues

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world
- Treat self and others with respect

## Learning Objectives

- **Define** what is meant by the terms fundamental principles and first principles
- **Explain** what is meant by a return to first principles
- **Explain** in what ways the American experience in self-government can be called an “adventure in ideas”

## Essential Question

What does returning to fundamental principles mean?



### Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on a number of issues related to the fundamental principles and values of government and individual rights in American society

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### Introduction

One of the Founders, George Mason from Virginia, said, “No free government, or the blessings of liberty can be preserved to any people, but by frequent recurrence to fundamental principles.” In this concluding lesson, you have the opportunity of relating some fundamental principles and ideas of our government to contemporary issues.

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

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



Do you agree with George Mason’s claim that “No free government...can be preserved to any people, but by frequent recurrence to fundamental principles”?

*Figure 5.39.1*

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

### Why Are Fundamental Principles Important?

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

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

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

It was in these circumstances that the independent Polish trade union Solidarity was founded in 1980. This movement was secular, that is, not specifically related to religion or a religious group, although allied with the Catholic Church and strongly aided by the moral influence of the papacy. Eventually Solidarity was able to form a free, non-communist government in 1989. The victory of Solidarity over Polish communism inspired similar victories, known as the Revolutions of 1989, in neighboring Soviet satellites in Central and Eastern Europe. These revolutions inaugurated democracy throughout much of the region and helped to weaken the Soviet state, which hastened the dissolution of the Soviet Union at the end of 1991.

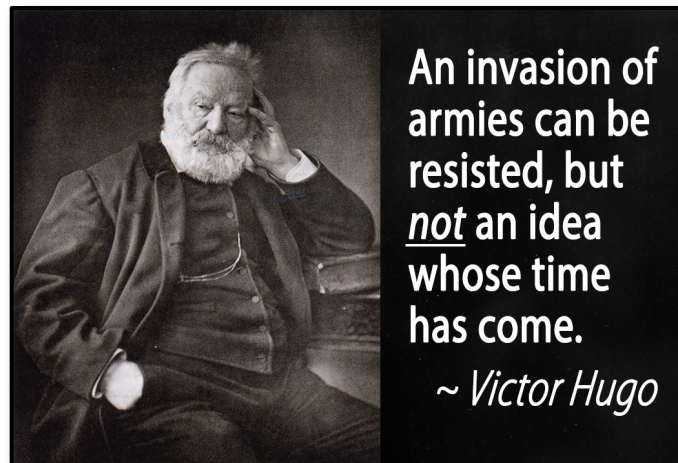


Figure 5.39.2



## What Did Founders Mean by Returning to First Principles?

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

Another of the Founders, probably Melancton Smith or Richard Henry Lee, writing in 1788 as the anti-federalist “Federal Farmer”, said the following:

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

*~ Federal Farmer*

Figure 5.39.3

It is doubtful that these Founders had in mind an uncritical acceptance of the “wisdom of the past.” In revisiting these principles each generation must examine and evaluate them anew. The Founders probably would be somewhat surprised at the reverence in which they and their writings have been held by subsequent generations of Americans.

The Founders themselves were vigorous critics of the wisdom that they had inherited and the principles in which they believed. They were articulate, opinionated individuals who loved to examine ideas—to analyze, argue, and debate them. They expected no less of future generations. They would expect no less of us. To go back in thought or discussion to first principles requires us to make principled arguments and to ground our opinions in ideas of enduring value. It is what citizenship in a free society is all about.

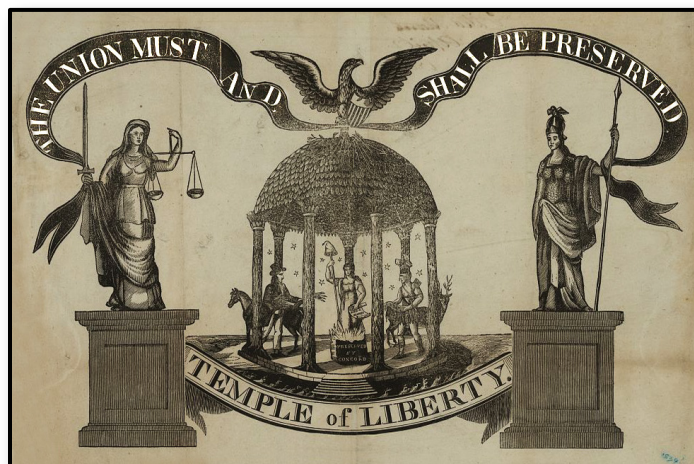


Figure 5.39.4



## Content Enhancement:

### CRITICAL THINKING EXERCISE #1

#### Liberty versus Order

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

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

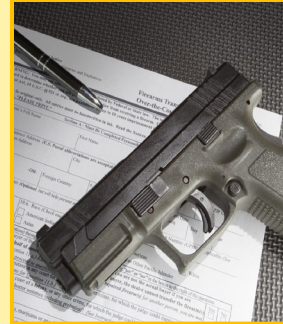


Figure 5.39.5

Read the statements below and answer the questions that follow.

- 1) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause. —*Fourth Amendment*
  - 2) The good of the people is the highest law. —*Cicero*
  - 3) Authority without wisdom is like a heavy axe without an edge, fitter to bruise than polish. —*Anne Bradstreet*
  - 4) For a man's house is his castle. —*Edward Coke*
  - 5) They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. —*Benjamin Franklin*
  - 6) Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations. —*James Madison*
  - 7) Every successful revolution puts on in time the robe of the tyrant it has deposed. —*Barbara Tuchman*
  - 8) Liberty, too, must be limited in order to be possessed. —*Edmund Burke*
  - 9) The great and chief end, therefore, of men's uniting into Commonwealths, and putting themselves under Government, is the preservation of property (life, liberty, and estate). —*John Locke*
- How do these statements apply to the issue of sweeps for illegal weapons? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?
  - Which, if any, of these statements do you find most persuasive? Why?
  - What is your position on sweeps for illegal weapons? Explain the reasons for your position in terms of the situation and the principles involved.



## Content Enhancement:

### CRITICAL THINKING EXERCISE #2

#### Unity versus Diversity

Is a common language essential to the survival of American democracy? One of the most controversial aspects of diversity in America has to do with language. Throughout American history, English has been the principal language of the country. For millions of immigrants learning English has been an important first step to becoming a U.S. citizen. Schools must teach immigrant children who speak languages other than English. Educators differ about how best to accomplish their tasks. A large percentage of recent immigrants speak Spanish as their first language. In certain areas of the country, Spanish is as commonly spoken as English. Some believe that we are becoming a bilingual nation.



Figure 5.39.6

Read the statements below and answer the questions that follow.

- 1) America is God's crucible, the great melting pot where all the races of Europe are melting and reforming! —*Israel Zangwill*
  - 2) (Immigrants are) not the refuse but the sinew and bone of all the nations.... (Education is) the essence of American opportunity, the treasure that no thief could touch, not even misfortune or poverty. —*Mary Antin*
  - 3) Our political harmony is therefore concerned in a uniformity of language. —*Noah Webster*
  - 4) We have room for but one language here, and that is the English language, and we intend to see that the crucible turns our people out as Americans, and not as dwellers of a polyglot boarding-house. —*Theodore Roosevelt*
  - 5) In world history, those who have helped to build the same culture are not necessarily of one race, and those of the same race have not all participated in one culture. —*Ruth Fulton Benedict*
  - 6) America is not a melting pot. It is a sizzling cauldron. —*Barbara Mikulski*
  - 7) We have become not a melting pot but a beautiful mosaic. Different people, different beliefs, different yearnings, different hopes, different dreams. —*Jimmy Carter*
  - 8) Here in America we are descended in blood and in spirit from revolutionaries and rebels—men and women who dared to dissent from accepted doctrines. As their heirs may we never confuse honest dissent with disloyal subversion. —*Dwight D. Eisenhower*
  - 9) I believe respect for diversity and encouragement of a plurality of communities have been among the glories of the best elements of the American political system.... But, like all other values, diversity has its problems and costs as well as its advantages and benefits. The problem is often simply referred to as the tension between unity and diversity, or order and liberty, or the public and the private. —*R. Freeman Butts*
- How do these statements apply to language barriers in America? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?
  - Which, if any, of these statements do you find most persuasive? Why?
  - Is a common language necessary to American citizenship? Explain your position in terms of the principles involved.



## Content Enhancement:

### CRITICAL THINKING EXERCISE #3

#### Majority Rule versus Minority Rights

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

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

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

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

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

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

Read the statements below and answer the questions that follow.

- 1) The first principle of republicanism is, that *the lex-majoris partis* is the fundamental law of every society of individuals with equal rights; to consider the will of society enounced by the majority of a single vote, as sacred as if unanimous, is the first of all lessons in importance. —*Thomas Jefferson*
- 2) Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy, or despotism, in some form is all that is left. —*Abraham Lincoln*
- 3) No democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities. —*Franklin D. Roosevelt*
- 4) When great changes occur in history, when great principles are involved, as a rule the majority are wrong. The minority are right. —*Eugene Debs*
- 5) A nation is judged by how it treats its minorities. —*René Lévesque*
- 6) All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. —*Thomas Jefferson*





## Content Enhancement:

### CRITICAL THINKING EXERCISE #3 (cont'd)

#### Majority Rule versus Minority Rights (cont'd)

- 7) All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. —*Thomas Jefferson*
  - 8) I admit the tyranny of majorities may be as bad as the tyranny of kings...and I do not think any rational or sober man will say that what is justifiable against a tyrannical king may not under certain circumstances be justifiable against a tyrannical majority. —*Arthur James Balfour*
  - 9) My definition of a free society is a society where it is safe to be unpopular. —*Adlai Stevenson*
  - 10) Nor need we enquire whether similar considerations enter into the review of statutes directed at particular religious...or national...or racial minorities...whether prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for correspondingly more searching judicial inquiry. —*Harlan F. Stone, United States v. Carolene Products, 304 U.S. 144 (1938)*
- How do these statements address the problem of reconciling majority rule with minority rights?
  - What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?
  - Which, if any, of these statements do you find most persuasive? Why?



How, if at all, does the Constitution preserve majority rule while protecting against majority tyranny?

Figure 5.39.7



## Content Enhancement:

### CRITICAL THINKING EXERCISE #4

#### Public versus Private Responsibilities

The health care system of the United States remained unique among the health care systems of developed countries until 2010. The passage that year of the Affordable Care Act (ACA) changed the landscape from reliance on job-based health insurance to the requirement that all individuals who could afford it must obtain basic health coverage. President Barack Obama considered the ACA to be the signature success of his domestic agenda. It was to extend medical insurance to more than 30 million previously excluded people. As soon as the law was signed, lawsuits were filed to challenge its constitutionality. Some groups claimed that the ACA's requirement that people had to buy health insurance or pay a penalty violated the Constitution. The Court ruled in a 5-to-4 decision in *National Federation of Independent Business v. Sebelius* (2012) that the ACA's requirement was not unconstitutional.

A second challenge to the ACA came in June 2014 in two cases where companies said the law's requirement that they had to provide health care that covered all forms of contraception was a violation of their First Amendment right to religious freedom. Both were family-run companies that said they operated according to "Christian principles." The ruling came in the cases of *Burwell v. Hobby Lobby Stores* and *Conestoga Wood Specialties Corp. v. Burwell*. The Court ruled in another 5-to-4 decision that some closely held corporations could claim exemption from the law based on their owners' religious beliefs.

Read the statements below and answer the questions that follow.

- 1) [To] promote the general Welfare. —*Preamble to the Constitution*
  - 2) To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. —*Constitution, Article I, Section 8*
  - 3) If, my countrymen, you wait for a Constitution which absolutely bars a power of doing evil, you must wait long, and when obtained it will have no power of doing good. —*Oliver Ellsworth*
  - 4) A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other control, but a regard to the public good and to the sense of the people. —*Alexander Hamilton*
  - 5) I own I am not a friend to a very energetic government. It is always oppressive. —*Thomas Jefferson*
- What arguments can you give for and against the Supreme Court's ruling in each of the cases?
  - How do these statements apply to this situation? What principles and ideals are implied in each statement? How, if at all, do these principles conflict with each other?
  - Should health care be considered a private or a public matter? Why?
  - Should states have a greater responsibility than the national government for assuring adequate health care? Why?
  - What is your position on this issue in terms of the current situation and the principles involved?



Is health care a fundamental right? Why or why not? Do governments have a compelling interest in the health and well-being of their citizens?

*Figure 5.39.8*

## Conclusion

This lesson concludes the chapter on Citizenship and Government. In working on this lesson, you examined how the founding principles of our nation relate to contemporary issues. Using your citizenship skills of analysis, debate, and value judgement prepares you to be active and effective in civic life.



# CHAPTER 6



Figure 6.0





# CADET SAFETY AND CIVILIAN MARKSMANSHIP PROGRAM

## Chapter Outline

### **LESSON 1: History of Marksmanship** (p.632)

*What are the historic applications of marksmanship and its current application as a sport?*

### **LESSON 2: Firearm Safety and Safe Range Operation** (p.638)

*What are the main parts of an air rifle and what is the safest way to use it?*

### **LESSON 3: Target Shooting Equipment and Its Operation** (p.646)

*How can you demonstrate the proper functions and operation of air rifle equipment?*

### **LESSON 4: The First Target Position - Standing** (p.656)

*What is the correct standing position?*

### **LESSON 5: Aiming and Firing** (p.666)

*What are the basic techniques for firing an aimed shot at a target?*

### **LESSON 6: Sight Adjustment and Scoring** (p.674)

*How can you achieve correct sight adjustment?*

### **LESSON 7: The Prone Position** (p.682)

*What is the correct prone position?*

### **LESSON 8: The Kneeling Position** (p.688)

*What is the correct kneeling position?*

### **LESSON 9: Practice and Skill Development** (p.694)

*Why is repetition fundamental in developing and improving marksmanship skills?*

### **LESSON 10: Competition Opportunities** (p.704)

*How do you complete a competition course of fire?*

# History of Marksmanship



## Key words

- biathlon
- concentric
- marksmanship
- pentathlon

## What You Will Learn to Do

Describe the history of marksmanship

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Identify** different human marksmanship skills and recognize their historic applications
- **Discover** how human marksmanship endeavors have evolved from martial/survival skills to sports skills
- **Report** on important sports competitions that involve rifle shooting
- **Describe** the basic rules of target shooting as a sport
- **Define** key words: biathlon, concentric, marksmanship, pentathlon

## Essential Question

What are the historic applications of marksmanship and its current application as a sport?



### Introduction

Among the many different sports, several are classified as target sports. In these sports, guns or bows are used to aim and fire projectiles at targets. Today the warrior's bow and the soldier's gun have been adapted to the challenges of target sports where they are used with amazing precision to consistently hit distant, difficult targets. In this lesson, you'll explore the history of **marksmanship**.

### A Historic Overview

In target shooting competitions, the objective is to see how close competitors can place their shots to the centers of their targets. Marksmanship—the skill of using a firearm to hit a target—has its roots in ancient history. When stones were weapons, humans practiced throwing them at designated marks to improve their accuracy or enjoy games of skill. Millennia later, humans engaged in contests with slings and spears.

The development of the bow and arrow and later the crossbow and firearm made far greater accuracy possible and led to the creation of today's precision target sports (marksmanship).



*From the time humans started throwing stones they have practiced their skills at using projectiles to hit targets. This sculpture of a primitive man throwing a stone is part of a statue on the Enrique Borbonnet Gomez shooting range near Havana, Cuba.*

Figure 6.1.1

There are four different Olympic sports that now include marksmanship. The winter sport of **biathlon** combines cross-country skiing and rifle shooting. Modern **pentathlon**, archery, and shooting all are summer Olympic sports. Archery involves shooting with bows and arrows. Pentathlon combines air pistol shooting with horse riding, fencing, swimming, and running. The sport of shooting is one of the largest and most popular of all Olympic sports with several different men's and women's events for rifles, pistols, and shotguns.

## Key words

### **marksmanship:**

Skills at target shooting

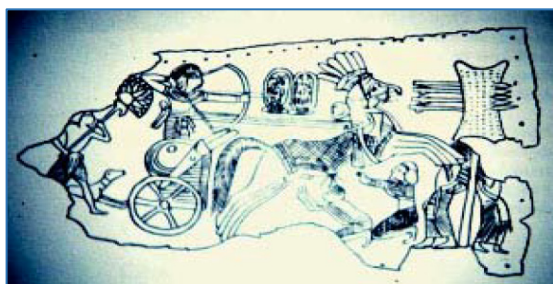
### **biathlon:**

A sport that combines cross country skiing with rifle shooting

### **pentathlon:**

A sport that combines air pistol shooting with horse riding, fencing, swimming, and running





*The Egyptian Pharaoh, King Aye, was the successor to Tutankhamen, the famed King Tut. This drawing is copied from an inscribed gold leaf that shows the Pharaoh shooting his bow at a target held by two prisoners while he rides by in his chariot.*

Figure 6.1.2

From ancient warriors to modern Olympic gold medalists, persons who demonstrated great skill in marksmanship tests were celebrated as heroes. Several ancient Egyptian pharaohs were acclaimed for their archery skills through the inscriptions in their tombs. The legendary tales of medieval heroes, such as William Tell of Switzerland and Robin Hood of England, celebrated their ability to hit especially difficult targets with a crossbow or bow. The development of America is highlighted by feats of marksmanship by the Minutemen of Concord and Lexington, frontiersmen such as Daniel Boone, and military figures such as Berdan's Sharpshooters.

In the last 150 years, people who demonstrated exceptional skills while shooting at targets, from Annie Oakley to the gold medalists of the most recent Olympic Games, were raised to positions of honor. Target shooting is a sport that requires precise muscle control, intense concentration, mental and physical stamina, and unwavering emotional control. The skill of marksmanship is respected, honored, and celebrated.

## Olympic Competitions

Some of the greatest Olympic competitors are rifle shooters from the United States who were trained by the U.S. Army Marksmanship Unit at Fort Benning, Georgia. Two of those shooters, Gary Anderson (1964, 1968) and Lones Wigger (1964, 1972) are among an elite group of Olympic medalists who have won two individual Olympic gold medals. Only one shooter in the history of the Olympic Games has won more than two individual gold medals (Ralf Schumann, a pistol shooter from Germany, won his third gold medal in 2004). One other U.S. rifle shooter, Morris Fisher (1920, 1924), who was a member of the Marine Corps, also won two individual Olympic gold medals.



*U.S. Army rifle shooter Lones Wigger is one of the all-time greats. He won two Olympic gold medals, two World Championships and dozens of other international medals.*

Figure 6.1.3

Since 1948, six other U.S. rifle shooters have won Olympic gold medals. They are Arthur Cook (1948), John Writer (1972), Lanny Bassham (1976), Edward Etzel (1984), Pat Spurgin (1984), Launi Meili (1992), Nancy Napolski-Johnson (2000) and Matt Emmons (2004). Another important milestone in the history of marksmanship occurred in 1976 when



Margaret Thompson-Murdock of the U.S. won a silver medal to become the first woman to ever win an Olympic medal in shooting. The U.S. Army Marksmanship Unit trained Murdock, Writer, Bassham, and Etzel.



*Sgt. 1st Class Michael McPhail, U.S. Army Marksmanship Unit, competes in the men's 50-meter rifle prone finals at the 2015 International Shooting Sport Federation World Cup Fort Benning, GA. McPhail won the gold medal for this event, which helped him earn an automatic seat on the 2016 U.S. Olympic Team.*

Figure 6.1.4

## Target Shooting



*Targets used in Ancient Egypt 4,000 years ago were simple boxes or cylinders.*



*Rifle targets in the 17<sup>th</sup> and 18<sup>th</sup> century Europe were large wooden disks that were fired at from distances of as much as 400 meters. The young boy pictured here was called a "Scheibentoni" or target marker.*

Figure 6.1.5

The targets used throughout the history of marksmanship are graphic evidence of how the sport of target shooting developed. The earliest targets were cylinders or boxes with central marks that were used by archers. Live pigeons, and later artificial ones, were once placed on top of poles and used as targets. The earliest rifle targets were large wooden disks. Large steel plates were used for early rifle targets and gave audible signals when hit. Paper targets came into use in the late nineteenth century and continue to be used in most ranges today. The most modern targets are electronic targets such as those used in the Olympic Games. Electronic targets have acoustical sensing systems that pinpoint and score the exact location of each shot and computer systems to calculate the scores and display instant results on electronic scoreboards.

## Key words

### concentric:

Having a common center

The targets used today have **concentric** scoring rings. Shots that touch the central or inner ring score ten points. Shots that hit the next ring score nine points. Successively poorer shots score values down to one or even zero.



*The most common targets today are paper targets with scoring rings that have values from one to ten. Shots hitting the center ring score ten points, shots hitting the next ring score nine points, etc.*

*Electronic targets with acoustical-sensing systems that locate and score each shot are the most modern target system. With electronic targets, the shooter shoots into a target box that records the shot, displays its location and score on a monitor in front of the shooter, and displays the score for spectators on a scoreboard above each shooter.*

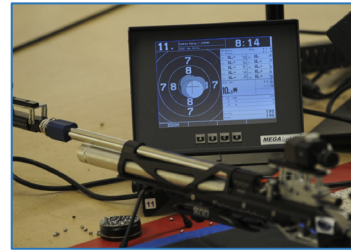


Figure 6.1.6

All target shooting events trace their origins to survival or martial skills that originally were intended to prepare men for battle. Target sports have a strong military heritage and target training is sometimes practiced as part of modern military or police training. Today, however, target rifle shooting is primarily practiced as a sport in the same way that basketball, swimming, running, and skiing are sports. All sports have special qualities that make them unique. Target shooting is a sport that can be practiced by everyone. Successful target shooters are tall and short, stocky or thin. They must have reasonable flexibility and coordination, but no other special physical attributes are required. Shooters need to be able to see well, but it does not matter if their good vision is achieved by wearing eye-glasses or contact lenses. Indeed, the most important prerequisite for successful target shooting is an interest in the sport and a motivation to practice and learn. Success in shooting is determined by how hard one works, not by how much ability someone has.

Target shooting is a sport where women and men compete equally. In shooting, neither sex has an advantage. In high school and college rifle competitions where men and women compete together, men and women win awards in direct proportion to their numbers. Target shooting is a skill sport. All sports test different combinations of speed, strength, endurance, and skill. Running is a test of speed or endurance. Weightlifting is a test of strength and skill. Figure skating is a test of strength and skill. Target sports are tests of skill. The special thing about skill sports is that no one is born with those skills, they are developed through training. Target shooting is a sport of control, discipline, and concentration. It is not possible to handle guns safely or to advance in target shooting

without having a great deal of self-discipline and control. It is not possible to fire consistent, accurate shots without developing great concentration skills. Target shooting does an exceptionally good job of teaching these and many other vital life skills. Target shooting enjoys worldwide popularity. In the most recent Olympic Games, shooting ranked number three in the number of nations that qualified participating athletes. Only athletics (track and field) and swimming had more. Over 140 nations have organized target-shooting programs and belong to the International Shooting Sports Federation. Target shooting has more than 150 million participants throughout the world and is one of the most popular participation sports. Target shooting is exciting and fun. The sport of shooting appeals to so many people precisely because hitting the center of a target on a consistent basis is extremely challenging. Trying to hit the center of difficult targets is a great test of mind and body. The thrill of firing a great shot that strikes the center of a target is as exciting as the thrill of successfully performing a difficult skill in any sport.

The type of rifle marksmanship that is taught and practiced in the JROTC program is three-position air rifle shooting, with 4.5 mm (.177 cal.) air rifles, and targets placed at a distance of 10 meters. JROTC riflery was once done with .22 caliber rim fire rifles with the targets placed at a distance of 50 feet. Three-position air rifle target shooting that is done by JROTC Cadets is closely related to the air rifle standing and three-position small bore rifle events that are in the program of the Summer Olympic Games.



Figure 6.1.7

## Conclusion

This student text for Cadet Safety and Civilian Marksmanship Program is designed to teach the basic skills you will need to practice the sport of target rifle shooting. The objectives of this marksmanship training program are to teach you how to handle guns safely, how to perform the basic skills of the sport of target shooting, and to give you the fundamental knowledge necessary to begin competing in three-position rifle competitions as a member of a JROTC or high school rifle team.

## Lesson Check-up



- What are the skills required for target sports?
- Explain how target sports pre-date guns.
- What are some of the special qualities of marksmanship?
- Which do you think requires more skill: hitting a target with a gun or with a bow and arrow?

# Firearm Safety and Safe Range Operation



## Key words

- action
- CBI
- grounding
- indexing
- PDC

## What You Will Learn to Do

Demonstrate air rifle safety rules

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Identify** the main parts of a firearm that concern safety (muzzle, action, and trigger)
- **Describe** rules and procedures for safe range operation
- **Demonstrate** rules for safe firearm handling
- **Define** key words: action, CBI, grounding, indexing, PDC



## Essential Question

What are the main parts of an air rifle and what is the safest way to use it?



### Introduction

The sport of target rifle shooting is one of the safest of all youth sports. Training someone new to the sport involves teaching them about the sport's strict safety procedures. In this lesson, you'll learn about safe rifle handling procedures and the commands used in firing exercises.

### Firearm Safety

There are several thousand JROTC teams and junior rifle clubs that practice and compete in position air rifle shooting, with more than 100,000 participants in the USA. These youth marksmanship activities have established one of the lowest accident rates of any youth sport.



Figure 6.2.1

Target shooting established its record as one of the safest of all sports because it is a sport where the safety of its participants can be assured when everyone follows basic safety rules. Target shooting is, in fact, a sport of control and discipline where everyone involved, including participants, instructors, coaches, and range officers, are expected to know and apply the sport's safety rules at all times.

### Rules for Safe Gun Handling

There are three basic rules that are the foundation for the safe handling and shooting of all types of guns. These rules fully apply to the air rifles that are used in JROTC marksmanship—as well as any gun in any situation. These fundamental safety rules focus on three

## Key words

### action:

The working mechanism of a gun, which loads, locks, and fires ammunition

key parts of every gun that control when and where the gun can be fired. Those parts are the muzzle, **action**, and trigger. (See Figure 6.2.2)

### KEY PARTS OF EVERY GUN

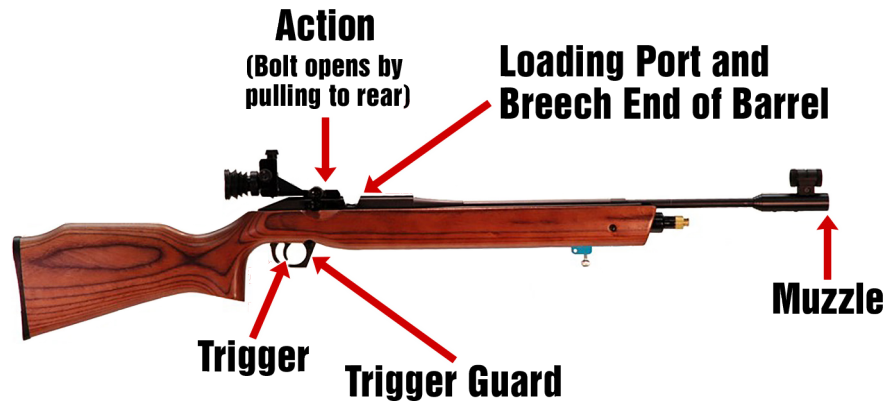


Figure 6.2.2

Everyone should know these basic parts of a gun, whether or not they ever will be involved in target shooting, so that they can practice the rules for safe gun handling any time they are in a situation where a gun is present.

- **Muzzle.** The forward end of the barrel. The point where the pellet or projectile leaves the barrel when the gun is fired. A gun is aimed by pointing its muzzle at the target.
- **Action.** The working mechanism of the gun. Gun actions typically have a bolt or lever that is used to open and close the action so that the gun can be loaded and unloaded. On most guns, the action is used to load, lock, and fire ammunition.
- **Trigger.** The trigger is part of the action or working mechanism of the gun. The trigger is a lever that projects out of the bottom of the gun. A trigger guard protects the trigger. After a gun is loaded and the action is closed, the gun is fired by pulling the trigger.

### THE THREE BASIC RULES OF GUN SAFETY

The application of the rules for safe gun handling follow a step-by-step sequence that is designed to assure that even if a gun were to be unintentionally fired, it would not cause personal injury or serious damage. Be sure to follow these steps:

1. Whenever anyone picks up a gun of any kind, the first thing that must be done is to control the direction the muzzle points. Immediately point the gun in a safe direction where it is not directed at another person and would do no serious damage even if the gun were to be unintentionally fired.

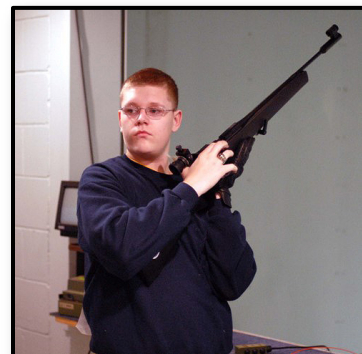


Figure 6.2.3

The safest direction to point a gun is usually upward or downward. If a gun is on a range, the safest direction is to point it downrange toward the targets.

2. As soon as the gun muzzle is pointing in a safe direction, the second step is to check the action of the gun and to open it, if it is not already open. Since the gun's action contains its firing mechanism, it cannot be fired unintentionally or accidentally if the action is open. All guns, except muzzle loading guns, have a bolt or lever on the action that is used to open the action. Be sure to learn where the bolt or charging lever is on any gun you handle. With the action open, it is possible to visually check most guns to see whether the gun is loaded and has a cartridge or pellet in the breech end (rear end) of the barrel. If the gun is loaded and it is possible to remove the cartridge, that must be done.



Figure 6.2.4

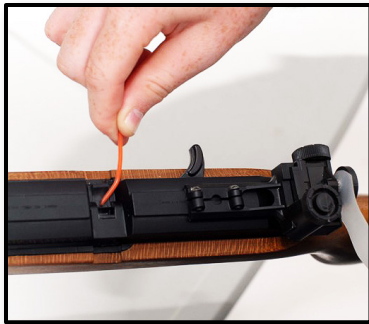


Figure 6.2.5

Clear Barrel Indicators or **CBIs** are used to demonstrate that air rifles are not loaded with a pellet and that their actions are open. CBIs are made from bright-colored monofilament line. CBIs are inserted in air rifle barrels from the breech (action) end of the barrel and extend out both ends of the barrel.

3. With the muzzle pointing in a safe direction and the action open so that the gun cannot be fired, the third safety precaution is to hold or carry the rifle so that all fingers are held outside of the trigger guard and not on the trigger itself. This is called **indexing**. The trigger guard is a protective loop around the trigger. Its purpose is to protect the trigger from being pulled unintentionally. By indexing, it is impossible to accidentally pull the trigger should the action somehow become closed.

## Shooting Ranges

Everyone who comes in contact with a gun needs to know the three basic rules for safe gun handling. Individuals who will use rifles in JROTC marksmanship or other target shooting activities also need to know and practice several additional rules regarding the safe operation of target shooting ranges.

## Key words

### **CBI:**

Clear barrel indicator

### **indexing:**

Holding a rifle so that all fingers are outside of the trigger guard

To understand these safety rules, it is first necessary to know something about how target ranges are designed. Study the diagram of the range in *Figure 6.2.6* so that you understand how the firing points and targets are positioned on a typical range.

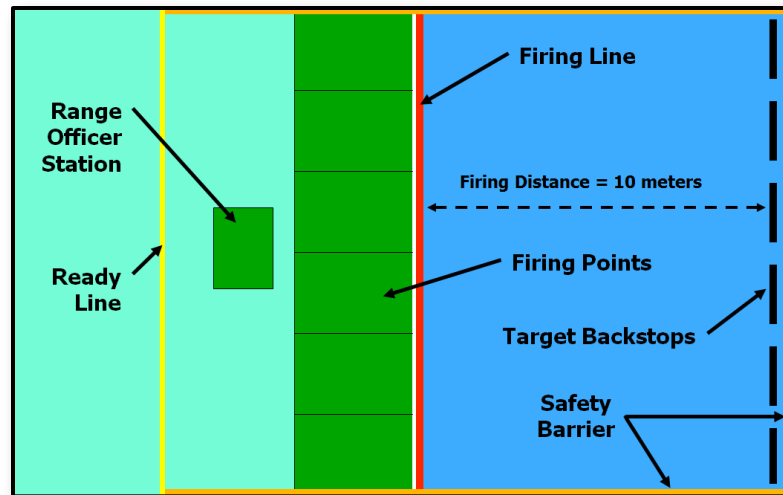


Figure 6.2.6

This diagram is for a six-point range, but target ranges can have as few as four and as many as a hundred or more firing points. Each range has these primary features:

- **Safety Barrier.** Ranges normally have an outside wall or some means of preventing unauthorized persons from entering the range area while firing takes place.
- **Target Holders.** At one end of the range there are a series of target holders. The target holders normally have a metal sheet behind the targets that serves as a backstop to stop and collect all the pellets that are fired at the targets. The target holders are designed so that targets can be hung on them at heights appropriate for the three shooting positions. Prone targets are hung low, standing targets are placed chest high, and kneeling targets are between the two.
- **Firing Line.** At a distance of exactly 10 meters from the targets, a firing line is marked on the floor of the range. The firing line is normally a red or black painted stripe or line of tape that is two or three inches wide. All shooters must position themselves on their firing points so that no part of their feet or body touches the firing line.

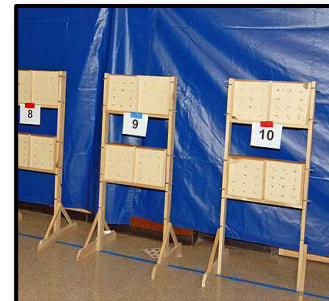


Figure 6.2.7



Figure 6.2.8

- **Firing Points.** The firing line is broken into divisions called firing points. Firing points are rectangular spaces behind the firing line. Firing points are approximately 1 meter x 2 meters in size. The width of each firing point corresponds to the distance between the targets. Only one shooter may occupy one firing position at one time.
- **Range Officer.** Immediately behind the line of firing points, a table or stand for the range officer is located. The range officer is in charge of firing on the range and gives



instructions to control shooting. Range officers use a standard series of range commands that control the conduct of any shooting activity.

- **Ready Area.** Most ranges also have an area behind the firing line that is designated as a preparation or ready area. If there are spectators, this is the area where they should stand or sit. If there are other shooters who are waiting their turn to fire, this is the area where they should remain.

## Firing Procedures and Command



Figure 6.2.9

The range officer or instructor conducts the firing activity on the range. To begin a range activity, the range officer designates the shooters who will use the firing points and instructs them to move their equipment to the firing line. When air rifles are brought to the range, their muzzles must be pointed upward or downrange, their actions must be open and they must have CBIs inserted in the barrels. After bringing air rifles to the firing line, they must be placed on the floor, on a shooting mat, or on a bench with the muzzle lying ahead of the firing line. This is called **grounding** the rifles. The range officer will then give instructions to prepare for firing. After the shooters are in shooting positions ready to fire, the range officer gives a series of commands to start and stop firing.

- **“LOAD” Command.** No one may load any rifle until the range officer gives the LOAD command. Then shooters may charge their rifles with air and insert a pellet. It is a serious offense to load a rifle on a range before the command “LOAD” is given.
- **“START” Command.** The next command tells shooters they can begin to aim and fire at their targets. No one may fire a shot until this command is given, even if the LOAD command has been given. After the START command is given, shooters may continue to charge and load their rifles to fire all the shots in a firing exercise.
- **“STOP” Command.** When shooting is finished, the range officer commands “STOP.” If the STOP command is given during firing, every shooter must immediately stop firing. No one is authorized

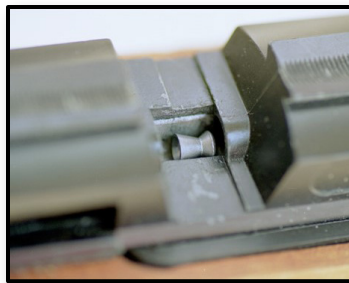


Figure 6.2.10

## Key words

### grounding:

In target competition, placing rifles on the floor, shooting mat, or bench with the muzzle lying ahead of the firing line

## Key words

**PDC:**  
Pellet discharge container

to fire a shot after the command STOP is given. The range officer or any other person on the range can command “STOP” if they become aware of a dangerous or unsafe condition. If anyone on a range has a loaded air rifle after the STOP command is given, they must notify the range officer by raising their hand or calling out “LOADED RIFLE.” The instructor will then give directions for unloading any loaded rifles.

- **“STOP-UNLOAD” Command.** After this command, all rifles must be in a safe, unloaded condition, with CBIs inserted and grounded or benched on the firing point. If the rifle is loaded, you should remain in position with the muzzle pointed down range, and raise your hand to let the Range Officer know you have a loaded rifle. You’ll then be instructed to unload the rifle by firing into a Pellet Discharge Container (**PDC**). A Pellet Discharge Container is filled with paper or other material.



Figure 6.2.11

As soon as you complete a firing exercise, you must:

1. Immediately open your air rifle action.
2. Insert a CBI in the barrel.
3. Ground your rifle.

After all firing is complete, the range officer will check each rifle to be sure they are unloaded with CBIs inserted. When that check is completed, the range officer will instruct the shooters on the firing line to retrieve or change their targets or to leave the firing line so the next group of shooters can move up to the firing line.

There are a few other rules that are used on shooting ranges to assure safety and the orderly conduct of shooting activities. Every shooter must be familiar with these rules and any special rules that apply to the range you are using.

### Additional Safety Rules

- **Target.** Shoot only at the target designated for you. Be sure your target is properly placed in front of a safe backstop. Shooting at any object on a range besides your own target is strictly forbidden.
- **Loading.** Rifle muzzles must remain pointed downrange or upward whenever the rifle is charged with air and loaded. Special care must be taken to assure that a rifle muzzle is never allowed to point at a neighboring shooter or to any area behind the firing line during charging and loading.
- **Going Downrange.** Whenever it is necessary for someone to go forward of the firing line to place or retrieve a target or for any other purpose, all air rifles must be grounded with CBIs inserted. No one may go forward of the firing line until authorized to do so by the range officer and no one may handle rifles while anyone is in front of the firing line.

- **Eye and Hearing Protection.** Wearing eye protection is recommended for air rifle shooting because of the remote possibility that a piece of a lead pellet could bounce back off of the backstop. Some shooters also wear hearing protection (ear plugs) while shooting air rifles when they wish to reduce noise and improve their ability to concentrate.
- **Everyone is a Range Safety Officer.** Everyone who participates in target shooting is not only responsible for safely handling the guns that they use, but also for making sure other people around them handle guns safely too. If you see someone point an air rifle muzzle at another person or handle a gun with the action closed, correct them immediately. A safe shooter is someone who not only handles guns safely themselves, but who also does not tolerate unsafe gun handling by others.



Figure 6.2.12

## Conclusion

The most important lesson that Cadets who participate in marksmanship learn is how to be safe while handling any type of air rifle or firearm. By learning and following the rules of safe gun handling and the range safety rules for your range and by practicing those rules during target rifle practice, anyone who participates in marksmanship will acquire the knowledge and skills to handle all guns safely. This knowledge will not only assure safety during JROTC marksmanship activities, but it will assure that any encounter a person has with a firearm is a safe encounter.

Learning and practicing these safety rules will help to assure that target shooting remains one of the safest of all sports.

## Lesson Check-up



- What are the three rules for safe gun handling?
- Describe the four commands given by the range officer.
- What three things should you do after each firing exercise?
- What do you think is meant by “everyone is a range safety officer?”

# Target Shooting Equipment and Its Operation



## What You Will Learn to Do

Demonstrate safe operation of air rifle equipment

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Recognize** the basic equipment needed for target shooting
- **Describe** how air rifles function
- **Recognize** the first steps of cocking and firing an air rifle, including a correct trigger release
- **Recognize** how to load and fire air rifles
- **Define** key words: breech, front sight inserts, kneeling roll, loading port, pistol grip, rear sight blinder, rifling, sling swivel

## Key words

- breech
- front sight inserts
- kneeling roll
- loading port
- pistol grip
- rear sight blinder
- rifling
- sling swivel



## Essential Question

How can you demonstrate the proper functions and operation of air rifle equipment?



### Introduction

Before you can target shoot on a range, you must know how to handle guns safely. It is also important to know about the purpose and functioning of the air rifles and equipment that you will use. In this lesson, you'll learn about air rifle equipment used in JROTC marksmanship training and the basic principles of their operation.

### Marksmanship Air Rifles

Air rifle competitions must use officially approved equipment. In JROTC, "sporter" rifles are used. These are light enough to be used by young people and adjustable for short or tall Cadets. Air rifles for JROTC marksmanship include:

- Daisy M853 – Pneumatic, standard issue air rifle since 1980s to JROTC units
- Daisy Avanti XS-40 – Compressed air, purchased by units for rifle team use
- Daisy M888 – CO<sub>2</sub>, purchased by units for rifle team use
- Daisy M887 – CO<sub>2</sub>, issued to Army JROTC units (starting in 2009)
- Crosman Challenger 2009

Some JROTC units may have various types of precision air rifles. Most of those units, however, reserve these precision air rifles for members of their rifle team.

*The Daisy M888 air rifle uses compressed carbon dioxide (CO<sub>2</sub>) gas contained in a cylinder in the fore end of the stock to provide energy to fire the air rifle pellet.*



*The Feinwerkbau P70 Junior (left) is a typical precision class air rifle that uses compressed air contained in a cylinder in the fore end of the stock to provide energy to fire the air rifle pellet. The Crosman Challenger 2009 (right) is another precision air rifle used in some JROTC competitions.*



Figure 6.3.1

The projectiles used in air rifles are called pellets. They are made of soft lead, are 4.5mm in diameter (.177 cal.) and weigh about eight grains (0.50-0.53 grams). When fired, the pellets have about five foot-pounds of energy.

Air rifle pellets have a shape like badminton shuttlecocks. They have flat, solid heads and hollow skirts that help to stabilize them when they fly to the target. Air rifle pellets must be loaded so that the head is pointing at the target and the skirt is pointing to the rear.



Air Rifle Pellets

Figure 6.3.2

## How Air Guns Work

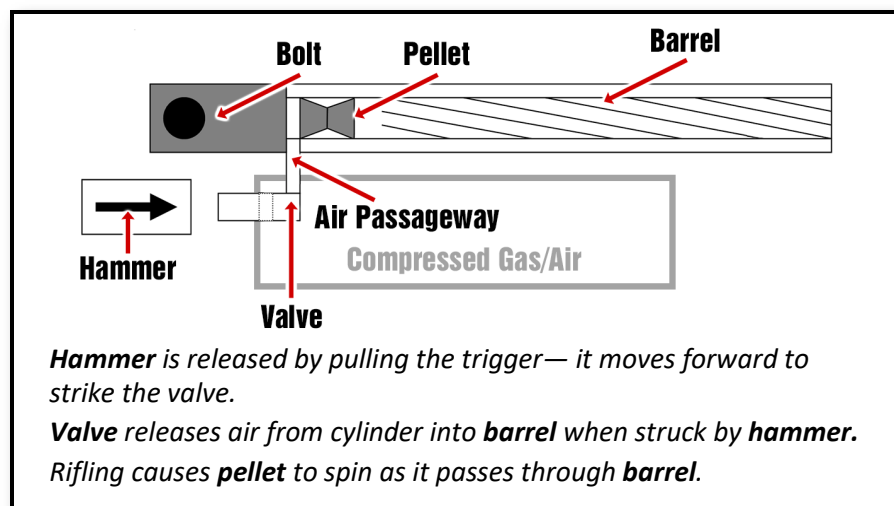
To fire their projectiles, air rifles utilize energy that is stored in the form of compressed gas. If the air rifle has a pre-charged pneumatic (PCP) system, energy is stored when the rifle is cocked. If the air rifle has a CO2 or compressed air system, a pre-charged cylinder that contains stored energy in the form of compressed air or CO2 gas is attached to the rifle.

You fire an air rifle when the trigger mechanism activates to open a valve that releases compressed gas into the barrel. This gas expands rapidly into the rear or **breech** end of the rifle's barrel and drives the projectile through the barrel to the target.

## Key words

### breech:

The rear end of a rifle's barrel



Air Rifle System

Figure 6.3.3

In contrast with air rifles, firearms utilize energy that is stored in the form of gunpowder contained in a cartridge. The cartridge also contains a bullet (projectile) and a primer. The cartridge is placed in a chamber at the breech end of the barrel. The cartridge is locked in place by closing the action or bolt. Firearms are fired when the trigger mechanism is activated to release a firing pin that strikes and detonates the primer. The primer explosion then causes the powder to burn and create rapidly expanding gases that drive the projectile through the barrel to the target.

## What Makes Rifles Accurate

When a rifle is fired at a target, two special features that are characteristic of rifles make it possible for the person who fires the rifle, to direct the projectile at a precise point on the target. Those features are sights and rifling.

- **Sights.** All rifles have sights. Target rifles have very precise, adjustable sights. Sights serve as a guidance system for the rifle that is controlled by the person who fires the rifle. The person who holds and fires the rifle looks through the rear sight at the front sight to aim the rifle at the target. To hit the center of the target, the sights must be adjusted so that they point at exactly the same location on the target as the barrel points.
- **Rifling.** All rifles also have rifling. Rifling is a pattern of flat spiral ridges inside the barrel that cause the pellet or projectile to spin when it leaves the barrel and flies through the air to the target. When a round or cylindrical object travels through air, it becomes unstable. To make that object stable and fly straight, it is necessary to make it spin. A Frisbee flies straight if it is spinning, but when it is not spinning fast enough, it wobbles and flies in unpredictable directions. The same is true of the air rifle pellet.

## Key words

### rifling:

A pattern of flat spiral ridges inside the barrel that cause a projectile to spin when it leaves the barrel

### loading port:

The location where the pellet is loaded into the barrel

## Parts of an Air Rifle

During rifle marksmanship instruction, frequent reference will be made to the different parts of the rifle. In addition to the rifle's basic parts, the muzzle, action, and trigger, it is important to know several other parts of the target air rifle. Learn to identify each of the parts identified in *Figure 6.3.4* below.

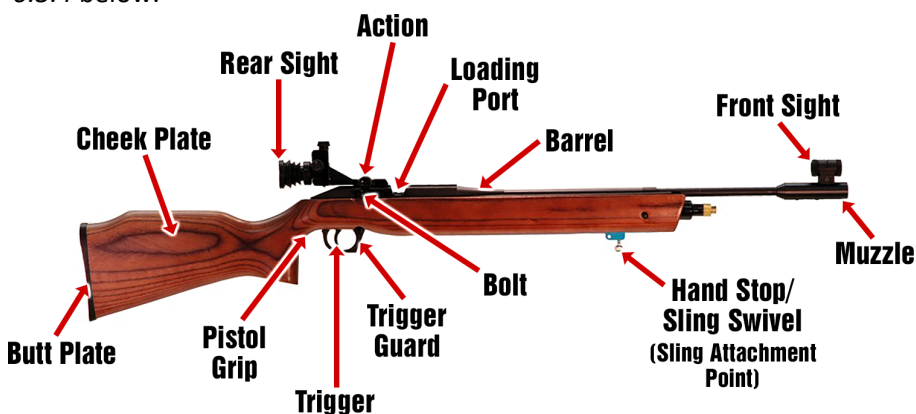


Figure 6.3.4

- **Bolt.** A handle or lever that is used to open and close the action of the rifle
- **Loading Port.** The **loading port** is the location where the pellet is loaded into the barrel. When the action is opened, the loading port is open so that a pellet may be placed in the breech end of the barrel.
- **Barrel.** A rifled tube that controls and directs the projectile when it is fired.

## Key words

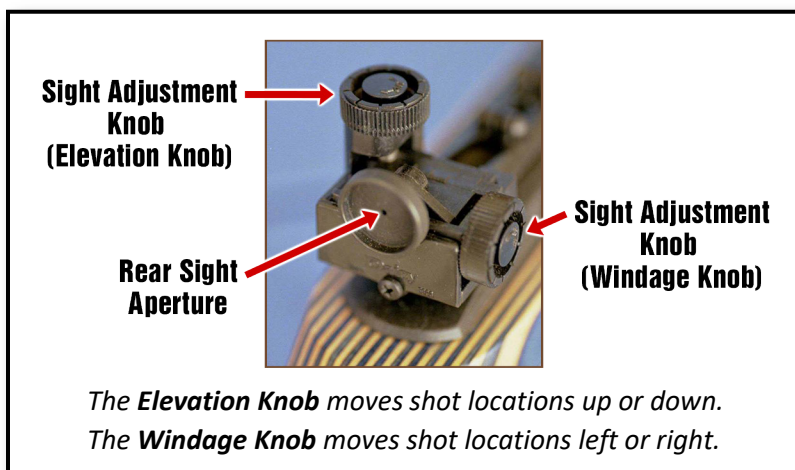
### pistol grip:

The curved portion of the stock behind the action and trigger

### front sight inserts:

Attachments to the front sight of an air rifle which come in different sizes and ensure that the correct sight aperture is used

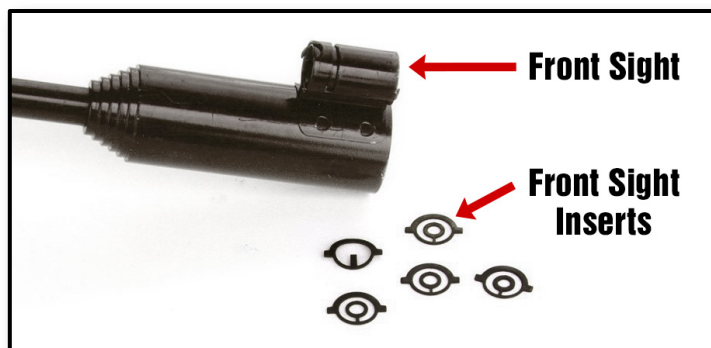
- **Cheek Piece.** The top part of the butt stock on which the shooter rests their cheek while looking through the sights to aim.
- **Charging Lever.** On the Daisy M853, the charging lever is opened and then closed so that a piston can compress air into the air cylinder. Compressed air or CO2 air rifles do not have charging levers.
- **Trigger Guard.** The trigger guard protects the trigger from catching on clothing or another object. This helps to prevent the trigger from being accidentally pulled.
- **Pistol Grip.** The curved portion of the stock behind the action and trigger is the **pistol grip**. The trigger hand grasps the pistol grip and the index finger of that hand is then extended so that it can pull the trigger to fire the rifle.
- **Rear Sight (Peep).** The rear sight (sometimes) has an aiming aperture with a small hole that the shooter looks through during aiming. Rear sights used in target shooting have two adjustment knobs to make it possible for the shots fired to strike where they are aimed. (See Figure 6.3.5) Telescopic sights are not used in position rifle target shooting.



Rear Sight Adjustment Knobs

Figure 6.3.5

- **Front Sight.** The front sight has a ring or post insert that is used in aiming. The **front sight inserts** come in different sizes and can be changed so that the correct size front sight aperture is used. (See Figure 6.3.6)



Front Sight Inserts

Figure 6.3.6



- **Butt Plate.** The plate that covers the rear end of the stock. It is placed in the shooter's shoulder when holding the rifle in a shooting position to fire at a target. The butt plates on most air rifles used by JROTC units have spacers that can be removed or added to adjust the length of the stock. It is very important that each shooter use a stock that is the correct length.
- **Hand Stop/Sling Attachment.** Target rifles have a **sling swivel** or sling attachment point, where the sling that is permitted in prone and kneeling positions is attached. The sling attachment point is normally adjustable forward or backward on the fore end of the rifle.

## Target Shooting Equipment

Only a few items of special target shooting equipment are needed for basic marksmanship training and the first levels of competition (Sporter Class). The equipment that is used protects the shooter, assists in holding the rifle steadier, or makes shooting more comfortable.

### SLING

A web (or leather) strap that attaches to the fore end of the rifle and has a loop that fits around the upper arm. The sling must be used in the prone and kneeling positions, but cannot be used in the standing position. When properly adjusted so that it is tight, the sling helps to hold the rifle steady.



*Sling*

*Figure 6.3.7*

### GLOVES

Target shooters wear a glove on the hand that supports or holds the rifle. The glove protects the hand from the pressure of the sling when firing in prone and kneeling positions and allows the rifle to rest more comfortably on the hand while holding the rifle in standing position.



*Glove*

*Figure 6.3.8*

### KNEELING ROLL

A cylindrical cushion that target shooting rules allow to be placed under the ankle when firing in the kneeling position. The **kneeling roll** provides stability and comfort to the body in that position.



*Kneeling Roll*

*Figure 6.3.9*

## Key words

### **sling swivel:**

An attachment point for a sling that is permitted in prone and kneeling positions of air rifle marksmanship

### **kneeling roll:**

A cylindrical cushion placed under the ankle when firing in the kneeling position

## Key words

### rear sight blinder:

An attachment that is often used on the rear sight to block the view of the non-aiming eye.

### REAR SIGHT BLINDER

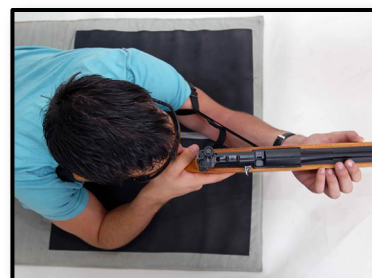
An attachment that is often used on the rear sight to block the view of the non-aiming eye. **Rear sight blinders** are usually home-made from cardboard or a strip of plastic cut from a milk carton.



*Rear Sight Blinder*      *Figure 6.3.10*

### SHOOTING MAT

A mat that target shooting rules allow shooters to lie on when firing from the prone position. The mat should not conform to body contours and does not compress.



*Shooting Mat*      *Figure 6.3.11*

## Personal Clothing and Equipment

Advanced competition (Precision Class) shooters wear very specialized clothing such as shooting jackets, shooting pants, and shooting boots. This special clothing is not necessary to practice the basic skills of target shooting. In fact, in sporter class air rifle competitions in which many JROTC rifle teams participate, this specialized equipment is not permitted. The following items of personal clothing and equipment are the minimum required for a safe, comfortable target shooting experience.

### EYE GLASSES OR SAFETY GLASSES

One of the most important requirements for a target shooter is to be able to see well. Anyone who normally wears eyeglasses should wear them during shooting. Many champion shooters wear corrective lenses so there is absolutely no disadvantage to anyone who wears glasses. There is also an extremely remote chance that a lead pellet fragment will bounce back to the firing line. For this reason, it is recommended that all air rifle shooters wear either their personal eyeglasses or safety glasses to provide full protection for their eyes.



*Safety glasses used for shooting should have a clear, distortion-free area near the bridge of the nose. Target shooters look through this part of the lens when aiming.*

*Figure 6.3.12*

## HEARING PROTECTION

Wearing ear muffs or ear plugs is required when using firearms in order to protect against hearing loss caused by loud impulse sounds. Air rifles generate much less sound, and hearing protection is not required to protect against noise generated by air rifles. Some air rifle shooters, nevertheless, wear earplugs to reduce the sounds of air rifle firing and to help them concentrate.



Figure 6.3.13

## CLOTHING

Almost any clothing may be worn during basic marksmanship instruction, although a sweatshirt or long-sleeved shirt is preferred. In sporter class air rifle competitions, a maximum of two sweatshirts and low-cut shoes only may be worn.

## Loading and Firing an Air Rifle

To fire air rifles at targets, it is necessary for shooters to know how to charge, load, and fire them. Depending upon the type of air rifle used, there are three or four steps in doing this.

### LOADING THE AIR RIFLE

#### Step 1 - Open the Bolt

The first step in loading and firing an air rifle is to open the bolt or loading port of the action. Opening the bolt cocks the trigger and firing mechanism.

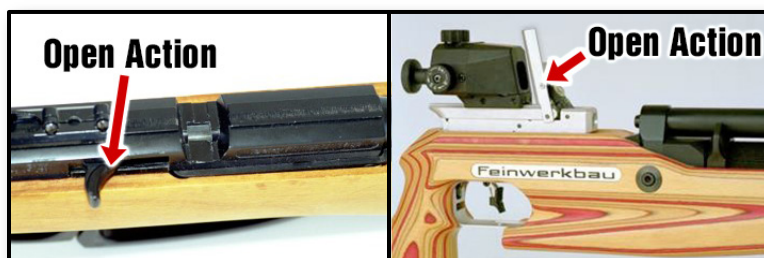


Figure 6.3.14

#### Step 2 - Charge the Air Chamber

**NOTE: This step is not necessary if a compressed air or CO2 air rifle is used.**

With pneumatic air rifles, charge the air chamber by opening and fully extending the charging lever. Pause for a second to allow air to fully enter the chamber and then close the charging lever. Target air rifles cannot be double-charged. When the air chamber is charged by working the charging lever once, opening the charging lever again will simply release the air from the chamber and the chamber must be charged again by closing the charging lever.



Figure 6.3.15

### Step 3 - Load the Pellet

Some air rifles are loaded in the loading port and some are loaded in the breech. Once loaded, push the bolt forward to seat the pellet in the breech end of the barrel. With precision air rifles, the pellet is seated directly into the breech end of the barrel.

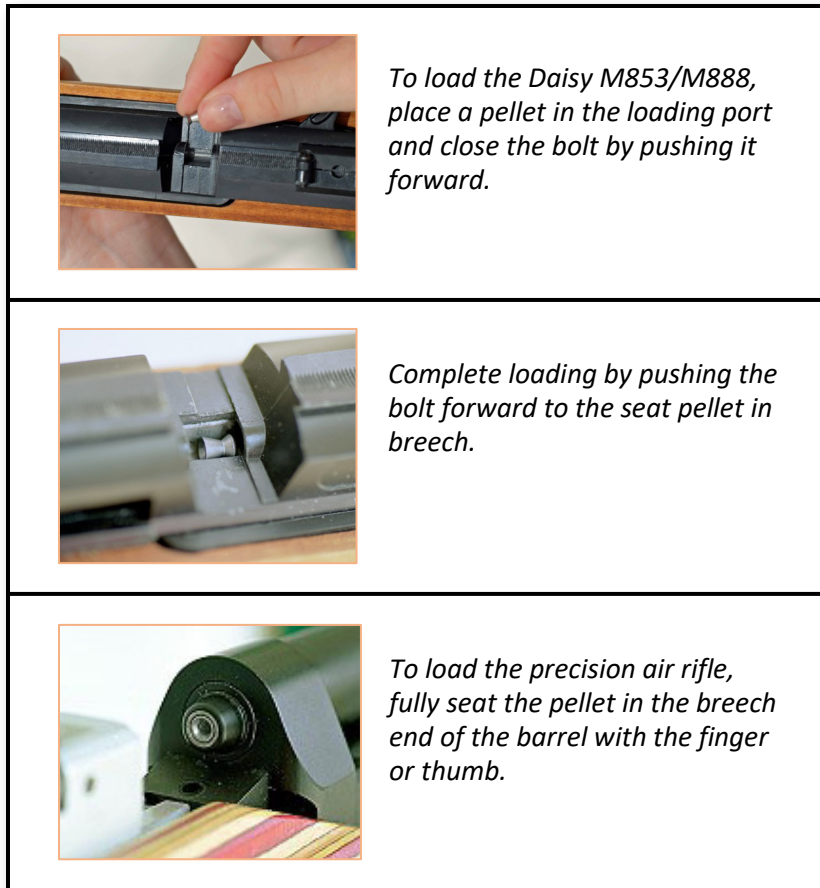


Figure 6.3.16

### Step 4 - Release the Trigger

With the loaded rifle pointing at the target, the shot is fired by smoothly pressing the trigger to the rear releasing the firing mechanism.

#### **DRY FIRING**

Dry firing is done by opening and closing the bolt or cocking mechanism without either charging the air chamber or loading a pellet. Dry firing should be done only on a designated firing point and when authorized by an adult Range Officer. With a cocked but unloaded air rifle, it is possible to simulate firing a shot. Some air rifles cannot be dry fired (Daisy M887/888). Aiming exercises can be done in lieu of dry firing. This simulation or dry firing is one of the best ways to learn and practice proper shooting techniques. When a PCP air rifle is cocked, it is considered loaded whether it has a pellet inserted or not.



Figure 6.3.17



## Conclusion

After you learn the essential parts and components of the air rifle you will be using and how to load and fire it, you are ready to learn the first skills of target rifle marksmanship. In following lessons, you'll learn about the different positions used when you compete in marksmanship events.

## Lesson Check-up



- Explain how air rifles and firearms fire projectiles.
- Describe features that make rifles accurate in hitting targets.
- What are the steps to loading and firing an air rifle?

# The First Target Position - Standing



## Key words

- dominant
- dry fire
- prone
- sight alignment

## What You Will Learn to Do

Demonstrate correct marksmanship technique in the standing position

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Assume** the standing position used for target shooting
- **Practice** sight alignment on a blank target
- **Dry fire** by performing correct trigger release
- **Define** key words: dominant, dry fire, prone, sight alignment

# Essential Question

What is the correct standing position?

## Introduction

Target rifle shooting involves firing in three different shooting positions, standing, kneeling, and **prone**. In this lesson, you'll learn about the standing position. You'll see that the standing position is the easiest to learn, but remains a challenge to master.

## Key words

**prone:**  
Lying on your stomach

## Content Highlight: LEFT-HANDED SHOOTERS

The shooting position illustrations and descriptions in this student text are given for **right-handed shooters**. If you are a left-handed shooter, simply reverse the descriptions or visualize holding the rifle with hands opposite of those that are shown.

## The Standing Position

The different shooting positions originated with soldiers and hunters. Today, standing, kneeling, and prone are part of marksmanship and are defined by competition rules recognized throughout the world.

The first shooting position normally taught in the JROTC rifle marksmanship is the standing position. The photos here show both a champion shooter and a high school shooter firing in the standing position. The champion shooter was a competitor in the 2008 Olympic Games and won a gold medal in the women's air rifle event. She is firing a precision class air rifle and wearing special clothing that is used in advanced target shooting. The other shooter is firing a sporter air rifle and wearing the type of clothes that are used in school-age sporter class competitions.



Figure 6.4.1

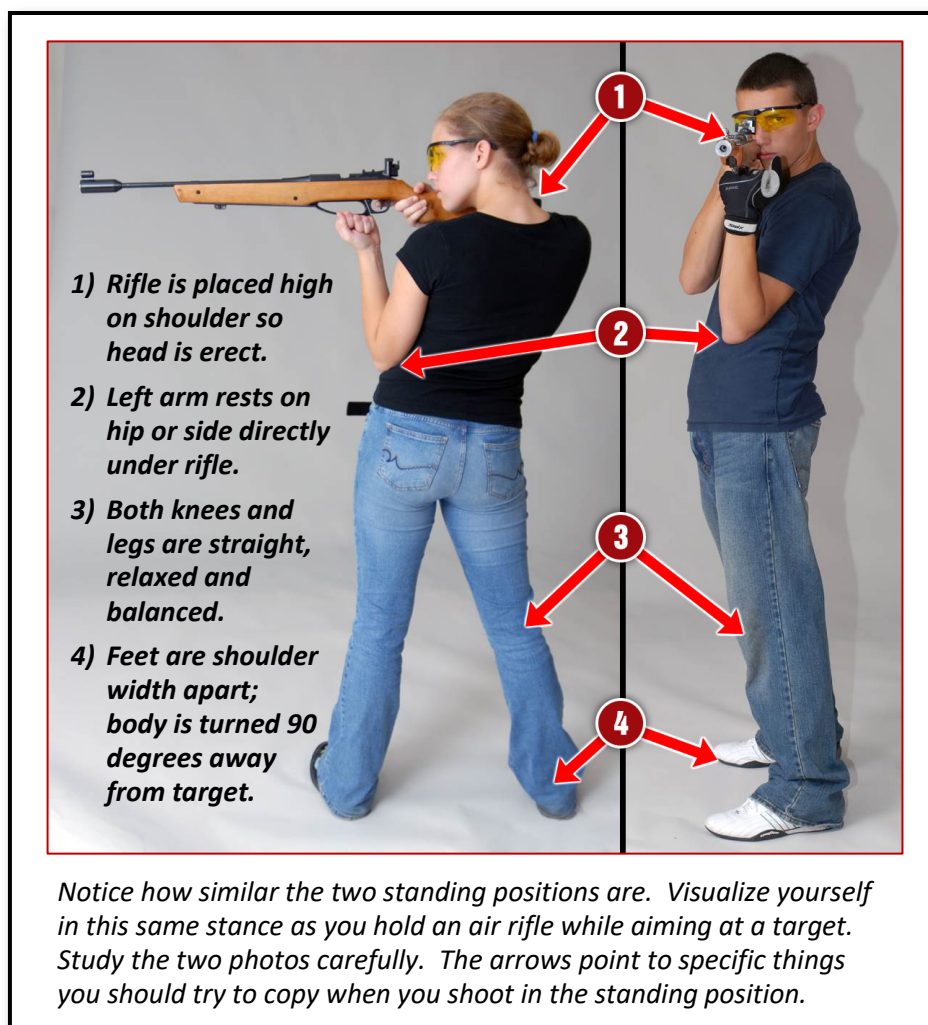


Figure 6.4.2

The most important points about the standing position that you should try to duplicate are:

1. **Orient the body.** Step up to the firing line and turn your body 90-100 degrees away from the target. When you are just beginning, start with 90 degrees. Your left side should be pointed toward the target.
2. **Position the rifle on your shoulder.** Seat the butt-plate of the rifle in your right shoulder and drop your left arm down on the side or hip.



Figure 6.4.3



3. **Position the left elbow.** With the rifle at your shoulder, move your left elbow so that it is directly under the rifle on the side of your body.
4. **Position the butt and head.** The butt-plate of the rifle should be at your shoulder so that your head is erect. You can determine where to locate the butt-plate by slightly lowering your head down to the cheek-piece to look through the sights. If you are moving a very small amount, your position is good. If you have to drop your head a lot to look through the sights, move the butt-plate higher up.
5. **Relax and balance the position.** Relax your left shoulder and arm. Stand so that you are balanced on both feet. This might force you to lean slightly to the right and rear to counterbalance the weight of the rifle.
6. **Position the wrist.** The hand-wrist position must fill the distance between your hip and the bottom of the rifle.

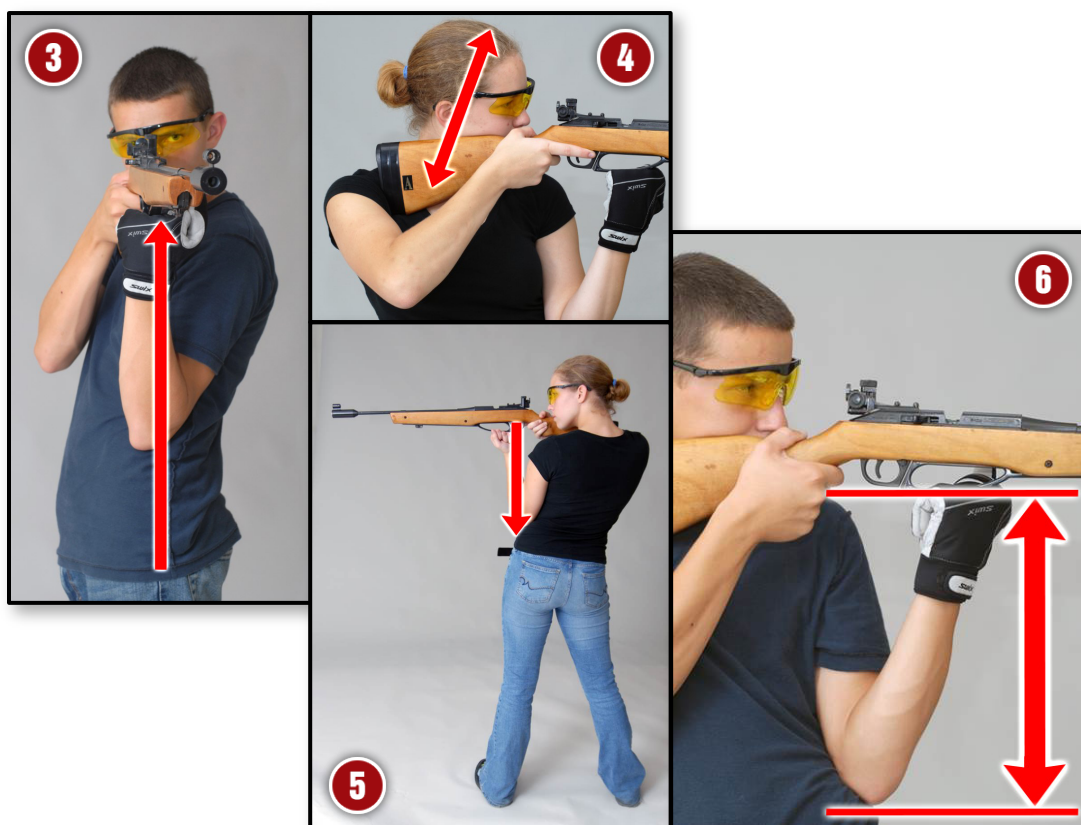


Figure 6.4.4

The correct support hand position for you is the one that raises the rifle up to the level of your eye and the target, giving you a natural point of aim. You should not simply copy the left hand position of another shooter. The relative lengths of your arms and torso determine the correct hand position variation for you. The illustrations here show different support hand variations for standing. These include the lowest hand position, for shooters with proportionately long arms or short torsos, as well as the highest hand position, which is best for shooters with long torsos and shorter arms. Select a support hand position for you that will raise the rifle so it is fairly high on the shoulder and your head is nearly erect.

Figure 6.4.5 shows five different support hand positions for standing. The lowest (1) is an open hand; the highest (5) is the thumb and split fingers. Note that the wrist is bent only in the open hand position. The wrist must be held straight in all other hand positions.

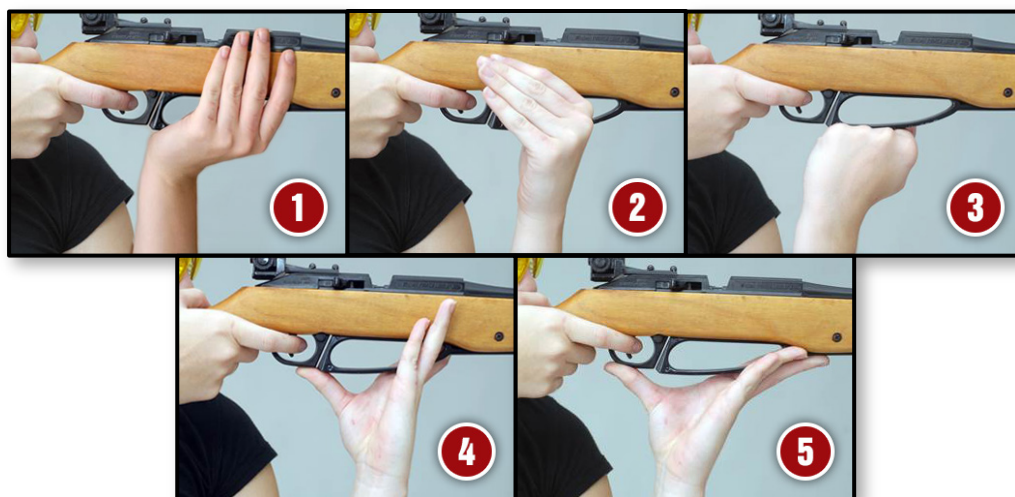


Figure 6.4.5

Before you shoot, make these checks on your position:

1. The butt-plate location in your shoulder is the same for every shot.
2. Your left elbow is under the rifle.
3. Your left shoulder and arm are relaxed down onto your side or hip.
4. The body-rifle weight is balanced over your feet.

The standing position is the first shooting position that is taught because it is both the easiest shooting position to learn and the most challenging to master. It avoids psychological negatives. The position is especially challenging because it has a smaller base of support and the body is higher. It is normally not as stable as the lower prone and kneeling positions where a sling can also be used to help stabilize the rifle. Slings may not be used in standing. Most shooters find that it takes more practice to develop the ability to hold the rifle still in standing.

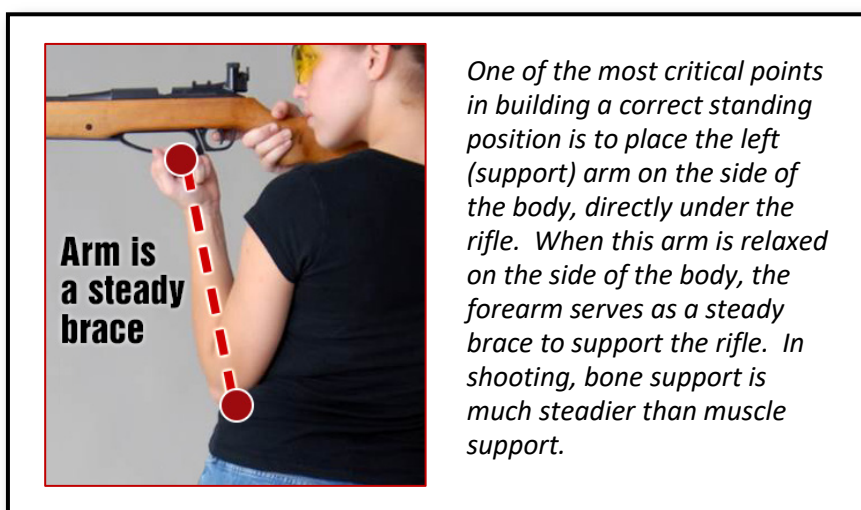


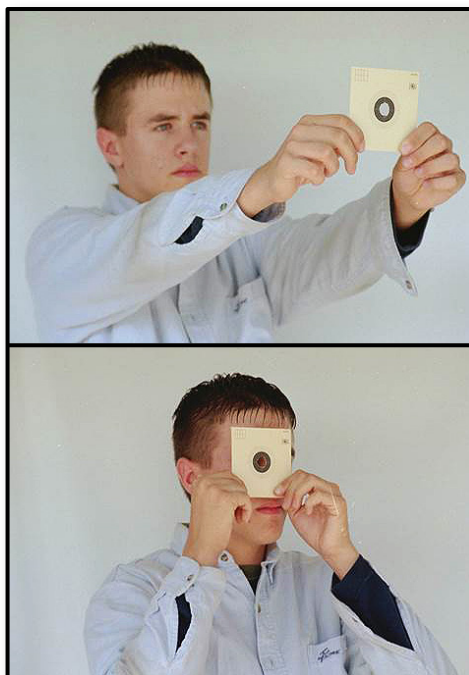
Figure 6.4.6

Notwithstanding the challenges of developing a stable standing position, the position can produce amazing scores. The current women's world record for 10-meter air rifle standing on the official competition target (the tenth ring is a 0.5 mm dot that is about the size of the period at the end of this sentence) is a perfect 400 out of 400 possible points. The men's world record is 600 out of 600 points.

## Should I Shoot Right- or Left-Handed?

Before you begin to shoot in any shooting position, you must decide whether you will shoot from your right or left shoulder and aim with your right or left eye. The best way to determine whether to shoot right-handed or left-handed is to determine which eye is your **dominant** or master eye. Someone whose right eye is dominant should shoot from the right shoulder. Someone whose left eye is dominant should shoot from the left shoulder.

You can perform a simple test to determine which eye is dominant. (See Figure 6.4.7) Cut a one-half inch hole in a 3"x5" card. Hold the card at arm's length. With both eyes open, look through the hole at a distinct object. Then bring the card back to your eyes while continuing to look at the object. If you continue to look at the object with both eyes open, the hole in the card will end up in front of your dominant eye.



Dominant Eye Test

Figure 6.4.7

There are also many people who are cross dominant. That is, they are right-handed and left-eye dominant or vice versa. There is some research that indicates cross dominant individuals may advance further in target shooting if they shoot from the same shoulder as their dominant eye, but the research is not conclusive.



*A rear sight blinder can be made from a piece of translucent plastic. Cut a hole in one end so that the blinder will fit over the detached rear sight iris.*

Figure 6.4.8

For cross dominant people who simply are not comfortable shooting from the same shoulder as their dominant eye, shooting from the other shoulder is acceptable. However, if this is done, it is very important to place a blinder (opaque occlude) on the rear sight to block the view of the dominant eye so that the eye that is used for aiming can concentrate on the rifle sights.

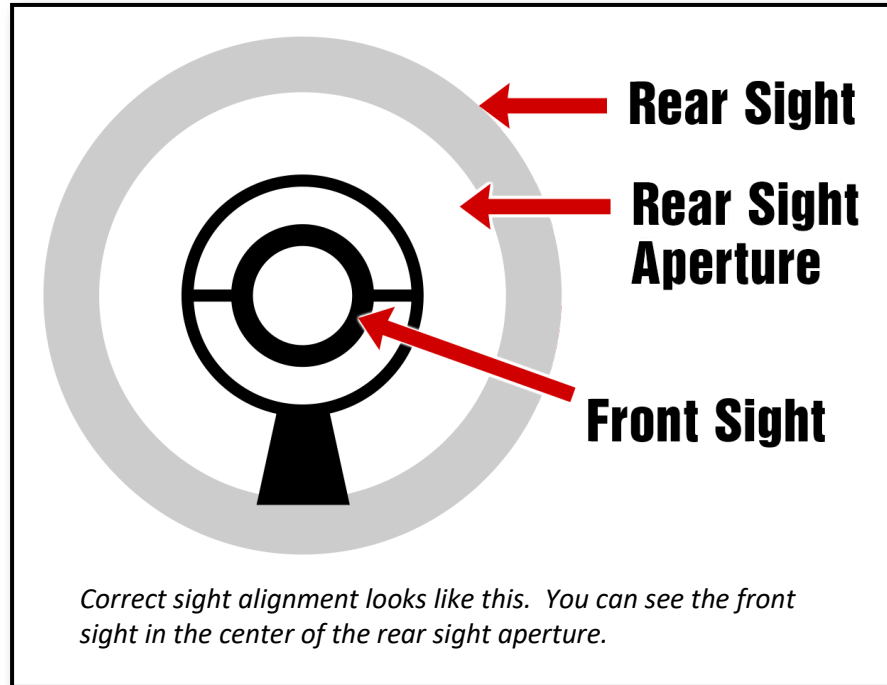
## Key words

### dominant:

The strongest or the main one

## Aiming – Sight Alignment

When learning to hold the rifle correctly in the standing position, the first practice exercises you will do involve aiming, holding, and dry firing at blank targets. To do that, you need to know how to align the sights and smoothly press the trigger.



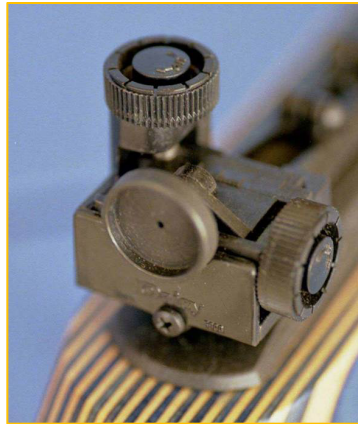
Correct Sight Alignment

Figure 6.4.9

## Key words

### sight alignment:

On an air rifle, to bring the front and rear sights in a position where the front sight appears in the middle of the rear sight opening



*To align the sights, look through the small hole in the rear sight iris to see the front sight.*

Figure 6.4.10

**Sight alignment** simply means to look through the rear sight iris to see the front sight and then to align it so that the front sight appears in the middle of the rear sight opening. When you place the rifle in your shoulder to hold it in the standing position, place your head on the cheek piece so that the eye you use to aim looks through the small hole in the rear sight. As you look through this hole, you should automatically see the front sight. To achieve proper sight alignment, simply move the position of your head on the stock so that the front sight appears in the center of the rear sight.



## Pulling the Trigger



*When you place the rifle in position, always keep the index finger outside of the trigger guard.*

Figure 6.4.11

To **dry fire** while aiming at a blank target, it is necessary to first cock the trigger mechanism without charging the gas cylinder or loading a pellet in the breech. After the cocked rifle is placed in the shooting position, the shooter looks through the rear sight to properly align the front and rear sights, adjusts the position points with the aligned sights at the center of the target, and then completes the dry fire shot by smoothly pressing the trigger. Some important points to master in correctly pulling the trigger are shown in the following illustrations.

## Key words

### dry fire:

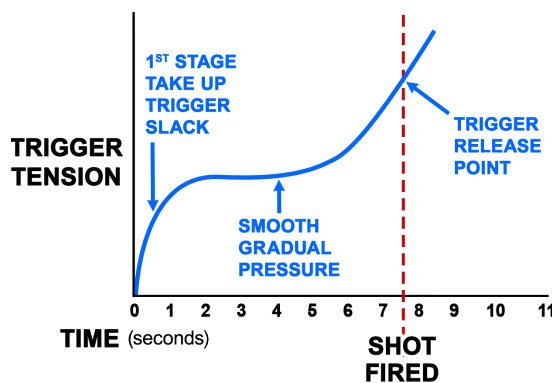
Cocking the trigger mechanism without charging the gas cylinder or loading a pellet in the breach



*Align the sights on the target and then place the index finger on the trigger.*



*Take up the slack (first-stage) on the trigger and then, with the sights aligned on the target, smoothly press the trigger to the rear until the mechanism releases.*



*This graph shows how pressure is applied to the trigger. The time from the first application of pressure until the mechanism, releases should last about 4-8 seconds.*

Figure 6.4.12

## Learning the Standing Position

With knowledge of what a proper standing position looks like, you are ready to try the standing position yourself. Learning the standing position is easier if it is done in a sequence that follows these steps:

1. **Study the position.** Take one more look at the standing position photos. Study those models standing positions and visualize how you will place your body in the same position.
2. **Get into position without the rifle.** Take your position on the firing point and get into a standing position without the rifle. By doing this first without the rifle, it will make it easier to get your feet in the correct position and place your support arm on the side of the body correctly. Key position checkpoints are marked with arrows on the photo. Stand with your feet turned 90 degrees away from the target. Place your feet about shoulder width apart. Keep your body relaxed, but erect and look toward the target with your head. Fold the left arm and rest it on your left side. Lift your right hand and imagine holding the rifle with it as the rifle rests on your left hand. This is a good place to check your left hand position. The place where the rifle will rest should be at the same level as your chin (see dashed line on photo). If that support point is higher or lower, you should check lower or higher hand positions.
3. **Get into position with the rifle.** The next step is to pick up the rifle and get into the same position with the rifle. When you add the rifle to the position, begin by placing the rifle fairly high in your shoulder. The placement of the rifle butt-plate in the shoulder is correct if the head is erect. If the head is bent down, the rifle is too low in the shoulder. Check the support arm position to be sure it rests on your side. A good way to check this is to be sure your arm is completely relaxed and that no muscles in the arm are used to hold up the rifle. Finally, check your left hand position. If the rifle is pointing below the target, try a higher hand position and/or move your hand backward or forward for fire adjustment. If the rifle is pointing above the target, try a lower hand position.

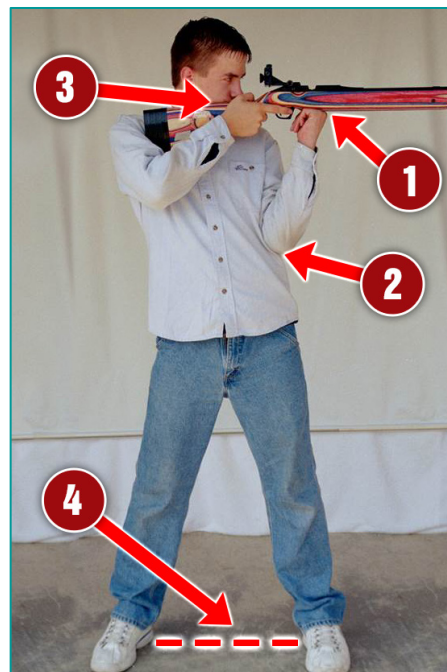


Figure 6.4.13

## Conclusion

This lesson details the correct way to achieve the standing position. Remember, all photos used in this lesson are for right-handed shooters, so if you are a left-handed shooter, reverse the descriptions. When learning the standing position, it is important to learn in steps. Study a model position first, and then try the position without the rifle. Next try the position with the rifle and finally, do holding and dry fire exercises on a blank target before advancing to a bull's-eye target.

## Lesson Check-up



- Why is the standing position easy to learn but hard to master?
- Explain why people have different hand support positions.
- What steps should you take to get into the correct standing position?

# Aiming and Firing



## Key words

- BMC targets
- shooter's hold
- sight picture
- ten-bull targets

## What You Will Learn to Do

Demonstrate basic aiming and firing skills

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Aim** at a target from the standing position
- **Describe** how correct breathing enhances control and relaxation
- **Shoot** in the standing position while performing the basic techniques for firing a shot
- **Define** key words: BMC targets, shooter's hold, sight picture, ten-bull targets



# Essential Question

What are the basic techniques for firing an aimed shot at a target?

## Introduction

After you have learned how to assume the standing position and have dry fired several times at a blank target you are ready to prepare for live firing at actual targets. Developing a good shot technique is a critical factor for target shooters. It involves coordinating complex and simultaneous actions. In this lesson you'll learn about aiming, breathing, holding, and trigger control.

## Targets for Air Rifle Shooting

Aiming and firing actual shots at a target involves learning about some additional elements of target shooting. These elements should be "mastered" on sand bags. They include targets, aiming and **sight picture**, proper breathing, and the coordinated technique of firing the shot.

Two different targets are used in JROTC three-position air rifle shooting. The first target that is used is designed for marksmanship instruction. It is called the BMC (Basic Marksmanship Course) target. **BMC targets** have large scoring rings that are appropriate for new shooters who have not yet developed the ability to hold the rifle steady enough to fire all shots within the scoring rings of the official competition target.

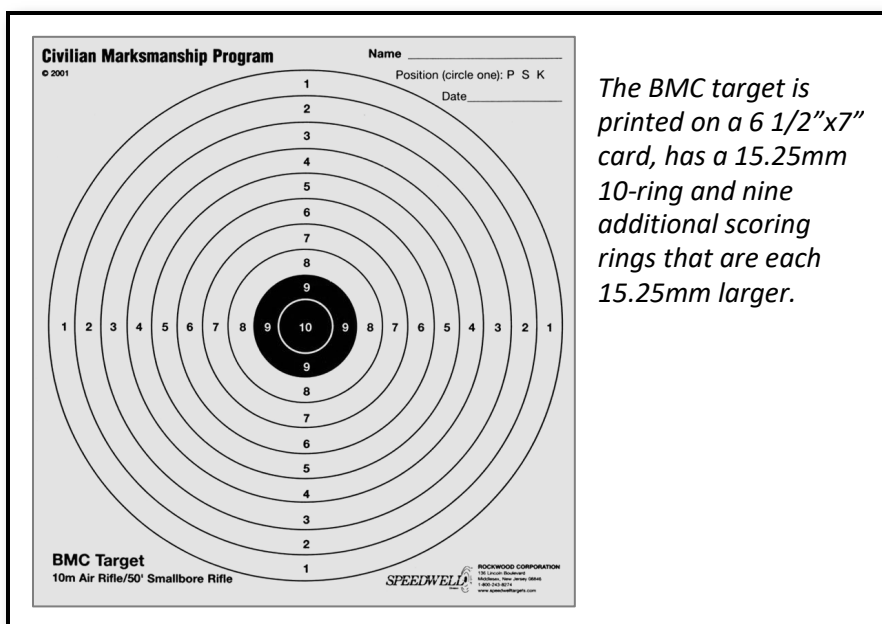
## Key words

### sight picture:

The sight position view at which the bull's-eye appears in the center of the front sight aperture

### BMC targets:

Targets with large scoring rings used with beginning marksman



*The BMC target is printed on a 6 1/2"x7" card, has a 15.25mm 10-ring and nine additional scoring rings that are each 15.25mm larger.*

BMC Target

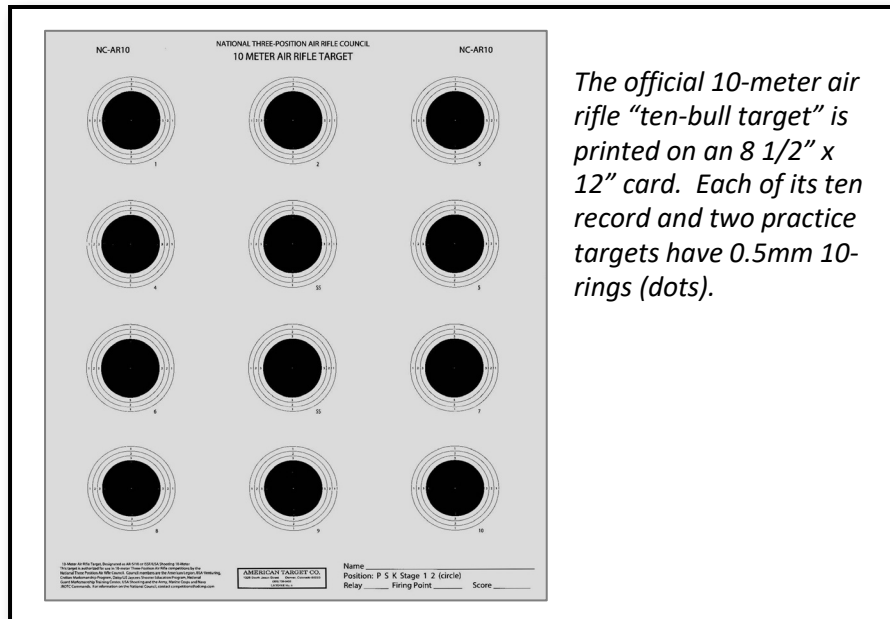
Figure 6.5.1

## Key words

### ten-bull targets:

Targets printed with ten competition targets and two practice targets on one target card

The second target that will be introduced at the end of basic marksmanship instruction is the official competition target. The International Shooting Sports Federation and target shooting organizations all over the world recognize the scoring ring dimensions on this target as official for their competitions. In the U.S., these targets are often printed so that ten competition or record targets and two practice targets appear on one target card. These targets are called **ten-bull targets**.



Ten-Bull Target

Figure 6.5.2

The much larger scoring rings on the BMC target are designed so that the shots fired by beginner shooters will still hit the target. After a few weeks of practice, all shooters will develop the ability to hold their rifles steadier and fire more accurately so that they can graduate to the official target. The official ten-bull target is the target that is most often used by JROTC and high school rifle teams for three-position air rifle competitions.

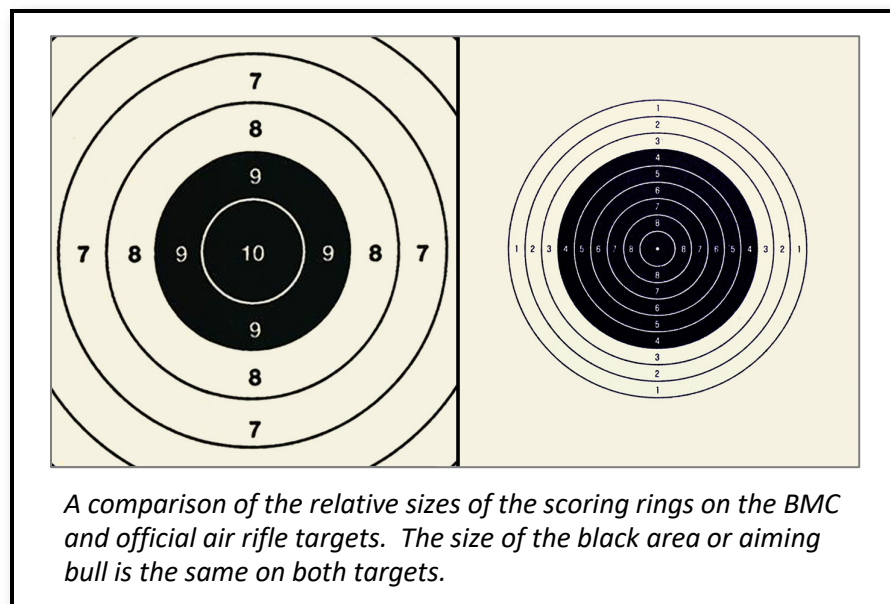
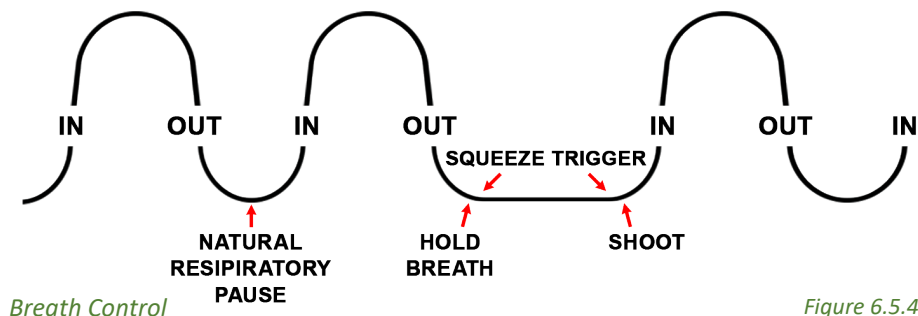


Figure 6.5.3

## Breath Control

When you practiced holding an air rifle in the standing position on a blank target, you may have noticed that if you stop breathing while aiming you can hold the rifle steadier. To shoot rifles accurately, it is in fact, absolutely necessary to stop breathing while aiming and releasing the trigger. This is the only way to make it possible to hold the body still enough to consistently shoot tens on the official air rifle target.

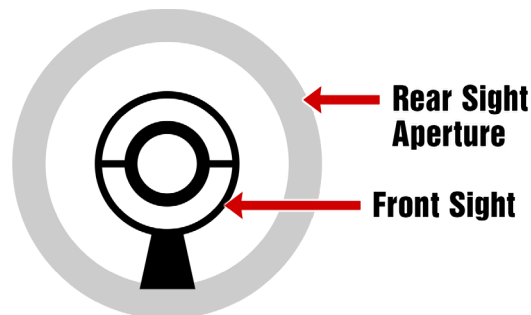
Exhaling the breath is also a good way to help the body relax to calmly prepare to fire an accurate shot. To control your breath while firing a shot, simply breathe normally and then exhale naturally. Stop breathing after the breath is exhaled and hold your breath until the shot is fired. The breathing cycle for shooting should look like the illustration in *Figure 6.5.4*.



*Figure 6.5.4*

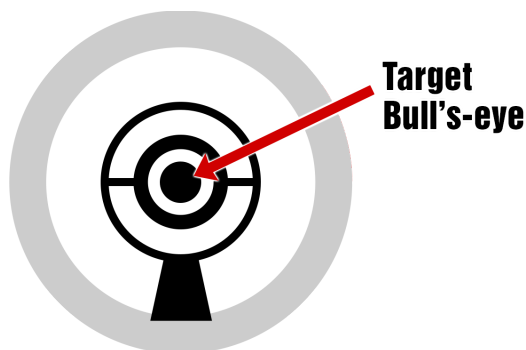
## Aiming and Sight Picture

To develop the ability to shoot high scores on targets, it is necessary to learn how to aim with great precision. Your first practice in the standing position involved dry firing at blank targets where it is not possible to aim accurately because there was no bull's-eye to aim at. With a bull's-eye to aim at, it is possible to attain a complete sight picture and to aim very accurately by following two simple steps:



*Sight Alignment*

*Figure 6.5.5*



*Sight Picture*

*Figure 6.5.6*

### Step 1 – Sight Alignment

You have already learned to align the sights by looking through the rear sight to see the front sight centered in the rear sight opening. The first step in attaining a complete sight picture is to align the sights.

### Step 2 – Sight Picture

After aligning the sights, all that is needed to complete the sight picture is to adjust the position at the target so that the bull's-eye appears in the center of the front sight aperture.

## Holding Steady

When you first held the rifle in the standing position it probably felt awkward and unnatural, but even after a few dry fire repetitions the position began to feel better. When new shooters first try to aim at a target, it is normal for the front sight to move around over a large area. In the beginning, it is impossible to hold the front sight steady enough to keep the bull's-eye centered in the front sight ring. The only way to get the position to feel comfortable and natural and to develop the ability to hold the bull's-eye steady in the center of the front sight ring is to practice. Target shooting is a motor control skill where steadiness with the rifle can only be developed by practice.

### Key words

#### shooter's hold:

The area of movement of the front sight aperture around the bull's-eye while aiming

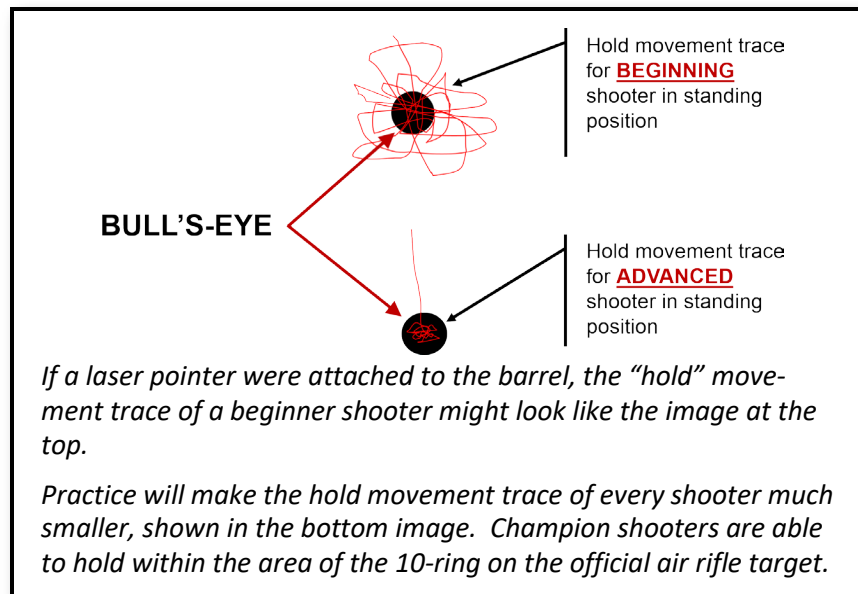


Figure 6.5.7

It is natural to have some movement of the front sight aperture around the bull's-eye while aiming. The area or magnitude of this movement is called a **shooter's hold**. As a beginner shooter, your hold may be quite large, covering much of the target. With practice, you will see that your hold gradually becomes much smaller and smaller. Champion shooters, in fact, develop hold movements that are no larger than three or four millimeters when measured on the 10-meter target.

The steadier you learn to hold your rifle, the higher your scores will be. Here are a few tips to practice that will help you hold your rifle as steady as possible.

- Be sure your standing position is correct. Keeping the left arm on your side, directly under the rifle will do a lot to steady the rifle.
- Relax all muscles in your left arm and legs. Don't try to muscle the rifle to try to make it hold steadier.
- Accept your hold movement as natural. Just be sure to center the entire hold movement over the bull's-eye.
- Concentrate on your sight picture. Think about letting the hold movements become smaller and keeping the bull's-eye movements inside the front sight ring.



## Firing the Shot

Firing the shot involves putting all these separate elements or techniques together. This is called the shot technique. The shot technique includes:

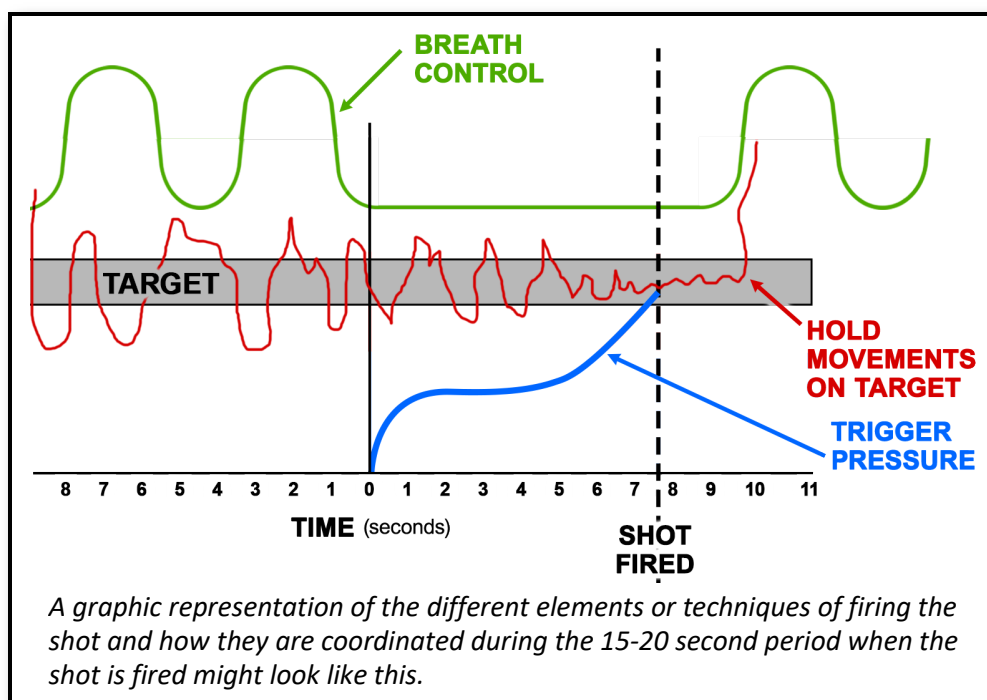
1. Loading the rifle
2. Lifting the rifle into position
3. Aiming by first seeing the front sight in the center of the rear sight (sight alignment) and then by bringing the front sight aperture onto the bull's-eye (sight picture)
4. Taking one or two more breaths, exhaling, and then holding the breath until the shot is fired
5. Centering the hold movements of the front sight over the bull's-eye
6. Smoothly pressing the trigger while the hold movements are centered

Visualize how you will combine aiming, breathing, relaxing, keeping your rifle's hold movements centered over the target, and smoothly pressing the trigger into a coordinated series of actions. And remember, developing the skills to hold a rifle steady and execute good shot technique comes from practice.



*Proper shot technique begins with loading and placing the rifle in position. Shot technique also includes aiming, breath control, hold control, and trigger control.*

Figure 6.5.8



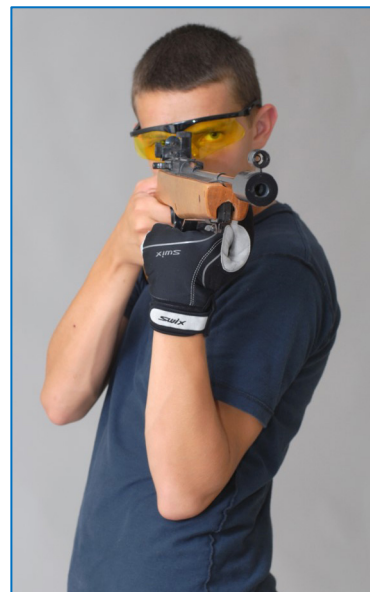
*A graphic representation of the different elements or techniques of firing the shot and how they are coordinated during the 15-20 second period when the shot is fired might look like this.*

Figure 6.5.9

## Shooting Groups on the Target

The range firing exercises that are done as part of this basic marksmanship lesson are very important because they are the first live firing that you will do at actual targets. Here are some things to remember as the instructor or range officer guides you through your first experience in shooting at bull's-eye targets from the standing position.

- Range Commands/Instructions. Be sure to follow the instructions of the instructor or range officer. Move to the firing line and pick up the rifle when told to do so. Do not load or begin to fire until the commands LOAD and START are given.
- Use the same standing position that was taught and practiced in the previous lesson.
  - Turn your body 90 degrees away from the target and stand with your feet shoulder width apart.
  - Be sure your left arm rests on your side or hip so that it is directly under the rifle.
  - Be sure you are using a support hand position that allows the rifle to be placed high enough in the shoulder that your head is erect.
  - When you begin to aim, take one or two more breaths, exhale, and stop breathing.
  - Relax your body (balance) and let the rifle's hold movements settle down.
  - Center the front sight movements over the bull's-eye and smoothly press the trigger.
- The instructor will probably first have you get into position and practice holding the rifle in the standing position while you concentrate on holding steady and keeping your hold movements centered.
- Next the instructor will have you simulate firing the shot by making several dry fire repetitions.



*One of the keys to having a steady hold in standing is making sure the left arm is relaxed so that it rests on the side.*

Figure 6.5.10



*When firing a shot, the key is to concentrate your attention on the sight picture to let it become steady. When the front sight is centered over the bull's-eye, smoothly press the trigger to fire the shot.*

Figure 6.5.11

- When you are instructed to load and fire the rifle, the instructor will have you shoot a series of shots (usually five shots).
- When you finish firing, be sure to open the bolt on your rifle, place it on the floor and insert a CBI in the barrel. Stand by until the instructor checks to be sure your rifle is safe and gives further instructions.
- The objective of this first firing exercise is to shoot a “group” of shots. At this point it does not matter whether your shots are in the center of the target. The smaller your group of shots is the better you have done. You will be taught how to adjust the sights on your rifle so that your shot groups will hit the middle of the target in the next lesson.

## Conclusion

This lesson taught you the basic aiming and firing techniques used in air rifle competitions. You will see that as you practice these skills more frequently, you’ll gain accuracy in hitting targets.

## Lesson Check-up



- Describe how to breathe while aiming and releasing the trigger.
- Why does a shooter’s hold become smaller with practice?
- What are the elements of shot technique?

# Sight Adjustment and Scoring



## Key words

- clicks
- elevation knob
- fliers
- increments
- windage knob
- zeroing

## What You Will Learn to Do

Demonstrate correct sight adjustment and scoring

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Practice** shooting in the standing position while applying good shot technique
- **Adjust** sights so that shot groups are centered on the target
- **Score** targets correctly
- **Define** key words: clicks, elevation knob, fliers, increments, windage knob, zeroing



# Essential Question

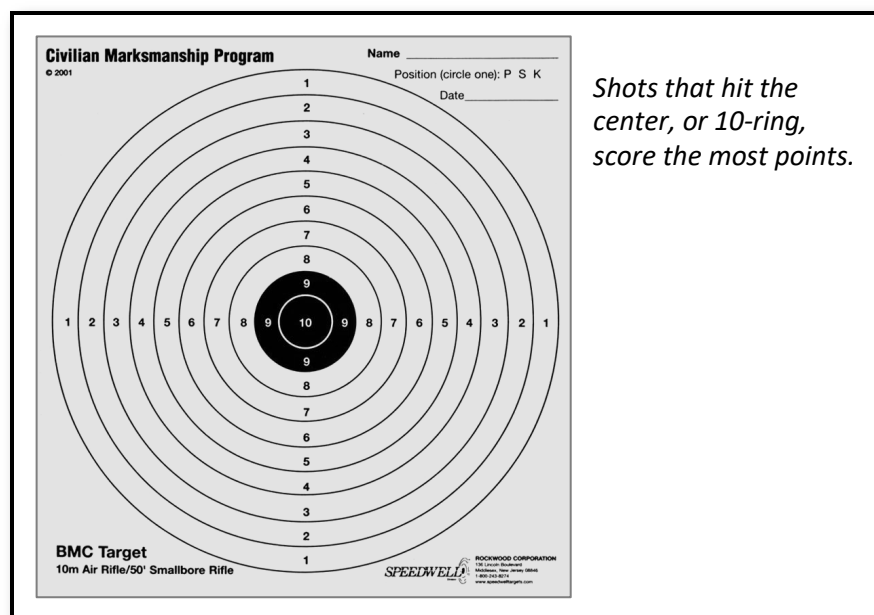
How can you achieve correct sight adjustment?

## Introduction

You've already learned how to aim and fire an air rifle in the standing position. Now you are ready to improve your accuracy. In this lesson you will learn how to adjust the sights on your rifle to zero your shot groups. You will also learn the correct method of scoring targets so that you can evaluate your marksmanship skills.

## Shooting to Score

During your previous range firing sessions, you shot five-shot groups (series of five shots) in the standing position. This practice helps you become more comfortable with the position as well as to learn and coordinate the different actions involved in the technique of firing a shot. After you fire several five-shot groups, your groups become smaller. You will soon reach a point where you and the other Cadets in your marksmanship class want to know what scores you can fire. Shooting for score is, after all, one of the most interesting challenges of target shooting. Scoring your targets allows you to determine whether your latest score beat your previous day's best or perhaps a personal record.



BMC Target

Figure 6.6.1

In target shooting, shots that hit the central scoring ring, the 10-ring, score the most points. Shots that hit each successive scoring ring outside of the 10-ring, score one point less until shots in the last scoring ring count one and then no points. To score the highest

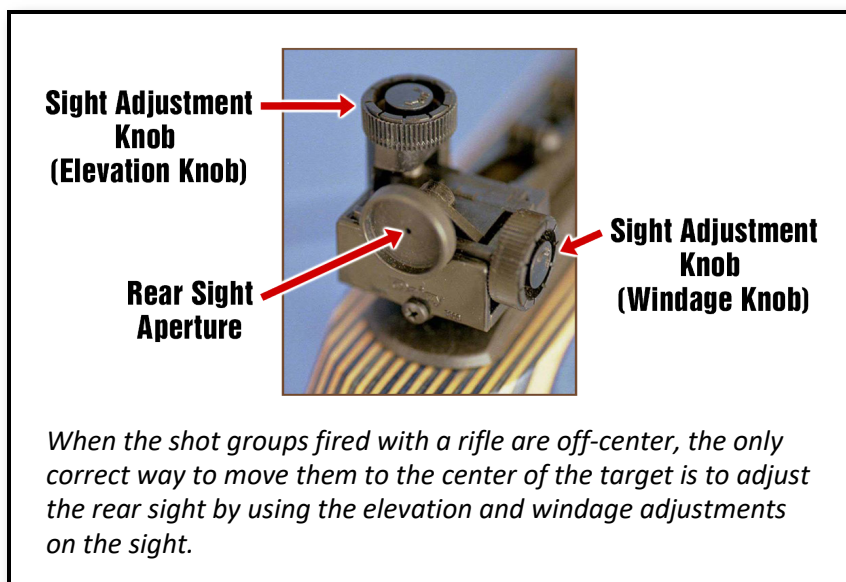
## Key words

### zeroing:

Adjusting a sight so that the center of the shot group is the same as the center of the target

number of points on any series of shots, your shot groups must be centered on the target so that the 10-ring coincides with the middle of the shot group.

The correct way to move shot groups to the center of the target is to adjust the sights so that the next groups fired are centered. This is called **zeroing** the rifle. Some Cadets may have heard of “Kentucky windage” where a shooter aims away from the target center in an attempt to compensate for a rifle that is not zeroed. This means firing with an incorrect sight picture. That simply cannot be done consistently or with the kind of accuracy demanded in target shooting. If a shot group is not centered or zeroed, there is only one correct way to move the group to the center of the target. The sights must be adjusted.



Rear Sight Adjustment Knobs

Figure 6.6.2

## How to Evaluate Shot Groups

In your first live firing in the standing position, it is not important that your 5-shot groups be in the center of the target. However, no matter where they are located on the target, it is important to evaluate your shot groups to know how you are progressing.

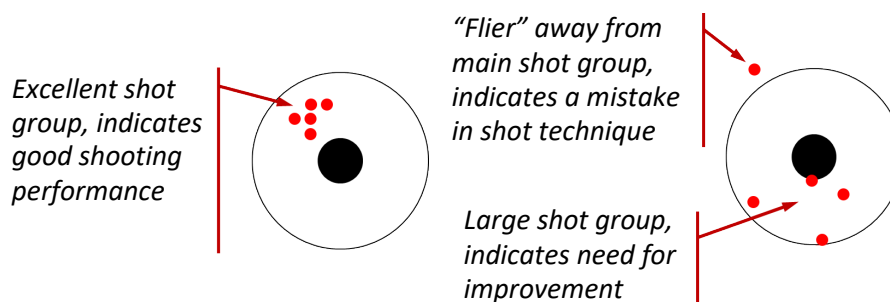


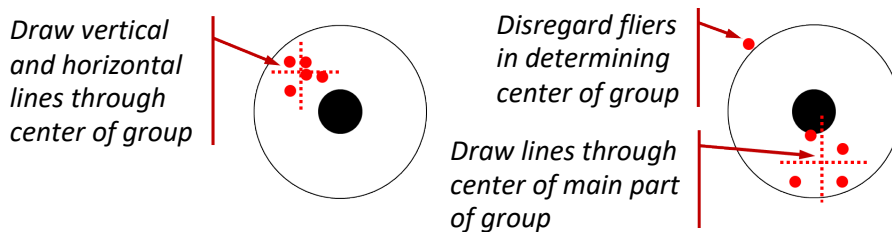
Figure 6.6.3

Here are some things to look for in evaluating your shot groups:

- **Overall size of the group** – The smaller your shot groups are, the better you are doing.
- **Shot group location** – If your shot groups are always in the same location on the target, that indicates your position and shot technique are consistent.
- **Wild shots** – If your shot groups have wild shots or “**fliers**” that are away from the main group, those shots indicate a mistake in shot technique was made on that shot.

The next step in preparing to adjust your sights is to locate the center of your most recent shot group. Keep these points in mind as you determine shot group centers:

- Draw real or imaginary vertical and horizontal lines through the midpoints of the group.
- On shot groups with fliers, disregard any wild shots when determining the center of the group.
- Use the crossing point to mark the center point of the shot group.



## Rear Sight Adjustment

As soon as you determine the center point of your group or the center point of the good shots in your group, you are ready to calculate the sight adjustments that are required to place your next shot group in the center of the target.

To calculate and make the necessary sight adjustments, you need to be familiar with your rear sight and how it works. The most common rear sight is the Daisy sight that is on most Daisy M853 and M888 air rifles. The 2009 True El Gamo sight is used on Daisy M753 and Crosman M2000 air rifles. Precision air rifles have similar rear sights except that these sights have more precise (finer) adjustments and their adjustment knobs move shot groups in the opposite directions from the adjustment knobs on sporter air rifle sights. Note these things when examining the rear sight on the air rifle that you use.

- Target sights have adjustment knobs that turn in **increments** called “**clicks**” that can be felt and counted.
- The sight adjustment knob on top of the sight is called the **elevation knob**. Turning that knob moves the shot group up or down. Look for the direction arrow on the knob to see which direction to turn the knob. For example, turning the elevation

## Key words

### fliers:

Wild shots that are away from the main group and indicates a technique mistake

### increments:

Measurements or steps in a series

### clicks:

An adjustment on a target sight that can be felt and counted

### elevation knob:

The sight adjustment knob that is used to adjust up or down

## Key words

### windage knob:

The sight adjustment knob that is used to adjust left or right

knob in the same direction as the “UP” arrow (clockwise) on the Daisy M853 sight moves the shot group up.

- The sight adjustment knob on the side of the sight moves the shot group left or right when it is turned. It is called the **windage knob**. Look for the direction arrow on the knob to see which direction to turn the knob. Turning the windage knob in the direction of the “R” arrow (clockwise) on the Daisy M853 sight moves the shot group to the right.
- Each click of change on a sight moves the shot group center a uniform distance. Check the sight adjustment chart to determine how many clicks of elevation and windage it will take to move your shot group to the center. To move a shot group a distance equal to the distance between two scoring rings on the BMC Target, requires an adjustment of approximately 12 clicks.

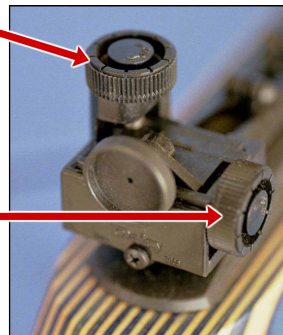
*The Daisy rear sight is commonly used on Daisy M853 and M888 air rifles.*

*Turning knob clockwise moves shot group up.*

**Elevation Knob**

*Turning knob clockwise moves shot group to the right.*

**Windage Knob**



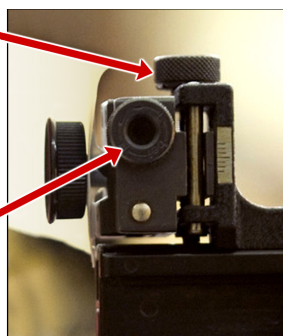
*Precision air rifle sights have more precise adjustments. Their elevation and windage knobs often have directions marked in German and move shot groups the opposite direction from the Daisy and El Gamo sights.*

*Turning knob clockwise moves shot group down.*

**Elevation Knob**

*Turning knob clockwise moves shot group to the left.*

**Windage Knob**



*How to Make Adjustments*

*Figure 6.6.5*

## Calculating Sight Adjustment and Establishing Zero

To calculate the sight adjustment needed to move your shot group to the center of the target, take the latest target you fired and locate the center of the shot group. Then calculate and make the necessary sight adjustments to correct your shot group by following these steps:



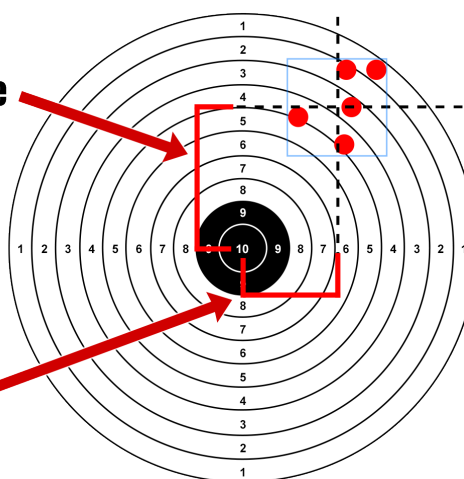
Sight	To move zero <u>up</u> , turn knob:	To move zero <u>right</u> , turn knob:	Clicks per scoring ring, BMC Target	Clicks per scoring ring, Official Target
Daisy	Clockwise	Counter-clockwise	12	2
El Gamo	Clockwise	Counter-clockwise	24	4
<b>PRECISION:</b> Anschütz, etc.	Counter-clockwise	Clockwise	30	5-6
The click adjustment values given here are approximate and may vary with different sights.				

*Air Rifle Sight Adjustment Chart*

*Figure 6.6.6*

**6 scoring rings  
down to bull's-eye**

**4 scoring rings  
left to bull's-eye**



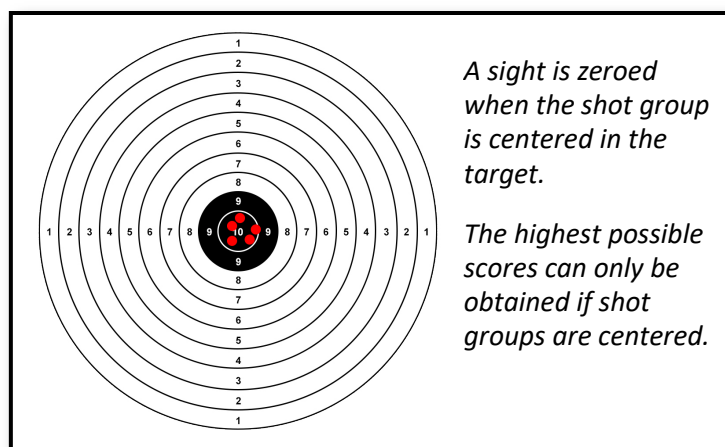
*Figure 6.6.7*

- Count the number of whole scoring rings from the horizontal line through the center of the group to the center of the target. In the illustration, this vertical distance is six scoring rings.
- Multiply the number of scoring rings in vertical distance times the number of clicks per ring for the target and sight you are using. (See Figure 6.6.7) For a Daisy sight and the shot group in the illustration, the result would be 72 clicks (12x6).
- Turn the elevation knob on your sight, that number of clicks in the correct direction (down for group in illustration).
- Count the number of whole scoring rings from the vertical line through the center of the group to the center of the target. In the illustration, this horizontal distance is four scoring rings.
- Multiply the number of scoring rings in horizontal distance times the number of clicks per ring for the target and sight you are using (Use Sight Adjustment Chart). For a Daisy sight and the shot group in the illustration, the result would be 48 clicks (12x4).
- Turn the windage knob on your sight, that number of clicks in the correct direction (left for group in illustration).
- After making the necessary sight adjustments, fire another group to see if the sight adjustment is correct. One or two additional, smaller sight adjustments may be required to place your shot group in the center of the target.

## The Sight Zero

A sight is “zeroed” when it is adjusted so that the center of the shot group is the same as the center of the target.

- When the shot group is centered on the target, the rifle is zeroed and the sight should not be changed unless subsequent groups are off center.
- Whenever a shot group is fired that is not centered, the necessary sight adjustments must be calculated and the adjustments made to the sight.
- Just because a sight is zeroed once does not mean it will stay zeroed. If a shooter’s position or shot technique changes, the shot group center will change.
- Just because a sight is zeroed for one shooter does not mean it is zeroed for other shooters who use that same rifle. Unless two shooters use exactly the same position and technique, their zeroes will probably be different.
- One of the most important skills a target shooter must develop is the ability to continually evaluate whether the rifle sight is zeroed and to make changes when necessary to keep the sight zeroed.



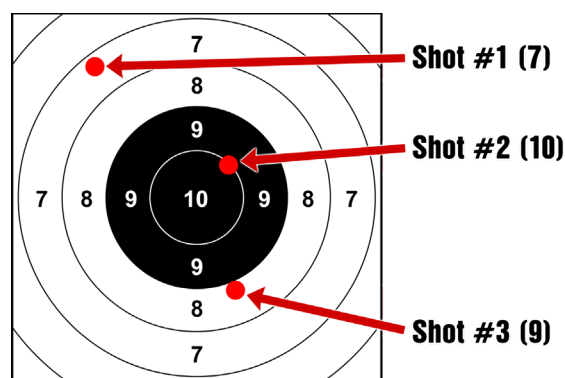
A Zeroed Sight

Figure 6.6.8

## How to Score Targets

After you learn to adjust the sights on your rifle so that your shot groups are centered on the target, you are ready to learn how to properly score targets. There are only a few rules that control the scoring of targets.

- The first rule is that a shot is scored according to the value of the scoring ring that it hits. If a shot is in the 7-ring, it scores seven points. (See Figure 6.6.9, shot #1)
- The second rule is that if a shot hole cuts two scoring rings, the shot is scored according to the value of the highest scoring ring it hits. If a shot cuts both the 9-ring and 10-ring, it scores ten points. (See Figure 6.6.9, shot #2)



Scoring the Target

Figure 6.6.9

- The third rule is that if a shot lies in one scoring ring, but just touches a higher value scoring ring, the shot is scored according to the highest scoring ring that any part of the shot hole touches. If a shot is in the 8-ring, but just barely touches the 9-ring, it scores nine points. (See Figure 6.6.9, shot #3)
- The fourth rule is that if it is doubtful whether a shot hole touches a higher value scoring ring, a scoring gauge should be used. The scoring gauge, when used with a magnifying glass, allows the scorer to see exactly where the edge of the shot hole is, to determine the correct score for that shot. If a scoring gauge is not available, it is important to look carefully at the edge of the shot hole and to also use a magnifying glass to determine whether the edge of the hole touches a higher value scoring ring.
- The total score for a target is the total value of all shots on the target. At first you will fire five-shot groups where the maximum score is 50 points. Soon you will fire ten shots on a target where the maximum score for the target will be 100 points.



*In official scoring, a scoring gauge is used to determine whether a doubtful shot touches a higher value scoring ring.*

*When a scoring gauge is inserted in a shot hole, it is possible to see exactly where the edge of the shot hole lies.*

Scoring Gauge

Figure 6.6.10

## Conclusion

In your next range firing exercises, you will have an opportunity to adjust your sights so that your shot groups hit the center of the target. With your shot groups centered, it is then possible to score your targets so that you can begin to make records of your progress as a shooter.

## Lesson Check-up



- Explain the importance of centering group shots.
- Why is it important to have a sight “zeroed?”
- How would you score a shot that cuts both the 6-ring and 7-ring of a target?

# The Prone Position



## Key words

- align
- consecutive
- sling

## What You Will Learn to Do

Demonstrate correct marksmanship technique in the prone position

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Demonstrate** how to properly use a sling in a target shooting position
- **Assume** the prone position used for target shooting
- **Shoot** in the prone position while performing correct shot technique
- **Define** key words: align, consecutive, sling



# Essential Question

What is the correct prone position?



## Introduction

You've already learned a few fundamentals of target shooting: how to aim and fire with accuracy in the standing position. In this lesson, you'll learn about the prone position. You'll see that it is the steadiest of the three target positions.

The prone position has the lowest center of gravity, making it very stable. In addition, the prone position has extra stability because the shooter can use a **sling** in this position. A highly trained rifle shooter is capable of holding a rifle almost as steady in the prone position as a test cradle or machine rest can hold a rifle.

Consider the scores for marksmanship in the prone position. The 50-meter prone position world record is a perfect 600 out of 600 possible points. Firing at 50 meters is done with .22 caliber rimfire small bore rifles on a target with a ten ring that is only 10.4 mm in diameter (A dime is 17.8 mm in diameter). Shooting a perfect world record score in the prone position means hitting a target that is over one-half of a football field away and less than 6/10ths the size of a dime 60 **consecutive** times.



*Sergey Martinov from Belarus is one of six shooters who have fired perfect 600x600 world record scores. Martinov has fired three 600s in world record competition.*

Figure 6.7.1

## Key words

### sling:

An adjustable strap that supports the weight of the rifle in target shooting

### consecutive:

Following one another in order with no interruption

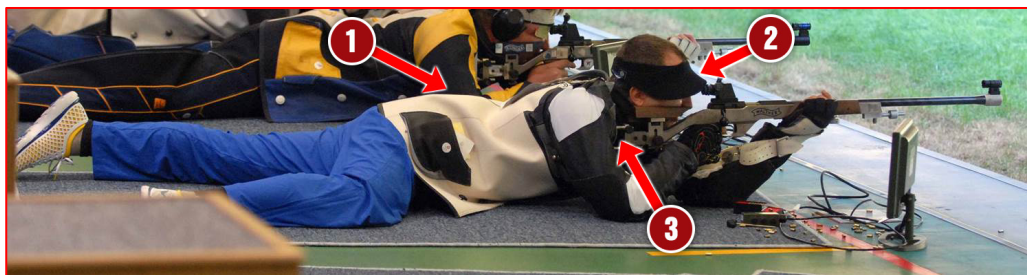
### align:

To arrange according to a line

## Prone Position Features

Let's look at the prone position of successful shooters. The prone position photo in *Figure 6.7.2* is the position used by 2004 Olympic Gold Medalist Matt Emmons. A school-age shooter with a sporter air rifle demonstrates her prone position in *Figure 6.7.3*.

Carefully study the position features pointed out by the arrows and captions below the figures. Visualize how you will develop your own prone position and **alignment**.



- 1) Body rests on the left side.
- 2) Rifle is high; head is up.
- 3) Butt of rifle is high on shoulder.

Figure 6.7.2



- 1) Body lies at a 25° to 30° angle to the line of fire.
- 2) Sling supports weight of rifle; left elbow supports most of rifle and upper body weight.

Figure 6.7.3

### The Sling

Competition rules allow the use of a sling in prone and kneeling. Scores that can be fired with the sling are so much higher and more consistent than scores fired without a sling that all successful shooters use slings in those two positions (the use of a sling is not permitted in standing). It may be tempting to think that shooting in the prone position is easier without a sling, but trying to shoot without a sling is a mistake. To learn the correct position and get the highest possible scores, a sling must be used in the prone position.

All target shooting slings have similar features, as shown in Figure 6.7.4. They include:

1. An arm loop with a means of tightening the loop around the arm
2. A buckle or other means of adjusting the sling length
3. A sling attachment point that can be adjusted forward and backward

To take full advantage of the support that the sling provides, you need to understand how the sling is designed and used. The illustrations in Figure 6.7.5 on the following page shows you how to place the sling on your arm so you will be ready to use it when you get into the prone position.



Figure 6.7.4

now, understand that with a properly adjusted sling, the muscles of the arm can be completely relaxed. If needed, you can use a large safety pin or other fastener to help keep the sling from slipping down on the arm.



**Step 1.**

*Detach the sling from the rifle, and form a loop for the arm.*



**Step 2.**

*Place sling loop high on arm, above or below the bicep, tighten the sling loop around arm.*

Figure 6.7.5

Wearing a glove on the support hand makes using the sling more comfortable. If a shooting glove is not available, a normal leather work glove may be worn.

## Learning the Prone Position



### Content Enhancement:

#### FIRING IN THE PRONE POSITION



Major Mike Anti, U.S. Army Marksmanship Unit, is shown firing in the prone position during the 2000 Olympic Games. The photo on the far left demonstrates the angle that the body should lie in relation to the rifle. His right knee is drawn up to roll the body onto the left side.



The other photo shows how the arms and sling support the rifle while keeping the butt high in the shoulder and the head up. Note how erect his head is in both position views.

Figure 6.7.6

After studying the prone position and becoming aware of the importance of using the sling, use a step-by-step process to learn it and practice it. The more you practice, the sooner you'll begin to develop your own prone position. Here are the steps to follow:

1. **Place the shooting mat at a 25-30 degree angle to the line of fire.** When you are in a good prone position, your body will be at this angle.



2. **Kneel on the mat with the rifle and put the sling on.** The sling should be loose at this point. You'll adjust it later. Make sure the sling swivel is moved forward so it will not affect the location of your left hand.
3. **Lie down on the mat with your left elbow under the left sideline.** Imagine a straight line from your left foot to your left hand. Your elbow should be on this imaginary line. This gives you the best position to support the weight of the rifle and your upper body.
4. **Position the butt-plate of your rifle in your shoulder.** This location of the rifle butt ensures your head is up. That's why it's sometimes called "butt up." When you are in the correct position, you should not need to lower your head to get the sights to point at the target.
5. **Adjust the left hand location to bring the sights to the level of the target.** At this point, you are only concerned with raising or lowering the rifle and rifle sights to bring them to the level of the targets. This adjustment is made by shifting the left hand forward to lower the sights or rearward to raise the sights.
6. **Tighten the sling until it supports the rifle.** This is only done after you've correctly established your body angle, left elbow location, butt-plate-head relationship, and left hand location. Tighten the sling until it supports the rifle.
7. **Rotate the position on the left elbow so the sights point at your target.** If you've done everything correctly up to this point, the sight should be at target level – but probably not at the correct target! Move the sights to the correct target by rotating the entire body-rifle position on your left elbow. You can make this rotation by using your feet and legs to lift the body and move it left or right until the sights point naturally at your target. Do not try to muscle or force the sights to the point at the target. Learning to pivot the entire body-rifle position on your elbow is the key to learning the natural point of aim. The natural point of aim is a critical factor in your successful marksmanship.



Figure 6.7.7

As you prepare to fire, here are three things to check to be sure your position is correct.

1. **Left-side line:** You should be able to draw a straight line from the left hand through the left foot.
2. **Shoulder-spine T:** Lines drawn through the shoulders and spine should form a T.
3. **Left elbow placement:** The elbow should be located directly under the left-side line. It should not be forced under the rifle.

## Prone Position Firing

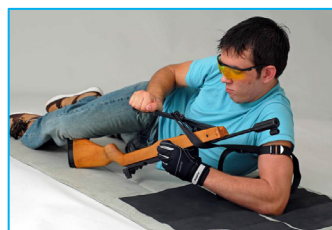
You should now be ready for dry and live firing in your new prone position. Your instructor will likely begin by doing several dry firing repetitions to practice aiming, breathing, and centering your sight picture and smoothly pressing the trigger to release the shot without disturbing your aim.

It is also necessary to develop a successful technique for loading the air rifle in the prone position. Loading the air rifle in prone position is more difficult than in standing position. The method of loading that is used in the prone position depends on the type of air rifle that is used.





**Method 1:** Left elbow remains in place. Grasp charging lever with left hand. With right hand, pull rifle to rear and push it forward to cock the rifle. Reposition the sling and complete loading with the right hand.



**Method 2:** Turn rifle over and hold rifle with left hand. With right hand, open and close the charging lever. Reposition the sling and complete loading with the right hand.

Figure 6.7.8

- **Sporter air rifle, Daisy M853/753.** With the pneumatic air rifle, it is necessary to take the rifle off the shoulder and then to take the hand out of the sling so that both hands are available to cock the rifle. The illustrations in Figure 6.7.14 show two methods of cocking the pneumatic air rifle in the prone position.
- **Compressed air and CO2 rifles.** Loading these rifles is simply a matter of dropping the rifle from the shoulder, opening the bolt, loading a pellet, closing the pellet, and placing the rifle back in the shoulder for the next shot.

After your instructor gives the command START to begin firing in the prone position, think about relaxing your arms so that the sling does the work of holding the rifle. Center the bull's-eye in your front sight ring as perfectly as you can. You will still have some hold movement, so be sure to relax and center the movement within the front sight ring. When you have a good sight picture, smoothly squeeze the trigger until each shot fires. When you finish firing, be sure to open the bolt on your rifle and wait for the instructor to inspect it.

## Conclusion

This lesson gives step-by-step directions for achieving the correct prone position. It also tells you how to use a sling. Firing accuracy in the prone and kneeling positions is greatly increased by using a sling.

## Lesson Check-up



- Why do top marksmen use the sling in the prone position?
- Describe the steps for attaching and adjusting the sling.
- What seven things should you do to learn the prone position?

# The Kneeling Position



## Key words

- interrelationship
- torso

## What You Will Learn to Do

Demonstrate marksmanship skills in the kneeling position

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Use** a sling correctly in the kneeling position
- **Determine** the correct placement of a kneeling roll in the kneeling position
- **Perform** the correct shot technique while shooting from a kneeling position
- **Define** key words: interrelationship, torso

# Essential Question

What is the correct kneeling position?

## Introduction

The kneeling position is the last position you'll learn in this chapter. You may find that this position is not as easy as standing or prone, and you may have to practice more to become proficient at it. In this lesson, you'll learn the features of the kneeling position. You'll also see how to use a sling and a kneeling roll.

## Kneeling Position Features

The kneeling position is the most complicated position. To perform it correctly, you must work out a series of **interrelationships** between the legs, arms, and the rest of your body.

In the kneeling position, the shooter kneels to sit on the bottom of the heel of the right foot, which is supported by a kneeling roll. The rifle is supported by the sling and left arm that rests on the left leg. The kneeling position is similar to prone in that the sling is also used in this position. It is similar to standing because the body's center of gravity is higher and precise balance is essential to achieving a stable kneeling position.



Figure 6.8.1

## Key words

### interrelationship:

The way in which two or more things or people are connected and influence each other



Kneeling Roll

Figure 6.8.2

In the kneeling position, one additional item of equipment is used, a kneeling roll. It is possible to shoot kneeling by sitting on the side of the

right foot, but only a few shooters have ever been able to use that position successfully. All of the top kneeling shooters in the world today use a kneeling roll. Its use is highly recommended.

If your unit does not have kneeling rolls available, it is easy to make suitable kneeling rolls from an old pair of pants. Use a section of cut off pant leg to sew a cylinder that is eight inches long and six inches in diameter. Fill the cylinder about 80% full with birdseed, wood chips, dried beans, or other similar material. A kneeling roll can also be made by cutting an eight-inch-wide strip of carpet and rolling it into a kneeling roll, that is about four or five inches in diameter. Adjust the roll to each shooter and mold it to the shooter's ankle.



Figure 6.8.3

Like the standing and prone positions, mastering the kneeling position must begin by studying the positions of experienced, successful shooters. The photo in *Figure 6.8.3* shows Liubov Galkina of Russia firing in the kneeling position during the 2008 Olympic Games. She won gold and silver medals in the women's 50 meter 3-position events in 2004 and 2008. The photo in *Figure 6.8.4* shows a school-age shooter with a sporter air rifle. The arrows point out the key features to study and copy when you begin to shoot in the kneeling position.

Here are key features of the kneeling position:

1. Foot is placed on a kneeling roll. The kneeling roll allows the shooter to comfortably sit on the foot for long periods.
2. Almost all of the weight of the shooter's body rests on the bottom of the heel.
3. The **torso** is fairly erect. The shoulders are not erect, but instead are rolled forward or slumped down.
4. The head is fairly erect. It is tipped toward the target, but not to the right.
5. The support hand (left hand) location is far enough back on the fore end to place the rifle fairly high in the shoulder and keep the head erect. The sling supports the weight of the rifle.
6. The elbow of the support (left) arm is located on top of the knee. Many

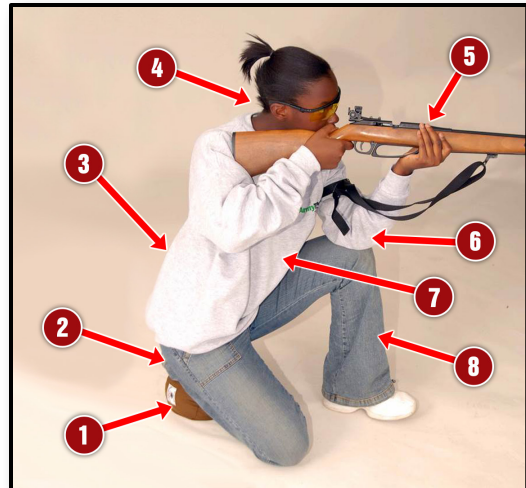


Figure 6.8.4

## Key words

### torso:

The trunk of the body; the part without the head, arms, or legs



successful shooters place the left elbow just behind the knee. The elbow is normally not placed ahead of the knee.

7. The body is turned away from the target.
8. The left lower leg that supports the rifle is vertical. Some shooters move the left foot farther forward so that the foot is slightly in front of a point directly below the knee. The foot is never pulled back so that it is behind this point. Turn the toes in.

## Learning the Kneeling Position

The step-by-step process for developing a kneeling position is almost identical with the steps that are followed in learning the prone position. Working out a position first without the rifle and then with the rifle, but without the sling, are especially important in kneeling. These steps help you establish the correct relationships between the different parts of your body. Do not skip these steps.

1. **Study the position.** Take the time to go through each of the eight points identified in the position illustrations. Visualize how you will place your body in a similar position.
2. **Practice the kneeling position without the rifle.** After you practice the kneeling position for *several* days, you can adjust this angle so that it is most comfortable for you
  - Begin by placing your kneeling roll on your firing point. Turn it approximately 40-60 away from the line of fire.
  - Next, kneel down and place the front part of your ankle over the kneeling roll. Keep your toes extended and the foot vertical (heel up).



Figure 6.8.5

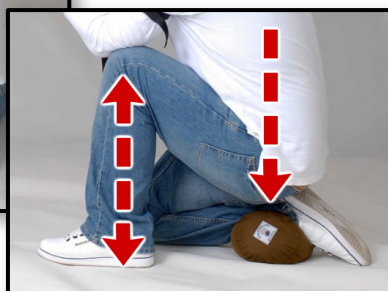
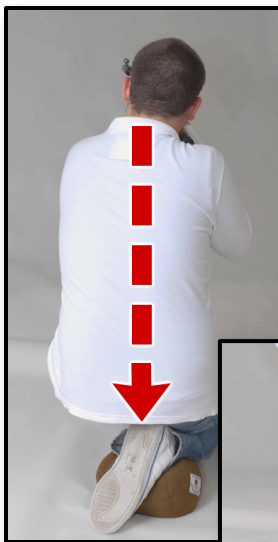


Figure 6.8.6

- Then sit on your right heel. Let the weight of the body relax down onto the heel. Clear clothing from behind the right knee if needed. Do not be discouraged if it is uncomfortable at first to sit on a kneeling roll with all of your body weight resting on your heel. If you have problems with this, try improvising a kneeling roll at home so you can practice sitting in this position for periods of 30 to 45 minutes while you study or watch TV.
- Next, position the support leg (left leg for right-handed shooter) so that the lower part of the leg is vertical. The kneeling roll and vertical left foot supports the body weight and the left leg is ready to support the weight of the rifle. It is okay to shift the left foot and lower leg slightly forward – especially if you have longer legs and a short torso. It is NOT correct to shift the left foot back so that the lower leg is angled to the rear.

3. **Practice the kneeling position with both the rifle and sling.** All that remains is to complete the position by adjusting the sling swivel and tightening the sling.

- To start this step, place the sling loop high on the arm and attach it to the rifle. Leave the sling long and loose, with the swivel moved forward.
- Shoulder the rifle and locate the left elbow. The key to this step is placing the left elbow in the correct location on the left knee or leg. To accomplish this, place the butt-plate in your shoulder, and with your weight back on your heel, drop the left elbow onto your left leg. Do not lean forward with the left elbow. Let it drop without leaning. For some the elbow will fall on the left knee; for others, it will be somewhere behind the left knee. Rarely, it will fall ahead of the knee. Be sure the sling is still loose.
- Position the butt and head. Locate the butt-plate high enough in the shoulder that your head and eyes are comfortable aiming without strain. Try to keep the butt-plate close to the neck while aiming in the kneeling position.
- Adjust the rifle height. Shift the left hand forward or rearward to raise or lower the rifle until the sights point at the target level. Don't worry about the target yet – just the target level.
- Adjust the sling swivel and tighten the sling. Once the sights are at target level, move the sling swivel back to the hand and tighten it in place. The sling must be tight enough to fully support the weight of the rifle.
- Rotate the position to the target. Pivot by shifting the left foot and right knee to the left or right as needed to bring the sights onto the target. The pivot point is the right heel and the kneeling roll.



Figure 6.8.7

To practice this position, check:

1. The butt-plate location in the shoulder is the same for every shot.
2. The weight of the body is relaxed down onto the right heel and kneeling roll.
3. The left arm and shoulder are totally relaxed with the sling supporting all of the rifle weight.
4. The weight of the body-rifle system is balanced over the right heel and left heel; there should be little or no weight on the right knee.

## Kneeling Position Firing

You will probably begin your firing exercises in kneeling by dry firing. Use your dry fire repetitions to work out the shot technique that you will use in kneeling. Try to follow these steps as you dry fire each shot.

- Close the bolt, place the butt in your shoulder, and align the sights on the target.
- Breathe naturally, exhale, and stop breathing—let the left arm relax so that only the sling holds up the rifle.
- Take up the trigger slack and add some pressure to the trigger.
- Center your hold movement (sight picture) and add more pressure to the trigger until the shot releases.
- When firing in the kneeling position, keep the weight of the body and rifle balanced over the right heel.
- To cock and load the M853/753 pneumatic air rifles in kneeling, take the rifle from the shoulder and the hand out of the sling. Work the charging lever, replace the left hand in the sling, load the pellet and replace the butt in the shoulder.

## Conclusion

As you make dry and live fire shots in kneeling, be sure that:

1. Your body weight is resting on your heel.
2. Your left leg is vertical or near vertical.
3. Your left elbow rests on your left knee or upper leg just above the knee.
4. Your sling is tight enough to fully support the weight of the rifle.

If you do a good job of relaxing and balancing your body above the right heel, your kneeling position should produce scores that are almost as good as your prone scores.

## Lesson Check-up



- Why is the kneeling position considered to be more complicated than the prone and standing positions?
- Describe the steps in building the kneeling position.

# Practice and Skill Development



## Key words

- 3x10
- consistency
- course of fire
- shot plan

## What You Will Learn to Do

Develop practice skills to improve your marksmanship

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Use** a shooting diary to record critical lessons learned in marksmanship practice
- **Develop** and practice a shot plan
- **Demonstrate** the use of balance checks and relaxation to attain proper shot technique
- **Complete** a three-position 3x10 course of fire on the BMC target
- **Define** key words: 3x10, consistency, course of fire, shot plan



# Essential Question

Why is repetition fundamental in developing and improving marksmanship skills?



## Introduction

In previous lessons you learned the basic elements of target rifle shooting. These basics included safety; equipment; the standing, prone, and kneeling positions; the technique of firing shots; sight adjustment; and scoring. This lesson shows you how to put all those basics together so that you can play a complete game or, as it is called in shooting, fire a complete **course of fire**.

This lesson also begins to teach you some important ways to become a better shooter. When you reach the point where you can fire a complete course of fire, you are also ready to learn how to improve your shooting. The most effective ways to improve target rifle scores that will be covered in this chapter are practice, keeping a shooting diary, using a **shot plan**, and learning to relax and balance your position before each shot.

## Target Rifle Rules



*The 3x10 course of fire begins with firing sighters and 10 record shots in the prone position. It continues with firing in the standing and kneeling positions.*

Figure 6.9.1

The most common three-position air rifle competition event for JROTC and high school rifle teams is the **3x10** event. 3x10 means firing ten record shots in each of the three positions; prone, standing, and kneeling. JROTC rifle team members also sometimes fire 3x20 events (20 shots in each position) in major competitions. The 3x10 and 3x20 events are sometimes also called courses of fire.

The standard instructional technique for teaching every complex sport is to break the game down into different individual skills and then to teach those separate skills one at a time. A golfer learns stance, grip, and various stages of the swing before putting it all together. The same

## Key words

### course of fire:

A complete game or set of target shooting challenges

### shot plan:

A step-by-step outline of the different things that you do to fire a shot

### 3x10:

An event that involves firing ten record shots in each prone, standing, and kneeling positions

## Key words

### consistency:

Sticking to the same pattern

approach is used in shooting. Completing a 3x10 shooting event means putting everything you have learned so far together, to play a complete game of target rifle shooting.

When you are ready to play a complete game in any sport, there are special rules for that sport. Sport rules provide order and **consistency** for competitions and ensure fair play among all participants. The rules that govern three-position air rifle shooting are called the National Standard Three-Position Air Rifle Rules. A National Three-Position Air Rifle Council establishes these rules. The Council includes representatives of almost all major shooting sports organizations and the military Cadet commands (Army, Navy, and Marine Corps JROTC).

This rulebook is often called the “Blue Book.” A copy of the National Standard Rules should be available at your JROTC unit. If a copy is not available there, or if you want to print out a copy of your own, search the Civilian Marksmanship Program (CMP) website at <http://thecmp.org>. A complete copy of the National Standard Rules is posted at that website.

In competitions, the 3x10 event has a specific order for the positions to be fired as well as time limits for preparation before the event, for each of the positions, and for changing from one position to the next. The chart from the 2016-18 rule book shows how this event is conducted. You can find the most recent rule book on the CMP website.

3x10 COURSE OF FIRE		
STAGE	POSITION	TIME LIMIT
PREPARATION AND SIGHTING	PRONE (Unlimited sighting shots)	8 minutes
RECORD FIRE	PRONE, 10 record shots	10 minutes
CHANGEOVER	PRONE to STANDING	5 minutes
SIGHTING	STANDING (Unlimited sighting shots)	5 minutes
RECORD FIRE	STANDING, 10 record shots	15 minutes
CHANGEOVER	STANDING to KNEELING	5 minutes
SIGHTING	KNEELING (Unlimited sighting shots)	5 minutes
RECORD FIRE	KNEELING, 10 record shots	10 minutes

Figure 6.9.2

### Content Highlight: SIGHTING STAGE

In the 2016-18 rules, the five-minute Sighting Stage between positions may, at the competition sponsor's option, be extended to 10 minutes for the standing and kneeling positions in Precision Class relays if this extended sighting stage time is described in the Competition Program. If a competition has mixed relays and this option is used, all relays must be given 10-minute Sighting Stages.

When you fire at a shooting event according to competition rules, there are rules you need to know.

- **Time Limits.** In competitions, there are time limits for each position. Check the current rulebook for time limits. No shots may be fired after a time limit expires.
- **Preparation Period.** Shooters must be given time before the start of the first position, prone, to set up their equipment, and prepare to fire. Shooters should get into position during this period and dry fire to prepare for shooting. Dry firing is permitted during preparation periods. However, it is not permitted to charge air rifles with gas, discharge gas or load, and fire a shot during preparation periods.
- **Changeover Periods.** Shooters are given time between positions to change their equipment and prepare for the next position. Shooters may get into the next position and dry fire during the changeover period.
- **Team Events.** Teams normally consist of four shooters. Team members must be named before the competition starts. Team scores are calculated by adding the individual scores of the four team members.
- **Sighters and Record Shots.** The targets that each shooter fires at are designated as either sighter or record targets. Shots fired on sighter targets are for practice. Most shooters fire several sighting shots before they start for record to determine whether sight adjustments are necessary. Sighting shots also serve as warm-up shots. Every shot fired on a record target counts in the shooter's score. Once a shooter begins to fire record shots, the shooter is not permitted to return to the sighter or practice target.

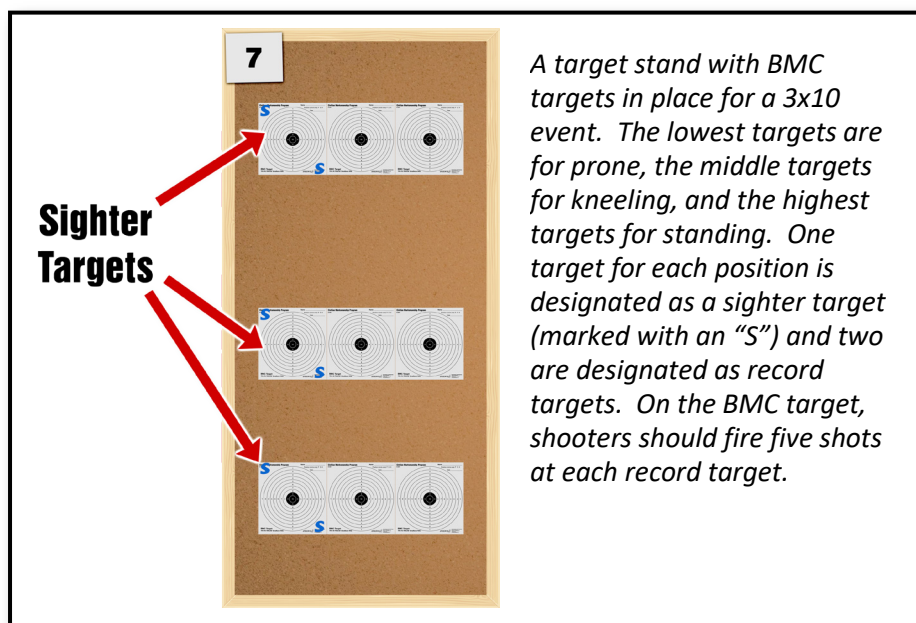


Figure 6.9.3

The first time you fire a 3x10 course of fire will probably be in a practice setting where the instructor will not enforce time limits. By the end of the marksmanship course, however, you should have an opportunity to fire a 3x10 event where official time limits are enforced. When you do this, the procedure you follow should include these steps.

1. After the instructor or range officer calls you to the firing line and starts the preparation period or gives instructions to get ready, lay out your shooting mat

and rifle and prepare to fire in the prone position. You may remove the CBI from your air rifle during the preparation period. You also may dry fire, but not discharge air or load.

2. Get into the prone position and align your position on the prone sighter target. Dry fire several times to check your position and prepare to fire. Dry firing is permitted during the preparation period.
3. After the commands LOAD, START, are given, fire three or four practice shots on your sighter target. If you have a spotting scope or a pair of binoculars available, check to see if your shot group is centered or if sight adjustments are required. If you do not have an individual spotting scope or binoculars, your instructor may have one. Coaching assistance is permitted during sighting shots in most competitions. The instructor or coach can check the sighting targets of the shooters on the firing line to advise if sight adjustments are needed.
4. After firing a few sighting shots to be sure your rifle is zeroed, "go for record" by shifting to your first record target. You may need to move your whole body slightly to be sure your natural point of aim is aligned on the new target. Fire five shots on each record target. Shift your position to the second record target and fire five shots on it.
5. When you finish 10 record shots in the prone position, open your rifle action and lay it on the mat. Be sure to insert the CBI in your air rifle barrel. You may get out of position and move to the rear of the firing line.
6. When all Cadets complete ten record shots in the prone position, you will be instructed to change targets and prepare for firing in the standing position.
7. After the commands LOAD, START, are given, you should again fire a few sighting shots and five record shots in each target from the standing position.

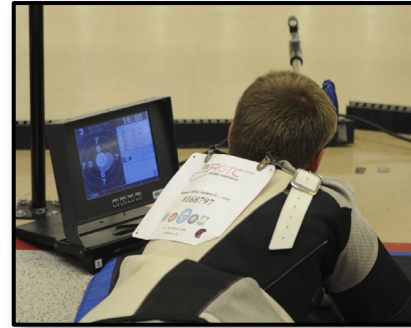


Figure 6.9.4



Figure 6.9.5

8. Next, the kneeling position. The process of changing from standing to the kneeling position is the same as it was from prone to standing. After you are in the kneeling position, the commands LOAD, START, will be given for you to begin firing in this position.
9. After all 30 record shots are fired, you will have an opportunity to score your targets and post scores on a chart or score sheet.

### Practice: The Key to Improvement

Shooting is a skill sport where natural ability has little to do with ultimate success. Fortunately, in shooting, practice is the most important determinant in how well a person does. Shooting is also a sport where your first scores on targets are not a good way to predict how well you will ultimately do. The best way to predict how well someone will do in shooting is how much they are willing to practice. A shooter with the motivation to practice and work hard will almost always do well.



If you want to improve in rifle shooting, take advantage of the practice opportunities that your instructor makes available to you. When you have a chance to practice, spend as much time on the firing line actually shooting as you can. There are some important training principles that also will make your practices more productive.

- **Frequency.** The more times each week that you can practice, the better you will become.
- **Difficulty.** Spend more time on the most difficult positions, standing and kneeling.
- **Problem Solving.** When you are having a special problem with some phase of your shooting, spend extra time trying to solve the problem. Ask your instructor to help you find books or other resources that will give you information about how to solve the problem.
- **Goals.** Set short-term goals for your practice. For example, you may set a goal of shooting all of your shots inside the 8-ring on the BMC target or making a smooth trigger release on all your shots in a 3x10 course or having the left arm completely relaxed on every shot. Goals can also be focused on scores or averages if they are realistic and attainable.



*A JROTC rifle team member in a practice session. She is using a precision air rifle and a shooting jacket that are permitted in many school competitions. Practices should be as frequent as possible and stress work in the standing and kneeling positions.*

Figure 6.9.6

## Keeping a Shooting Diary

One of the best ways to advance in target shooting is to keep a shooting diary. The diary is a written record of all practice and competition firing. Keeping a diary gives you an opportunity to write down things that you learn or to identify problems that you need to solve in future practices. A diary is one of the best ways to analyze your shooting so that you can reinforce what you are doing right and correct what you are doing wrong.

Copies of blank shooting diary pages will be provided to you during the marksmanship course. Entries in your shooting diary should include:

- Data about the firing activity including date, rifle, and pellets used, etc.
- Scores you fire in each position
- Sight changes you make (or should have made) when you fire in each position (+/- means clicks up or down, L/R means clicks left or right)
- At least one thing you learned or did well during your firing exercise
- At least one problem you encountered that you would like to correct the next time you practice

Date		Location		Rifle/Ammunition:	Training/Competition
Scores-Prone	Scores-Standing	Scores-Kneeling	Totals	Sight Changes	
				KN to PR +/- ____ L/R ____	
				PR to ST +/- ____ L/R ____	
				ST to KN +/- ____ L/R ____	
What I Learned					
Problems to Solve					
Date		Location		Rifle/Ammunition:	Training/Competition
15 October 01		School Range		Daisy 853, reg. pellets	Practice
Scores-Prone	Scores-Standing	Scores-Kneeling	Totals	Sight Changes	
92	78, 86, 83	91, 86	Practice	KN to PR +/- <u>+4</u> L/R <u>L2</u>	
				PR to ST +/- <u>-2</u> L/R <u>R3</u>	
				ST to KN +/- <u>-2</u> L/R <u>L1</u>	
What I Learned					
My standing scores got a lot better after my first ten shots when I started checking my balance before each shot. My first kneeling was very good for me—I concentrated on keeping the bull inside the front ring—I stopped paying attention to that on my second 10 and my score went down.					
Problems to Solve					
In prone, when I get back into position after loading I am not getting my left arm relaxed—I have to learn to do that. In kneeling, I do much better when I really concentrate on my sight picture—I must do that on every kneeling shot. I still have quite a bit of body movement in standing—I think I can stop some of that by checking my balance before every shot.					

Shooting Diary

Figure 6.9.7

Figure 6.9.7 shows a shooting diary page. One part is left blank and one part is filled out to show how information is kept in a shooting diary.

## Developing a Shot Plan

PERSONAL SHOT PLAN	
SHOT PLAN STEP	DESCRIPTION OF HOW THIS STEP IS DONE
<b>Loading</b>	Use left hand to open and close charging lever. Use right hand to take pellet from pocket, load, and close bolt.
<b>Placing rifle in position</b>	Lift rifle to shoulder, put butt plate on arm-shoulder joint. Hold rifle with right hand, form fist with left hand, put fist under charging handle, get left elbow under rifle, and drop arm and rifle onto side.
<b>Align rifle with target</b>	Start with front sight above target and lower rifle down to bull's-eye.
<b>Pre-shot checks</b>	Check to be sure left arm relaxes and is directly under rifle. Check balance—weight should be evenly spread on both feet.
<b>Breathing</b>	After checks, take two more breaths, let it out, and hold.
<b>Aiming</b>	As soon as I start to hold my breath, try to center the bull's-eye in the front ring.
<b>Starting to squeeze trigger</b>	Take up the trigger slack when I start to aim. Put about half of the pressure on the trigger immediately.
<b>Hold control</b>	Concentrate on the sight picture, try to hold the bull inside the front sight ring as much as possible.
<b>Completing trigger squeeze</b>	When the sight picture is centered, add another step of pressure to the trigger. When it is centered again, add another step. The shot should go after two or three steps.

*A shot plan is a step-by-step check list with details about how you fire each shot. The plan begins when you load and shoulder the rifle and should take you through each step of the shot until it is fired and your follow-through is complete. Write your shot plan in your Shooters Journal to help you learn to follow it.*

Figure 6.9.8

One of the keys to marksmanship success is consistency. Consistency is doing exactly the same thing at the same time each time you fire a shot. The best way to develop consistency is to have a “shot plan.” The shot plan is simply a step-by-step outline of the different things that you do to fire a shot. Using the same techniques each time you fire a shot is so important in learning target skills, that even beginner shooters should have a shot plan.

It is easy to prepare a plan. Think about each step that you follow when firing a shot, from loading the rifle, to placing it in position, to the details of your shot technique. Decide how you do each of those steps. Write that action down in your plan.



Figure 6.9.9

Once you have a shot plan, it is important to follow your plan on every shot you fire. The more closely you follow your plan, the more effective the plan will be in helping you develop consistency that leads to improved scores.

The “Personal Shot Plan” in *Figure 6.9.8* demonstrates a shot plan for a beginner shooter who uses a pneumatic air rifle and sporter class equipment. Normally a separate plan is prepared for each shooting position. (This plan is for the standing position.)

The key to having an effective shot plan is identifying how you complete each of the steps listed. By writing them down you have a plan that you can follow for each shot that you fire. There is no perfect shot plan for every shooter. Each shooter will have different ways of doing each of these steps. It is not as important that you do something a certain way as it is to have a plan that assures that you do it your way every time you fire a shot.

### Pre-Shot Routine

To consistently fire accurate shots, one additional action is necessary. To do your best on every shot, you also must learn to properly prepare for each shot so that your body performs its very best in holding the rifle steady. For your body to hold the rifle as steady and well controlled as possible, it must be:

1. **Balanced.** With the body-rifle system centered as perfectly as possible over the support points for the position
2. **Relaxed.** With only the minimum muscle tension necessary to hold the rifle
3. **Attention.** Thinking only about this shot



Figure 6.9.10

The best way to assure that your body is relaxed and balanced when you fire each shot, is to perform a simple pre-shot check before each shot. This should be done after the rifle is placed in position and before you start to aim at the target.

You may have noticed that in the Personal Shot Plan chart you just looked at, that there was a blank for “pre-shot checks.” To make a pre-shot check, just take a few extra seconds after aligning the rifle with the target to complete these steps.

1. As you bring the rifle down to the target, pause **BEFORE** beginning to aim.
2. Check for balance. In the standing position, take a few seconds to think about how the weight of the body and rifle is distributed on the feet. The weight should be balanced equally between the feet (left-right balance) and between the balls and heels of the feet (forward-rearward balance). In the kneeling position, the weight of the body and rifle should be balanced above the right heel on the kneeling roll and the left heel that supports the weight of the arm and rifle.



3. Make sure the body is relaxed. Do this by taking two or three breaths. Each time you exhale, let the muscles in your body relax or let go, especially the muscles in your support (left) arm. Do not start to aim and fire the shot until you feel calm and relaxed.
4. Next, focus your attention on lowering your head to the stock, aligning the sights, letting your breath out, taking up the trigger slack, and bringing the aligned sights onto the target.
5. When your shot plan is written out, it should identify how you check your balance and relaxation before you start to aim and fire.

## Conclusion

This lesson has prepared you to fire a 3x10 event. Now you know how to play a complete game of three-position air rifle target shooting. This lesson also provided your first insights into how to improve your skills and scores as a target shooter. If you remain active in target shooting, you will discover that the challenge of becoming a better target shooter is a quest that takes many years of training, where you continually discover new ways to improve. Attaining excellence in all sports requires that kind of effort, but it is especially important in shooting.

## Lesson Check-up



- Describe the six parts of a 3x10 event.
- In a 3x10 event, what is the process for changing from standing to kneeling?
- Explain the four principles for making your practices more productive.
- What is the purpose of a shot plan? Do you plan to use one?

# Competition Opportunities



## Key words

- finals

## What You Will Learn to Do

Demonstrate marksmanship proficiency in a regulation 3x10 course

## Linked Core Abilities

- Take responsibility for your actions and choices
- Apply critical thinking techniques

## Learning Objectives

- **Describe** sports competition opportunities available to JROTC and school rifle team members
- **Complete** a regulation course of fire (3x10 shots) on the official air rifle target
- **Complete** a final using the Olympic final round format
- **Define** key words: finals

# Essential Question

How do you complete a competition course of fire?

## Introduction

Many Cadets take rifle marksmanship instruction to learn about another sport and how to practice it. Many others take rifle marksmanship because they are interested in competition target shooting. Trying to become a member of the school rifle team is challenging and exciting to many Cadets. This final lesson in the JROTC Rifle Marksmanship Student Text is for those who want to “go for it” and try competition shooting. It informs you about opportunities that are available to you in the sport of target rifle shooting.



Figure 6.10.1

This chapter first introduces the official competition target that is used in JROTC, school, and other three-position air rifle competitions, as well as in all major air rifle competitions around the world. You will learn about **finals** that now conclude most major target competitions, from important junior competitions to the Olympic Games. The lesson ends with a review of the different competition activities that you can participate in, as a member of a JROTC rifle team.

## The Competition Event

There is one big change between the 3x10 *practice* events that you have fired on using the BMC target, and *official* 3x10 competition events—the target. The official competition target has a tiny dot for a 10-ring, and all of its scoring rings from the 1-ring to the 10-ring can fit within the 8-ring on the BMC target (see Figure 6.10.2 on next page).

If you learned and practiced the basics of rifle marksmanship taught in the JROTC rifle marksmanship course, you are probably ready, or with a little more practice soon will be ready, to graduate from the BMC target to the official competition target. If you are able to keep your shots inside the 8-ring on the BMC target, you will now be able to keep your shots inside the scoring rings on the more difficult official target.

## Key words

### finals:

A target competition in which eight shooters fire at targets simultaneously

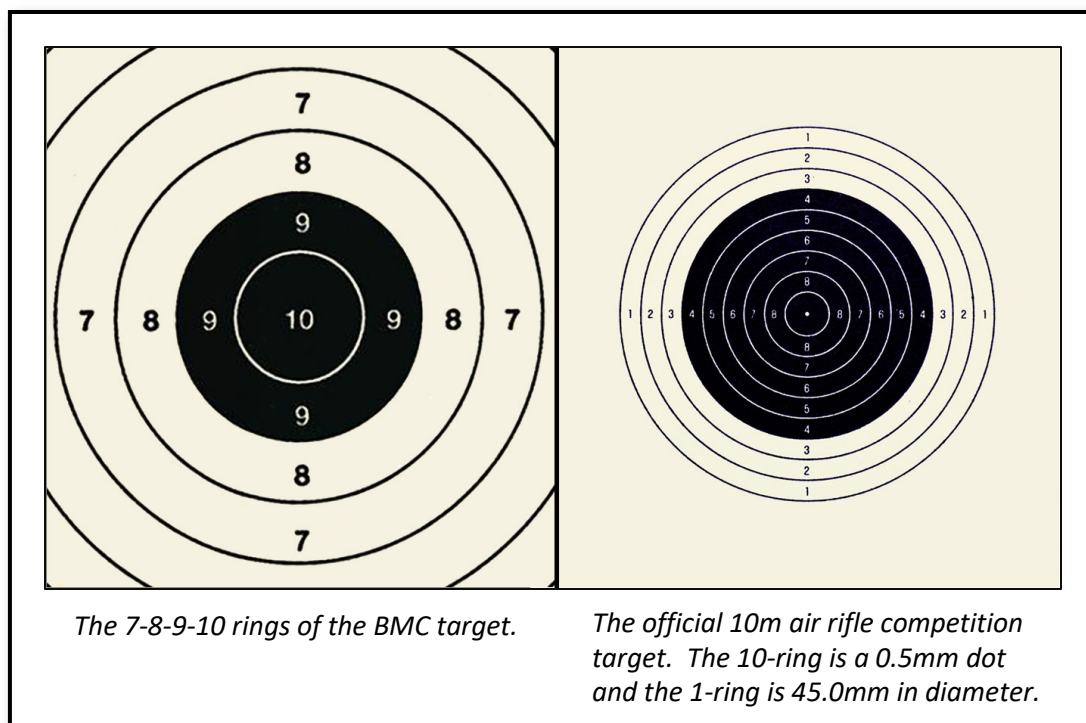


Figure 6.10.2

When firing a 3x10 or 3x20 competition event on the new target, there also is a difference in how the targets are configured. The competition targets are printed so that there are two sighting targets and ten record targets on one target card. Even after a few months of practice, shooters' skills become good enough that when five shots are fired on one target, the shots often are so close together, it is not possible to score them accurately. For this reason, competition shooters fire only one record shot on each competition target.

Many basic marksmanship courses end with everyone shooting a 3x10 course of fire on these competition targets. Cadets who join the rifle team will do all of their practice and competition on this target.

## The Finals

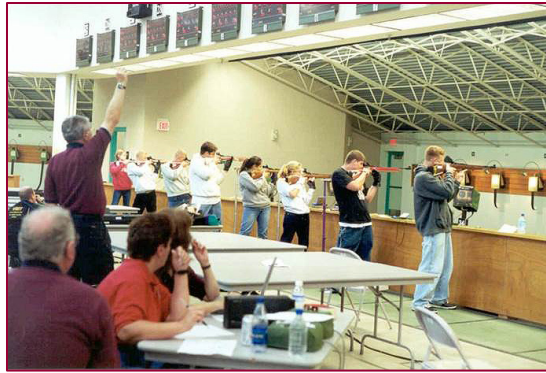
If you become a rifle team member and your team attends major three-position competitions, you will probably go to an event where a final is fired. Even if you do not go to a competition with a final, the final system can be used for shooting games on your home range that are really fun. Finals are a relatively new and very exciting way to conclude target shooting competitions. Here are some important facts about finals.

- Shooting finals were first used in the 1988 Olympic Games. Finals are now used in almost all important target shooting competitions, including many competitions for high school teams.
- To advance to a final, a competitor must complete the first round of a competition and finish in the top eight. The eight shooters with the highest 3x20 scores qualify for the final. In some competitions, all shooters may be invited to shoot the final.
- In three-position events, the final is always fired in the standing position. All eight shooters in a final shoot together on adjacent firing points. The shooter who finishes the first round in first place takes the number one



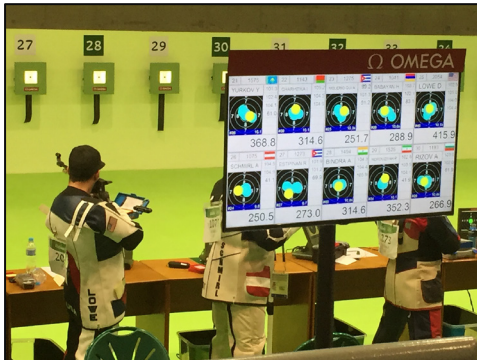
position on the left. The shooter in eighth place takes the number eight position on the right.

- Finals start with an 8 minute preparation and sighting period. Then finalists fire 10 shots for record, one shot at a time.
- To start each final round shot, the range officer uses the commands: FOR YOUR NEXT SHOT, LOAD, (pause), ATTENTION—3-2-1-START. Finalists have 75 seconds to fire one shot.
- After all eight finalists fire one shot, scores for that shot are announced. When electronic targets or special scoring equipment are available, final round shots are scored in tenth-ring values. A perfect center ten counts 10.9 points, while a ten that just touches the 10 dot scores 10.0 points. The range officer announces the eight shooters' scores after each shot ("Shooter one, 10.2; Shooter two, 8.7; Shooter three, 9.9; etc.")
- In many smaller competitions where special scoring equipment is not available, finals are still held, but scoring is done in whole numbers. When paper targets are used, the range officer can use a telescope to estimate and announce the shot values ("Shooter one, 9; Shooter two, 7, Shooter three, 10, etc."). The targets can then be "officially" scored immediately after the ten shots are completed so that final results can be announced.



*Sporter air rifle finalists in a Junior Olympic National Championship prepare to fire one of their final round shots. The top eight shooters advance to the final. Finalists fire ten additional shots together, one shot at a time. Final round scores are added to the shooters' scores in the regular competition.*

Figure 6.10.3



*Men's air rifle at the 2016 Olympic Games in Rio. The targets on this range are electronic. Note the scoreboard behind the competitors.*

Figure 6.10.4

- Spectators are encouraged to watch finals. Cheering before and after each shot is common and encouraged. At the 2000 Olympic Games in Sydney, there were 2,500 spectators in a grandstand behind the finalists. In addition, a live television signal of the shooting finals was broadcast to as many as two billion people around the world.
- Each finalist's final score is the total of the first round (3x10 or 3x20 shots) plus the final round score.
- Final scores are counted in individual rankings. Final scores are not counted in team scores or rankings.

## Competition Opportunities for JROTC Rifle Teams

Cadets who are interested in target rifle shooting as a sport and who become members of their JROTC or school rifle team have many special competition opportunities. Competitions are a great way to measure your skills and progress as a shooter. They are always exciting, challenging experiences where you learn to control yourself and do your very best under pressure. They also offer opportunities to travel and meet new friends. The following are competition opportunities available to you.

### JROTC or School Rifle Team

If your school has a JROTC rifle team or the school rifle team, your instructor will provide information about that program. Team members have a chance to practice regularly during the rifle season and to participate in competitions scheduled for the team.

### Postal Competitions

In postal competitions, participating teams schedule matches where each team fires their score at their home range. Competing teams exchange scores by email, fax, or phone to determine who won. The Army, Navy, and Marine Corps JROTC programs all have national postal competitions that all JROTC units are encouraged to compete in. The National Guard Bureau and American Legion sponsor two of the most popular national postals. To learn more about national postal competitions available to JROTC rifle teams, check the CMP website.

### League Competition

In many areas of the country, school or JROTC teams organize leagues where they compete against each other in shoulder-to-shoulder competitions. Won-lost records usually determine league standings. There are many JROTC or high school leagues in the United States. The largest and most active high school league is in Georgia where the Georgia High School Association recognizes rifle as a varsity sport.

### Major School Age Competitions

There are a growing number of major competitions for school and JROTC rifle teams. A program goal of many JROTC or school teams is to do well in one of these major tournaments. They include:

- **State Junior Olympic Championships.** Almost every state now has a state qualifying competition for the National Junior Olympic Championship in the winter or early spring. Many states organize their qualifiers in three or four different sections so that travel distances are not great and as many teams as possible can participate. Check the USA Shooting website for a listing of state qualifying competitions.



*Top three individual finishers of the 2017 U.S. Army Junior Air Rifle National Championship, Sporter class.*

Figure 6.10.5

- **CMP Cup Matches.** These are large regional high school competitions where participants come from several states. CMP Cup Matches have sporter and precision class individual and team events and offer an opportunity to earn credit points for Junior Distinguished Badge awards.

### National Recognition Opportunities

When school age rifle teams participate in major competitions, they become eligible to earn many special awards. Some of the most important awards are the Junior EIC badges and Distinguished Badges that are offered by the National Three-Position Air Rifle Council. Individual shooters who participate in Junior Olympic State and National Three-Position Air Rifle Championships can earn credit points for EIC badges and the prestigious Junior Distinguished Badge that are shown in *Figure 6.10.6*. Distinguished Badges usually are awarded in special ceremonies.

There also are National Records for three-position air rifle shooting, including separate record categories for Army, Navy, and Marine Corps JROTC competitors.

The most comprehensive summary of all of the competition opportunities available in target shooting appears in the Youth Shooting Opportunities Guide that is published by the CMP. If your unit does not have a copy, you can download a copy from the CMP website.



Figure 6.10.6

### Tips for Successful Competition

Most basic marksmanship instruction concludes with class participants firing a 3x10 event on the official air rifle targets under competition conditions (time limits, etc.). If you have a chance to fire a practice competition like that or if you go on to compete as a member of your rifle team, here are a few tips to remember that will help you do your best in the competition.

- **Know your firing point assignments.** In formal competitions, you will normally be assigned to a specific relay and firing point. Find out when and where you are scheduled to fire and be there well in advance so you can be prepared.

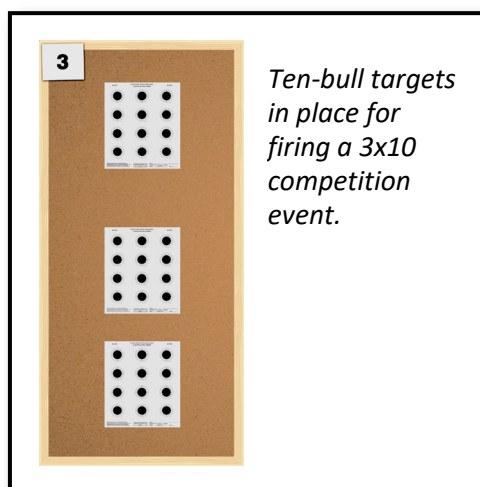


Figure 6.10.7



- **Be ready!** When the instructor or range officer calls you to the firing line for each position, set up your equipment and get into that position. Be sure to align the position on your sighter target and dry fire a few shots to warm up.



Figure 6.10.8

- **Keep your rifle zeroed.** After the commands LOAD, START are given, fire a few sighting shots and check to be sure your shot group is centered. Make sight adjustments if necessary. At any time during a competition that your shot group is not centered, adjust your sights to keep your rifle zeroed.
- **Remember your shot plan.** Consciously follow your shot plan for each sighting and record shots that you fire. If you are doing well, do not count up your possible score—just keep following the shot plan for each succeeding shot.
- **Excitement is normal.** Everyone, including the greatest champions, become excited and nervous during competitions. Enjoy the feelings of heightened awareness that come from competition. Keep your mind focused on following your shot plan for each shot. Being excited can actually help you do even better if you learn to control your excitement.
- **Use your time wisely.** It is a good idea to keep a watch or timer in view so you can pace yourself and make sure you do not run out of time. One of the most common mistakes of beginner shooters, is shooting too fast. Take advantage of the time available to you. Take a little extra time to do your pre-shot checks before each shot.
- **Take the rifle down if something is not right.** If you are not holding steady or are likely to fire a poor shot, stop trying to fire that shot, take the rifle down, rest briefly, and try again. There is plenty of time available to make sure you fire the best shots you can.



Figure 6.10.9

- **Keep yourself under control.** One of the most important lessons to learn in target shooting is the importance of self-control. It is natural and good to want to do well when you are in a competition. It is also tempting to become upset when there are distractions or when you fire bad shots or disappointing scores. This happens to all shooters at some point. If something goes wrong for you, take control of yourself, be determined not to let anything bother you and remind yourself that the best thing you can do is use your shot plan to focus on firing your next shot correctly.



- **Enjoy the competition experience.** Competitions are fun. Enjoy the experience of trying to do your best while dealing with the challenges of competition. You should always know that when you finish a competition and can say you worked hard to follow your plan and tried to do your best on each shot, that the competition was a success for you. The score you fired or where you finished in the competition is not important then. What is important, is trying hard to do your best. If you can say you did that, the competition was a success for you.

## Conclusion

This lesson introduced you to the sport of target rifle shooting. The safety skills you learned will be invaluable to you, regardless of whether you continue to participate in the sport. If learning about rifle marksmanship sparked a new interest for you in the sport of target shooting, it may have opened the doors for you to the excitement and special experiences of high school and collegiate rifle competitions and the possibility of enjoying a great sport for a lifetime.

## Lesson Check-up



- What are some differences between BMC target shooting and regular competition events?
- What event would you most like to participate in?
- Name five things that can help you do your best in competitions.

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# Glossary

## A

**abolitionists** - Opponents of slavery who wished to put an end to the institution

**abrasions** - Wounds where the top layer of skin has been scraped away

**acids** - Chemicals designed to eat away certain material

**action** - The working mechanism of a gun, which loads, locks, and fires ammunition

**adversary system** - A system of justice in which court trials are essentially contests between accuser and accused that take place before an impartial judge or jury

**advisory opinion** - In some judicial systems, a formal opinion on a point of law given by a judge or court when requested by a legislature or government official

**affidavit** - A formally sworn statement

**agonic line** - A map line that indicates no variation between true north and magnetic north

**aiming off** - An orienteering method where the navigator aims to one side of a destination point instead of directly at it

**alien** - A foreign-born resident

**align** - To arrange according to a line

**allergic reaction** - A physical reaction, often marked by sneezing, breathing difficulties, itching, rash, or swelling, that some people have when they come in contact with certain substances

**amendment** - A change in or addition to a legal document

**ampule** - A small, sealed glass container that holds one dose of a solution, usually a medicine, to be administered by injection

**amputation** - The complete removal of an extremity, such as a finger or leg

**annual fee** - A yearly fee charged by credit grantors for the privilege of using a credit card

**annual percentage rate (APR)** - The cost of credit at a yearly rate

**Anti-Federalist** - Opponents to ratification of the U.S. Constitution who believed that it gave excessive power to the federal government and failed to protect the rights and liberties of the people

**antimeridian** - The line of longitude at 180 degrees

**antivenin** - Antitoxin used to counteract venom

**appeal** - Bringing a court case from a lower court to a higher court in an attempt to have the lower court's decision reversed

**appellate jurisdiction** - The legal authority of a court to hear appeals from a lower court

**arteries** - Blood vessels that carry blood from the heart to other parts of the body

**Articles of Confederation** - The first constitution of the United States, created to form a perpetual union and a firm league of friendship among the thirteen original states; it was adopted by the Second Continental Congress on November 15, 1777, and sent to the states for ratification

**attack point** - An easy-to-find landscape feature shown on the map from which the final approach to a control point may be made

**autonomy** - Independence, freedom, or the right to self-governance

**avulsion** - A wound where tissue is torn from, or pulled away from and hanging off, the body

**azimuth** - A horizontal angle usually measured clockwise in degrees from a north base line

## B

**back azimuth** - The opposite direction of an azimuth obtained by adding 180 degrees to or subtracting 180 degrees from an azimuth

**bail** - Money or other security given to obtain an arrested person's release from legal custody, which is forfeited if the individual subsequently fails to appear before the court for trial

**balance** - Position just forward of the magazine floor plate on the underside of the rifle stock

**bankruptcy** - Financially ruined, impoverished

**bar scale** - A scale line on a map used to measure actual ground distances by converting distances on a map

**barrel** - Metal tube for aiming and firing ballistic projectile

**bases** - Chemicals used to cut through grease; also called alkalis

**biathlon** - A sport that combines cross country skiing with rifle shooting

**bill** - Proposed law placed before a legislature for approval

**bill of attainder** - An act of the legislature that inflicts punishment on an individual or group without a judicial trial

**bill of rights** - The first ten amendments to the U.S. Constitution

**bivouac** - A temporary camp or shelter

**BMC targets** - Targets with large scoring rings used with beginning marksman



**bolt** - Breeching mechanism for loading, locking, and removing cartridges from rear of barrel

**bolt handle** - Lever mechanism for moving rifle bolt to open and close cartridge chamber

**bond** - You lend money to a government or a company. In return, the borrower promises to repay you with interest on a certain date

**breech** - The rear end of a rifle's barrel

**budget** - An itemized summary of estimated or intended expenditures for a given period along with proposals for financing them

**bureaucracy** - Governmental departments and agencies and their staffs, principally civil service members and political appointees

**butt** - Bottom end of the rifle stock designed to rest against shoulder



**cabinet** - The group of advisors to the president composed of the heads of the departments of the executive branch and certain other officials

**calamine** - A pink powder that is made of zinc oxide and some ferric oxide and is used in lotions and ointments

**cant** - Tilt or angle

**capital punishment** - The use of the death penalty by a judicial system

**capitalism** - An economic system in which the means of producing and distributing goods are privately owned and operated for profit in competitive markets

**cash flow** - A measure of the money you receive and the money you spend

**caustic** - Capable of destroying or eating away something by chemical action

**CBI** - Clear barrel indicator

**chamber** - Opening towards rear of barrel for inserting and removing cartridges

**charter** - A written document from a government or ruler that grants certain rights to an individual, group, organization, or to people in general

**checks and balances** - Distributing and balancing the powers of government among different branches of government so no one branch is able to dominate the others

**chlorine** - A gaseous greenish-yellow element used as a bleach and disinfectant in water purification

**citizen** - A person who is a legal member of a nation, country, or other organized, self-governing political community

**city-state** - A politically independent community consisting of a city and its surrounding territory

**civic virtue** - The dedication of citizens to the common welfare of their community or country, even at the cost of their individual interests

**civil discourse** - Reasoned discussion as opposed to emotional display

**civil disobedience** - The nonviolent refusal to obey laws that citizens regard as unjust or in protest of specific public policy

**civil rights** - The rights belonging to an individual by virtue of citizenship

**civil service** - Employment in federal, state or provincial, and local governmental agencies

**clammy** - Damp, soft, sticky, and unusually cool

**classes or categories of individuals** - Groups of individuals within a society who can be recognized in the law as having certain rights

**classical republicanism** - A theory that holds that the best kind of government is one that promotes the common welfare instead of the interests of one class of citizens. The Roman Republic was thought by the Founders to be one of the best examples of a society living under this theory of government

**clicks** - An adjustment on a target sight that can be felt and counted

**closed fracture** - A fracture in which the broken bone does not push through the skin's surface

**cloture** - A rule of the U.S. Senate stipulating that debate on a legislative proposal be cut off and the proposal voted upon by the full Senate if sixty members agree

**collective security** - A system formed to maintain peace among nations in which participant members agree that a military attack on one is an attack on all and will result in a united response by all members

**commander in chief** - The highest ranked person of the military forces

**common good** - The good of the community as a whole, as contrasted with private interests that may conflict with public interest

**common law** - The body of unwritten law developed in England from judicial decisions based on custom and earlier judicial decisions

**compact** - A formal contract or agreement between or among two or more parties or states

**compelling state interest** - A public or common good claimed to take precedence over individual interests or, in some cases, rights

**compounding** - Earning on your balance plus the previous earned interest

**compresses** - Folded cloths or pads applied so as to press upon a body part to stop bleeding or cool a burn

**concave** - Curving inward

**concentric** - A group of circles having a common center; having a common center

**confederation** - A form of political organization in which the sovereign states combine for certain specified purposes, such as mutual defense; member states can leave a confederation at any time. The United States was a confederation from 1776 to 1789

**consecutive** - Following one another in order with no interruption

**consent of the governed** - Agreement by citizens to obey the laws and the government they create

**consistency** - Sticking to the same pattern

**constituent** - A person represented by an elected official

**constitution** - A set of customs, traditions, rules, and laws that sets forth the way a government is organized and operated

**constitutional convention** - The gathering that drafted the Constitution of the United States in 1787

**constitutional government** - A government in which the powers of the government are limited in practice by a written or unwritten constitution which they must obey

**contour interval** - The vertical distance between contour lines

**contour line** - A line indicating elevation and relief

**control points** - Trapezoid-shaped markers used on an orienteering course to show proof of arrival

**convex** - Curving outward

**course of fire** - A complete game or set of target shooting challenges

**covenant** - A binding agreement made by two or more persons or parties

**credit** - A trust or a promise to pay later for goods or services purchased today

**credit history** - Record of how a consumer has paid credit accounts in the past; used as a guide to determine whether the consumer is likely to pay accounts on time in the future

**credit report** - A record or file to a prospective lender or employer on the credit standing of a prospective borrower, used to help determine credit worthiness

**cruel and unusual punishment** - A criminal sanction or penalty that is not in accord with the moral standards of a humane and compassionate society

## D

**de facto segregation** - Racial separation not mandated by law

**de jure segregation** - Racial separation mandated by law

**debt** - A liability or obligation in the form of bonds, loan notes, or mortgages owed to another person

**decision-making** - Process of considering and analyzing information in order to make a decision

**declination diagram** - The information on a topographical map that shows the angular differences between grid north, magnetic north, and true north

**deductible** - The amount of a loss that an insurance policy holder has to pay out-of-pocket before reimbursement begins

**dehydration** - The condition that results when fluids are lost from the body and are not replaced

**delayed gratification** - To postpone satisfaction until a later time

**delegate theory of representation** - The idea that a legislative representative should exactly mirror their constituents' views in deciding on public policy

**delegated powers** - The powers people entrust to government for certain limited purposes. People can take these powers back if government fails to fulfill its purposes

**deliberative body** - A legislative assembly that meets to debate issues

**democracy** - Literally defined as “rule of the people;” a form of government in which all citizens exercise political power, either directly or through their elected representatives

**denaturalization** - A legal process by which citizens may voluntarily divest themselves of citizenship

**depression** - A low area on the ground surrounded by higher land on all sides

**discoloration** - An altered or changed color

**disinfect** - To destroy harmful germs; to purify

**dislocation** - The separation of a bone from its joint

**dividend** - An amount paid in cash or share of stock, based on the amount of stock shares owned

**divine right** - The idea prevalent in early modern Europe that monarchs derive their authority directly from God

**dominant** - The strongest or the main one

**double jeopardy** - The provision in the Fifth Amendment to the U.S. Constitution that a person may not be tried twice for the same crime

**draw** - A stream course that is less developed than a valley

**dressings** - In this case, a bandage or gauze applied to a wound

**dry fire** - Cocking the trigger mechanism without charging the gas cylinder or loading a pellet in the breach

**dual national citizenship** - The status of a person who is a legal citizen of two or more nations



**due process of law** - A requirement stated in the Fifth and Fourteenth Amendments that treatment by state and federal governments in matters of life, liberty, or property of individuals be reasonable, fair, and follow known rules and procedures

**dysentery** - Any of several intestinal disorders usually caused by infection and characterized by stomach pain and diarrhea with passage of mucous and blood

## E

**E pluribus unum** - Out of many, one

**eastern hemisphere** - The portion of the globe that is east of the prime meridian between zero and 180 degrees

**eastings** - Coordinates that measure location based on east-west meridians

**economic rights** - Those rights essential to citizens that allow them to earn a living, to acquire and transfer property, and to produce, buy, and sell goods and services in free markets

**Electoral College** - The group of presidential electors who cast the official votes for president and vice president after a presidential election. Each state has a number of electors equal to the total of its members in the Senate and House of Representatives. The functioning of the Electoral College is provided for in Article II of the U.S. Constitution and amended by the Twelfth and Twenty-Third Amendments

**elevated** - Raised or moved above

**elevation** - Height above sea level or the earth's surface

**elevation knob** - The sight adjustment knob that is used to adjust up or down

**eminent domain** - The inherent power of the state to seize a citizen's private property or to expropriate property or rights in property without the owner's consent

**enforcement powers** - The power of Congress to enforce laws

**enfranchisement** - Giving the right to vote to a person or category of persons

**enlightened self-interest** - A philosophy in ethics that states that persons who act to further the interests of others ultimately serve their own self-interest

**enumerated powers** - Rights and responsibilities of the U.S. government specifically provided for and listed in the Constitution

**equality of condition** - Equality in all aspects of life, such as wealth, standards of living, medical care, and working conditions

**equality of opportunity** - A right guaranteed by both federal and many state laws against discrimination in employment, education, housing, or credit rights due to a person's race, color, sex and sometimes sexual orientation, religion, national origin, age, or handicap

**established church** - An official, state-sponsored religion

**establishment clause** - The part of the First Amendment that prohibits the government from declaring an official religion

**ex post facto law** - A law that criminalizes an act that was not a crime when committed, that increases the penalty for a crime after it was committed, or that changes the rules of evidence to make conviction easier. Ex post facto laws are forbidden by Article I of the Constitution

**exclusionary rule** - The rule established by the U.S. Supreme Court that evidence unconstitutionally gathered by law enforcement officers may not be used against a defendant in a trial

**executive order** - Directives issued by the president, including Presidential Directives, National Security Directives, and Homeland Security Presidential Directives

**executive power** - The authority to carry out and enforce the law

**expenses** - Something spent to attain a goal or accomplish a purpose

## F

**faction** - In this case, a number of citizens who are united by some common self-interest and uncommitted to the interests of the community

**fainting** - To lose consciousness briefly because of temporary decrease in the amount of blood that flows to the brain

**fatigue** - Weariness or exhaustion

**federal income tax** - A government levy on the members of a nation to meet its expenses

**federal system** - A system of government in which entities, such as states or provinces, share power with a national government

**federalism** - A form of government in which power is divided and shared between a central government and state and local governments

**Federalists** - Advocates for a strong central government who urged ratification of the U.S. Constitution in 1787-1788

**feudalism** - A system of social, economic, and political organization in Europe from the ninth to about the fifteenth century in which a politically weak monarch shared power with the nobility

**field-expedient** - A method of accomplishing a task that relies on using available resources instead of additional tools

**filibuster** - The practice of refusing to surrender the floor during a debate to prevent the Senate from voting on a proposal

**finals** - A target competition in which eight shooters fire at targets simultaneously

**finance charge** - The cost of consumer credit expressed as a dollar amount including interest, transaction fees, and service fees

**fixed expenses** - Expenses that do not vary

**fliers** - Wild shots that are away from the main group and indicates a technique mistake

**flush** - To cleanse or wash out with running water or another liquid

**forms of government** - Aristotle's idea of three forms of government based on the number of people exercising power. Each has a "right" form and "corrupt" form

**franchise** - A right or privilege; in the context of American politics, it means the right to vote

**free exercise clause** - The part of the First Amendment stating that Congress shall make no laws that prevent people from holding whatever religious beliefs they choose or that unfairly or unreasonably limit the right to practice religious beliefs

**front sight inserts** - Attachments to the front sight of an air rifle which come in different sizes and ensure that the correct sight aperture is used

**frostbite** - An injury caused to body tissue by frost or extreme cold

**fundamental rights** - Rights such as those to life, liberty, and property



**gag rule** - Any rule restricting open discussion or debate on a particular issue

**galvanized** - Coated with zinc

**gerrymandering** - Drawing the boundaries of an electoral district to favor a political party

**globalization** - The process of increasing interconnectedness and closer integration of the world's markets and businesses as a result of advances in transportation, communications, and information technologies

**goal** - An aim or purpose; an end to which effort is directed

**GPS** - A network of satellites and ground stations used to determine locations by coordinates; Global Positioning System

**grace period** - The timeframe in which a person can avoid any finance charges by paying off the balance in full before the due date

**grand jury** - A panel of jurors designated to inquire into alleged violations of the law in order to ascertain whether the evidence is sufficient to warrant trial

**great compromise** - A plan accepted at the Philadelphia Convention in 1787 that called for a Congress of two houses: in the upper house, or Senate, representation of the states would be equal, with each state having two senators; in the lower house, or House of Representatives, representation would be apportioned according to the population of each state, so that states with more people would have more representatives; also called the Connecticut Compromise

**grid azimuth** - The angle measured between grid north and a straight line plotted between two points on a map

**grid coordinate** - A set of letters and numbers specifying the location of a point to the desired position within a 100,000-meter square

**grid north** - The direction of north that is established by using the vertical grid lines on a map

**grid-magnetic angle** - The angle between grid north and magnetic north

**gross income** - For an individual, all income except as specifically exempted by the internal revenue code

**grounding** - In target competition, placing rifles on the floor, shooting mat, or bench with the muzzle lying ahead of the firing line

**guard** - Protective handle cover



**hand guard** - Protective grip forward of the rifle stock

**heat cramps** - A condition marked by the sudden development of cramps caused by the loss of salt from the body through heavy perspiration in hot or humid conditions

**heat exhaustion** - A heat injury that occurs when fluids are not adequately replaced or when sweat does not evaporate because of high humidity or too many layers of clothing

**heat stroke** - A life-threatening condition caused by prolonged exposure to heat

**hemorrhage** - Severe bleeding

**human rights** - Basic rights and freedoms said to belong to all people everywhere

**hygiene** - Practices or conditions that aid in good health; the science that deals with maintenance of good health and the prevention of infection and disease

**hypothermia** - An injury where there is too little body heat with abnormally low internal body temperature



**immigration** - The movement of people into one place from another

**impeachment** - The constitutional process whereby the House of Representatives may 'impeach' (accuse of misconduct) high officers of the federal government for trial in the Senate

**implied powers** - Powers authorized by a legal document that are not expressly stated but can be inferred from expressly stated powers



**inalienable rights** - Fundamental rights that every person possesses that cannot be taken away by government or another entity

**incisions** - Straight cuts, usually made with a sharp object like a knife or piece of glass

**income** - The amount of money or its equivalent received during a period of time in exchange for labor or services, from the sale of goods or property, or as profit from financial investments

**incorporation** - The process through which the U.S. Supreme Court has applied the Due Process Clause of the Fourteenth Amendment to extend the reach of the Bill of Rights to include protection from interference by states

**increments** - Measurements or steps in a series

**indentured servant** - A person who voluntarily sold their labor for a set period of time in return for the cost of passage to the American colonies

**independent agencies** - Administrative organizations located outside the structure of executive departments

**indexing** - Holding a rifle so that all fingers are outside of the trigger guard

**indictment** - A formal charge by a grand jury accusing a person of having committed a crime

**inflation rate** - The percentage increase in the cost for the same items over time

**inherent powers** - Powers ingrained so deeply in an institution that they need not be stated

**initiative** - A proposed law placed on the ballots of some states for voter decision

**inquisitorial system** - A trial system in which a judicial official or set of officials acts as both prosecutor and judge, questioning witnesses, examining evidence, and reaching a verdict

**insulate** - To use materials to protect or isolate something from the elements of weather

**insurance** - Compensation for specific potential future losses in exchange for a periodic payment

**insurance premium** - The periodic payment made on an insurance policy

**interest** - The cost of borrowing or lending money that is usually a percentage of the amount borrowed or loaned

**intermediate scrutiny** - In U.S. constitutional law, the middle level of scrutiny applied by courts deciding constitutional issues through judicial review

**international law** - Rules, usually the result of treaties but also from custom, that regulate how countries are to behave toward one another

**interrelationship** - The way in which two or more things or people are connected and influence each other

**intersection** - A method of locating an unknown point by determining where the azimuths from at least two known points meet

**investing** - Buying something with the expectation that it will make money for you

**iodine** - A nonmetallic element having important medical uses

**isogonic lines** - The imaginary lines on a map that show the magnetic contour lines and the variation of magnetic and true north

**isolationism** - The foreign policy of a nation that wishes to be inward-looking rather than involved with other countries

## J

**Judeo-Christian** - Ideas, beliefs, and practices that have their historical roots in Judaism and Christianity

**judicial review** - The power of the courts to declare laws and actions of the local and state governments or the national government invalid if they are found to contradict the U.S. Constitution

**jurisdiction** - The power or authority to hear cases and make decisions

**jus sanguinis** - A right by which nationality or citizenship can be recognized to any individual born to a parent who is a national or citizen of that state

**jus solis** - The right by which nationality or citizenship can be recognized to any individual born in the territory of the related state

## K

**keeper** - Slide for adjusting slack in the rifle sling

**kneeling roll** - A cylindrical cushion placed under the ankle when firing in the kneeling position

## L

**lacerations** - Wounds in which the soft tissue in the body is torn, often in a jagged or irregular in size and shape

**landmark decision** - A legal decision that constitutes a turning point or stage

**latitude** - Imaginary horizontal lines around a globe of Earth

**law of nature** - In natural rights philosophy, moral rules found out by correctly applied reason or right reason, telling persons what they may and may not do in various circumstances

**legend** - An explanatory description on a chart, map, or other illustration

**legislative supremacy** - A system of government in which the legislative branch has ultimate power

**letter or marque and reprisal** - A grant of authority from Congress to private citizens, not the president, to expressly authorize seizure and forfeiture of goods by such citizens in the context of undeclared hostilities with another country or countries

**libel** - Published words or pictures that falsely and maliciously defame a person

**lice** - Small, wingless, parasitic insects that live on warm-blooded animals, especially in hair, and suck the animal's blood

**ligament** - A fibrous band of tissue that holds bones together at a joint

**limited government** - A system restricted to protecting natural rights that does not interfere with other aspects of life

**literacy test** - A test to prove a person's ability to read and write. Until 1964, such tests were used in various states to prevent minorities from voting

**litigant** - A party involved in a lawsuit

**loading port** - The location where the pellet is loaded into the barrel

**loan term** - Agreed upon length of a loan

**lobbying** - The practice of attempting to affect legislation by influencing legislators

**local governments** - Government of a specific local area, such as state subdivisions authorized by states or governments of cities, counties, and towns

**longitude** - Imaginary vertical lines that cut through polar regions on a globe of Earth

**lower band** - Metal band located halfway along rifle barrel

## M

**magistrate** - A lower-level judicial officer, usually elected in urban areas, who handles traffic violations, minor criminal offenses, and civil suits involving small amounts of money

**Magna Carta** - A charter that granted certain civil rights and liberties to English nobles and to all "freemen," such as the right to a jury of one's peers and the guarantee against loss of life, liberty, or property except in accordance with law

**magnetic azimuth** - A direction that is expressed as the angular difference between magnetic north and a line of direction

**magnetic north** - The direction to the north magnetic pole, as indicated by the north-seeking needle of a magnetic instrument

**majority tyranny** - A situation in which a majority uses the principle of majority rule but fails to respect the rights and interests of the minority

**marginal information** - Instructions placed around the outer edge of a map

**marksmanship** - Skills at target shooting

**Mayflower Compact** - An agreement by the English adult male immigrants who arrived at Cape Cod in 1620 to form a political body and to submit to "just and equal Laws"

**mean sea level** - The level of the surface of the sea between high and low tides

**Medicare tax** - A federal tax used to assist in running a program under the U.S. Social Security Administration that reimburses hospitals and physicians for medical care provided to qualified people over 65 years old

**meridians** - Imaginary circles on the earth's surface passing through the North and South poles; a line of longitude

**methods of constitutional interpretation** - Ideas employed by U.S. Supreme Court justices when considering constitutional issues of some cases

**MGRS** - A grid system used by the military to determine precise location

**mixed constitution** - The basis of a form of government in which power is divided among different branches

**mottled** - Marked with irregular spots or splotches of different colors or shades of color

**multinational corporation** - An enterprise that operates in at least two nations

**mutual fund** - A type of investment that is made up of a variety of stocks and/or bonds to meet a specific investment objective

**muzzle** - The open end of the rifle barrel from which the bullet exits

## N

**national government** - The organization having central political authority in a nation; the representative unit of political organization

**nation-state** - As currently used, a country; the standard unit of political organization in the world

**natural rights** - The doctrine that people have basic rights, such as those to life, liberty, and property in a state of nature

**naturalization** - The legal process by which a foreign citizen becomes a citizen of the United States, concluding with an oath of allegiance

**necessary and proper clause** - Article I, Section 8, Clause 18 of the Constitution that gives Congress the power to make all laws that are "necessary and proper" to carry out the powers specifically delegated to it by the Constitution. It is also known as the "elastic clause" because of the vagueness of the phrase "necessary and proper"

**needs** - A condition requiring supply or relief; to be in need or want



**negative rights** - Those rights that prohibit government from acting in certain ways; rights that are not to be interfered with

**net income** - Income after all expenses and taxes have been deducted

**neutralized** - Counteract the activity or effect of something

**New Jersey Plan** - A plan, unsuccessfully proposed at the Constitutional Convention, providing for a single legislative house with equal representation for each state

**nongovernmental organization** - An autonomous organization independent of direct governmental control that exists to perform any of a large variety of purposes, including those dealing with humanitarian, educational, or public policy problems and issues

**northings** - Coordinates that measure location based on parallels north and south of the equator



**open fracture** - A fracture in which the broken end of a bone pierces the skin

**opportunity cost** - Choosing one option may mean giving up another

**orient** - To align or position oneself (or a map) in relationship to one's surroundings

**orienteering** - A competitive form of land navigation in which each participant uses a map and compass to navigate between check points

**original jurisdiction** - In this instance, cases in which the Supreme Court has the right to consider the facts and the law in a case without it having first been passed on by a lower court



**parallels** - Lines of latitude

**Parliament** - The British legislature, which consists of two houses: the House of Lords, which once represented the nobility, and the House of Commons, which formally represents the common people

**party system** - A concept in political science that political parties control government

**patronage** - When a president appoints members of their own party to positions in government

**payroll deductions** - The sum of money to be taken out of an employee's paycheck to meet agreed-on obligations

**PDC** - Pellet discharge container

**pentathlon** - A sport that combines air pistol shooting with horse riding, fencing, swimming, and running

**personal hygiene** - An individual's practice of taking care of him or herself in order to maintain good health

**personal rights** - Those rights of individuals in their private capacity, such as the rights to life and liberty, as distinguished from the political rights of citizens, such as the rights to vote and to hold public office

**perspiring** - Giving off moisture through pores of the skin

**pistol belt** - Heavy duty belt for attaching weapons and ammunition at the waist

**pistol grip** - The curved portion of the stock behind the action and trigger

**platform** - List of the policies and priorities of a political party; also known as a manifesto

**plea agreement** - Pleading guilty to a lesser crime than that charged by a prosecutor

**pocket veto** - A presidential practice that allows a bill to die if not signed within ten days and Congress is adjourned

**polar coordinates** - A method used to locate or plot an unknown position from a known point by direction and distance along that direction line

**Polaris** - Another name for the North Star

**police powers** - The inherent authority of a government to impose restrictions on private rights for the sake of public welfare, order, and security within the boundaries of constitutional law

**political legitimacy** - Acceptance by the governed that the claim to authority by those who govern is justified

**political party** - An organization seeking to achieve political power by electing members to public office so that its political philosophy is reflected in public policy

**political rights** - All rights of a citizen in a free society that are clearly expressed and guaranteed by the Constitution and implied by natural laws

**poll tax** - A tax that voters in many states were required to pay, in order to exercise their right to vote. These barriers were used until 1964 to prevent African Americans from voting

**popular sovereignty** - The natural rights concept that ultimate political authority rests with the people

**port** - To turn or put to the left

**port arms** - Movement to position rifle diagonally across body with right forearm horizontal and elbows at sides

**positive rights** - Those rights that require overt government action, as opposed to negative rights that require government not to act in specified ways

**power to investigate** - The power of Congress to undertake formal inquiries into matters of public business and public policy

**precedent** - Previous court decisions upon which legal issues are decided

**precipitation** - Any form of water, such as rain, snow, sleet, or hail that falls to the earth's surface

**pressure bandage** - A snug bandage using the pressure to control bleeding

**pressure points** - Locations on the body where arteries are close to the surface

**prime meridian** - The line of longitude that passes through Greenwich, England, designated as zero degrees longitude, and from which longitude east and west is measure

**prior censorship** - The act of the government keeping certain speech or writing from being published, preventing censored materials from being distributed

**private morality** - An individual's ideas about right and wrong to be practiced in one's personal life

**probable cause** - Reasonable grounds for presuming that a crime has been or is in the process of being committed

**procedural due process** - The principle that government must respect all, not some, of a person's legal rights. Government must not subject individuals to unreasonable, unfair, or arbitrary treatment

**prone** - Lying on your stomach

**proportional representation** - In the context of American government, the electoral system in which the number of representatives for a state is based on the number of people living in the state; used to determine the number of each state's representatives in the U.S. House of Representatives

**public forum** - Geographical places in a community, such as streets, parks, or virtual reality sites, where people can express and exchange their views

**public morality** - The values and principles of right and wrong pertaining to public policies and actions

**purified** - Free from undesirable elements or impurities; cleaned

**pursuit of happiness** - An "unalienable" right to pursue personal fulfillment in their own way, so long as they do not infringe on the rights of others

**P.Y.F.** - "Pay Yourself First" is the secret to getting what you want and becoming a disciplined saver



**quasi-judicial powers** - Actions of an agency, board, or other government entity in which there are hearings, orders, judgments, or other activities similar to those of courts

**quasi-legislative powers** - Having a partly legislative character by possession of the right to make rules and regulations having the force of law

# R

**rabies** - A viral disease that affects the central nervous system of mammals and is transmitted by a bite from an infected animal; can result in paralysis and death if left untreated

**ratification** - Formal approval of some formal legal instrument such as a constitution or treaty

**rational basis** - In U.S. constitutional law, the lowest level of scrutiny applied by courts deciding constitutional issues through judicial review

**rear sight blinder** - An attachment that is often used on the rear sight to block the view of the non-aiming eye

**reasonableness** - The quality of what a rational and fair-minded person might say

**recall** - A process of using special or general elections for removing elected officials from office

**redress of grievances** - The correction of complaints

**referendum** - Placing a measure approved by a legislature on a ballot for popular approval

**relief** - The shape of landforms

**republic** - A form of government that derives its powers directly or indirectly from the people, is administered by officials holding power for a limited time, and incorporates representative institutions

**resection** - A method used to locate your unknown position by determining where the back azimuths from two or three well-defined locations meet on a map

**reserved powers** - The powers referred to in the Ninth and Tenth Amendments that are reserved to the states or to the people

**resident alien** - A noncitizen legally residing in a country other than their birth country

**restraint** - The self-control to save your money for a future goal

**rifling** - A pattern of flat spiral ridges inside the barrel that cause a projectile to spin when it leaves the barrel

**right of revolution** - The right of the sovereign people of any democratic state or regime to depose a government after it has attacked citizens' basic rights for a significant period of time

**right to assemble** - The right or legal claim provided for in the First Amendment that allows people to meet to discuss and express their beliefs, ideas, or feelings, especially in a political context

**right to associate** - The freedom to meet with others for political or any other lawful purpose



**right to counsel** - Part of the right to a fair trial, allowing for the defendant to be assisted by an attorney, and if the defendant cannot afford counsel, requiring that the state appoint an attorney or pay the defendant's legal fees

**right to petition** - The legal claim that allows citizens to urge their government to correct wrongs and injustices or to take some other action

**rights** - Moral or legal claims justified in ways that are generally accepted within a society or the international community

**rights of Englishmen** - A term prevalent in seventeenth-century England and America referring to certain historically established rights, beginning with the rights of the Magna Carta, that all English subjects were understood to have

**risk management** - The process of analyzing exposure to risk and determining how to best handle such exposure

**rule of law** - The principle that both those who govern and those who are governed must obey the law and are subject to the same laws



**saber** - A heavy cavalry sword with a one-edged, slightly curved blade

**saddle** - A lower area between two hills or mountains

**sanitation** - The promotion of hygiene and prevention of disease by working to keep a clean and healthy environment

**scabbard** - Sheath for a sword, dagger, or bayonet

**scalding** - Burning of the skin by a substance that is hot in temperature

**search** - In the context of American constitutional law, intrusion into someone's privacy

**secede** - Formal withdrawal by a constituent member from an alliance, federation, or association

**secession** - In U.S. history, the act of states leaving the Union in 1861 following the election of President Abraham Lincoln; precipitated the Civil War

**sedition** - Incitement to rebellion

**sedition libel** - Written language that seeks to convince others to engage in the overthrow of a government

**seizure** - In the context of U.S. constitutional law, interference with a person's property or freedom of movement

**self-incrimination** - When someone is compelled or forced to testify against themselves

**seniority** - Length of service

**separate but equal** - The argument, upheld by the U.S. Supreme Court in Plessy v. Ferguson (1896) but later reversed, that racially segregated public facilities are constitutional if those facilities are of equal quality

**separated powers** - The division of government powers among the different branches. Separating powers is a primary strategy of promoting constitutional or limited government by ensuring that no one individual or branch has excessive power that can be abused

**separation of church and state** - Basic principle of American government that no single religion should be favored by government over other religions, nor should government interfere with the right to practice or not practice religious belief

**shared powers** - Legislative powers not completely separated between the branches of government

**Shays' Rebellion** - An armed revolt by Massachusetts farmers seeking relief from debt and mortgage foreclosures; the rebellion fueled support for amending the Articles of Confederation

**shooter's hold** - The area of movement of the front sight aperture around the bull's-eye while aiming

**shot plan** - A step-by-step outline of the different things that you do to fire a shot

**sight** - Front and rear plates used to align rifle with target

**sight alignment** - On an air rifle, to bring the front and rear sights in a position where the front sight appears in the middle of the rear sight opening

**sight picture** - The sight position view at which the bull's-eye appears in the center of the front sight aperture

**sling** - Strap for carrying rifle over back and shoulder; an adjustable strap that supports the weight of the rifle in target shooting

**sling swivel** - An attachment point for a sling that is permitted in prone and kneeling positions of air rifle marksmanship; metal loop for connecting sling to stock

**SMART goals** - Specific, Measurable, Attainable, Relevant, Time-bound goals

**social contract** - The agreement among all the people in a society to give up part of their freedom to a government in return for the protection of their natural rights by that government

**Social Security tax** - Federal tax levied equally on employers and employees, used to pay for Social Security programs

**solvents** - Types of chemicals that are used to dissolve other substances, such as paint, grease, or plastic

**sovereignty** - The ultimate, supreme power in a state

**splint** - To support and immobilize a body part with a stiff material

**sprain** - An injury caused by twisting a ligament or tendon around a joint

**spur** - A short sloping narrow area cutting through the side of a slope

**stare decisis** - The doctrine that a court should follow the previous decisions of other courts on cases in which the facts are substantially the same

**state income tax** - State tax levied equally on employers and employees, used to pay for state programs

**state of nature** - The condition of people living in a situation without government

**steering mark** - An easily identifiable feature in the landscape which is not shown on the map but is used by the orienteer to follow a bearing

**stock** - Part of a firearm where the barrel and lock are attached

**stock** - A percentage of ownership in a company

**strain** - An injury caused when a muscle or tendon is overstretched

**strict scrutiny** - Under U.S. constitutional law, the second highest level of scrutiny used by courts reviewing federal law for constitutional legitimacy; "super strict scrutiny" is the highest level

**subcutaneous** - Beneath the top layer of skin

**substantive due process** - Judicial interpretations of the Due Process Clauses of the U.S. Constitution requiring the content of law to be fair and reasonable

**suffrage** - The right to vote

**superficial** - Injuries that are not very serious and only affect the surface of the body

**supremacy clause** - Article VI, Section 2 of the Constitution, which states that the U.S. Constitution, laws passed by Congress, and treaties of the United States "shall be the supreme Law of the Land" and binding on the states

**systemic** - Something that acts throughout the body after absorption or ingestion



**tariff** - A tax on imported or exported goods; also known as a duty

**taxes** - To place a tax on income, property, or goods

**ten-bull targets** - Targets printed with ten competition targets and two practice targets on one target card

**terrain** - An area of land with particular natural features

**tetanus** - An acute infectious disease caused by the poison of a certain bacterium that enters the body through a wound, resulting in muscle contractions, rigidity, and death

**The Federalist** - A collection of essays used in the debate over ratification of the U.S. Constitution

**the new science of politics** - A term in The Federalist for a study of politics utilizing reason, observation, and history

**thematic map** - A map that shows an area in relation to a particular type of information

**three-fifths compromise** - Article I, Section 2, Clause 3 of the U.S. Constitution, later eliminated by the Fourteenth Amendment. The clause provided that each slave should be counted as three-fifths of a person in determining the number of representatives a state might send to the House of Representatives. It also determined the amount of direct taxes Congress might levy on a state.

**ticket** - The choice of candidates of a political party for president and vice president

**time place and manner restrictions** - Government regulations that prohibit speech at certain times and in certain places

**time value of money** - The concept that holds that a specific sum of money is more valuable the sooner it is received

**topographic map** - A map that shows elevation, terrain, and landforms

**torso** - The trunk of the body; the part without the head, arms, or legs

**trauma** - A behavioral state resulting from mental or emotional stress or physical injury that has a lasting effect on the mind; a physical wound or injury

**treaty** - An agreement under international law between states or international organizations

**trigger guard** - Metal strip surrounding trigger mechanism to prevent accidental firing

**true north** - A line from any position on the earth's surface to the geographic north pole

**trustee theory of representation** - The idea that a legislative representative should use their best judgment in making decisions on public policy, regardless of constituent opinion



**United Nations** - An international organization created in 1945 to maintain peace through the collective security of its members

**Universal Declaration of Human Rights** - An advisory declaration adopted by the United Nations General Assembly

**unwritten constitution** - The body of political practices developed through custom and tradition

**upper band** - Metal band located close to the muzzle of the barrel

**use immunity** - A guarantee that government prosecutors give to a witness, not to use the witness' self-incriminating compelled testimony as evidence against the witness in a subsequent criminal prosecution

**USGS** - A government scientific agency which creates maps and collects data on natural sciences, including earth science and biology; United States Geological Survey

**UTM** - A global grid system that divides the Earth into 60 numbered grid zones and 20 lettered segments

# V

**values** - A principle, standard, or quality considered worthwhile or desirable

**variable expense** - Cost that does not remain fixed

**veins** - Blood vessels that carry blood from the body to the heart

**venom** - A poison produced by animals such as snakes, scorpions, and spiders that is transmitted by a bite or sting

**ventilation** - The circulation of air as a system or means of providing fresh air

**veto** - A rejection of a proposed law that has been passed by a branch of government in an effort to delay or prevent its enactment

**Virginia Plan** - A plan, unsuccessfully proposed at the Constitutional Convention, providing for a legislature of two houses with proportional representation in each house and executive and judicial branch to be chosen by the legislature

**voluntary associations** - Unpaid groups that form to solve community problems and taking care of one another

**voter registration** - The requirement in some democracies for citizens to enroll in voting rolls before being allowed to participate in elections

# W

**wants** - To desire greatly, wish for

**warrant** - A court order authorizing a police officer to make an arrest, or search or perform some other designated act

**western hemisphere** - The portion of the globe that is west of the prime meridian

**windage knob** - The sight adjustment knob that is used to adjust left or right

**writ of certiorari** - A type of writ seeking judicial review of a legal decision

**writ of habeas corpus** - A court order directing that a prisoner be brought to court before a judge to determine whether that prisoner's detention is lawful

**writs of assistance** - A document giving a governmental authority the power to search and seize property without restrictions

**written constitution** - A written plan of government that sets forth the structures and powers of government



# Z

**zeroing** - Adjusting a sight so that the center of the shot group is the same as the center of the target

# Other

**3x10** - An event that involves firing ten record shots in each prone, standing, and kneeling positions

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***"To Motivate Young People to Be Better Citizens"***



*U.S. Army Cadet Command - Fort Knox, Kentucky*

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