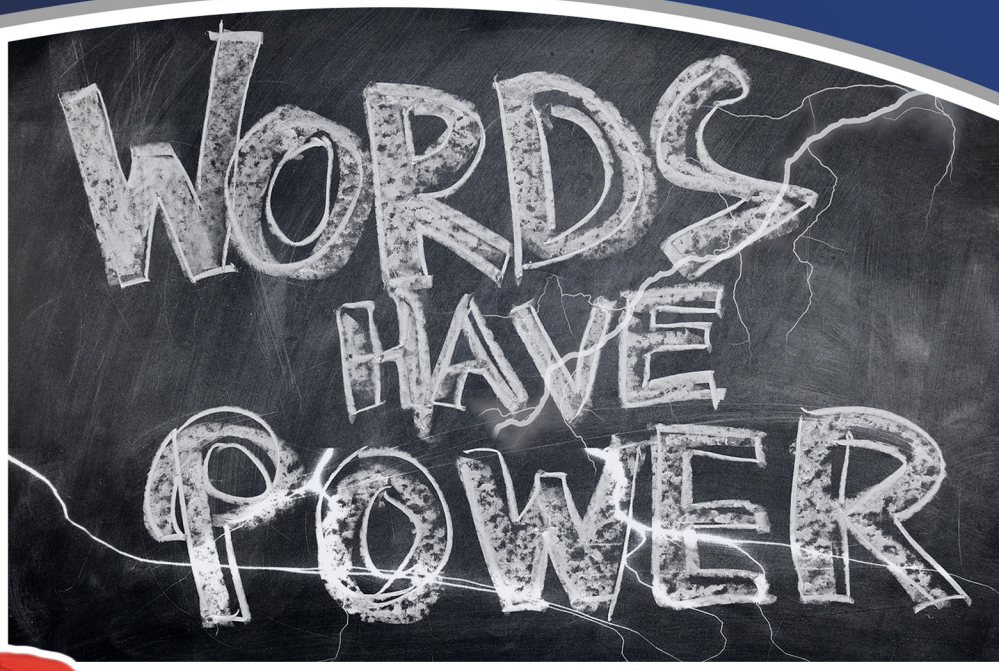
ARMY JROTC

# LEADERSHIP 5
## Education and Training

**UNIT 5: Electives -** CONTINUING EDUCATION FOR LEADERS













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ARMY JROTC

# LEADERSHIP
## Education and Training

# UNIT 5: Electives Continuing Education for Leaders






*U.S. Army Cadet Command – Fort Knox, Kentucky*

HEADQUARTERS, DEPARTMENT OF THE ARMY

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# Preface

The Unit 5 - Leadership Education and Training (Electives): Continuing Education for Leaders textbook offers a variety of content to further support JROTC core skills and abilities. There are six chapters, some to support and enhance existing program content and some to introduce you to brand new topics and content.

The knowledge, skills, and abilities presented in this elective unit's chapters include:

***Chapter 1: Team Building*** exposes you to the standards and criteria for additional and unique drill procedures. In this chapter, you'll learn about stationary movements while performing rifle drill, and executing the manual of arms with the saber and scabbard.

***Chapter 2: National Endowment for Financial Education® (NEFE®) High School Financial Planning Program® (HSFPP)*** exposes you to valuable topics pertaining to planning and implementing sound financial practices as a high school student. NEFE® provides the HSFPP® curriculum materials, which can be ordered directly from their website free of charge. Lessons addressed in this chapter include planning for personal financial goals, budgets, savings and investments, credit, and insurance.

***Chapter 3: First Aid*** supports the LET core curriculum by expanding on first aid treatment for a variety of injuries. In this chapter, you'll learn basic treatment for shock and fractures, burns, poisons, wounds, bruises, heat and cold injuries, and bites, stings, and poisonous hazards. Additionally, the chapter identifies the types of bleeding, and treatment protocol for bleeding victims.

***Chapter 4: Geography*** explores maps! You'll start with an introduction to basic map reading to exploring the tools for calculating location and direction on topographic maps. You'll also relate map reading to orienteering.

***Chapter 5: Citizenship and Government*** exposes you to the challenges that face fundamental principles of society today. Topics in this chapter will encourage you, as a citizen, to think about citizenship and citizen rights as they relate to the United States Constitution. Content is this chapter was provided by The Center for Civic Education's *We the People: The Citizen & the Constitution*.

***Chapter 6: Cadet Safety and Civilian Marksmanship Program*** introduces you to the basic skills necessary for target rifle shooting. Objectives of this program are to teach you how to handle guns safely and develop skills of sport target shooting and competition as a member of the JROTC rifle team. Content in this chapter is used with permission granted by the *Civilian Marksmanship Program*.

## Textbook Organization

Chapters are divided into several lessons, which correlate with Student Learning Plans. Each lesson identifies a lesson competency called ***What You Will Learn to Do*** and the lesson's ***Learning Objectives***. Section headings and sub-headings throughout the lesson text clearly point to each learning objective in the lesson.

***Key Words*** are vocabulary identified on the lesson cover page. These are highlighted and defined throughout the lesson text.

Every lesson asks an ***Essential Question*** requiring a thoughtful written response about the purpose of the lesson. Answer the question at the beginning of the lesson and then check your response again at the lesson conclusion. It may change as you build your knowledge and skills!

***Content Enhancements*** and ***Content Highlights*** are bonus text sections that support the lesson, and are there to provide additional information of interest about the lesson topic.

At the end of each lesson text is a ***Conclusion***, which serves as a concise wrap up and stepping stone to the next lesson in the text. Within the conclusion is the ***Lesson Check-up***, which includes a few questions to check your knowledge of content presented, and consider how you will apply what you learned to your own life.

# Acknowledgements

The Unit 5 - Leadership and Education Training (Electives): Continuing Education for Leaders textbook serves to support and enhance existing Unit 1-4 Leadership and Education Training (LET) core curriculum. Other topics such as Geography, Citizenship and Government, and Marksmanship provide content to help craft a customized JROTC elective leadership course.

A project of this magnitude and quality cannot be developed without the subject matter expertise of AJROTC instructors, third party content providers, and contracted education consultants.

A special thanks to the following content experts for their valuable contribution:

- 1SG (retired) David C. Myers, MacArthur High School, Houston, TX for his role as a subject matter expert for the Geography chapter
- Center for Civic Education for permission to use content from the *We the People: The Citizen & The Constitution*, Level 3 Student Edition, copyright 2016
- Civilian Marksmanship Program (CMP) for their content pertaining to marksmanship safety, responsibility, leadership, and competition standards

# CHAPTER 1



*Figure 1.0*



# TEAM BUILDING



## Chapter Outline


**LESSON 1: Stationary Movements with the M-1903 Rifle** (p.4)
*What are the correct procedures for executing the manual of arms with the M-1903 rifles??*

**LESSON 2: The Saber and the Scabbard** (p.18)
*What are the correct procedures for executing the manual of arms for the saber?*

# Stationary Movements with the M-1903 Rifle




## What You Will Learn to Do

Demonstrate the manual of arms with the M-1903 rifle

## Linked Core Abilities

- Communicate using verbal, non-verbal, visual, and written techniques
- Take responsibility for your actions and choices

## Learning Objectives

- **Describe** the correct response to the commands for *Order Arms* and the *Rest* positions using the M-1903 rifle
- **Describe** the correct response to the commands for *Port Arms* and *Present Arms* using the M-1903 rifle
- **Describe** the correct response to the commands for *Inspection Arms* using the M-1903 rifle
- **Describe** the correct response to the commands for *Right* and *Left Shoulder Arms* using the M-1903 rifle
- **Describe** the correct response to the commands for *Sling* and *Unsling Arms* using the M-1903 rifle

## Key words

- **balance**
- **barrel**
- **bolt**
- **bolt handle**
- **butt**
- **chamber**
- **hand guard**
- **keeper**
- **lower band**
- **muzzle**
- **port arms**
- **sight**

## Essential Question

**What are the correct procedures for executing the manual of arms with the M-1903 rifles?**

## Learning Objectives (cont'd)

- **Define** key words: balance, barrel, bolt, bolt handle, butt, chamber, hand guard, keeper, lower band, muzzle, port arms, sight, sling, sling swivel, stock, trigger guard, upper band

## Key words (cont'd)

- sling
- sling swivel
- stock
- trigger guard
- upper band

*This lesson uses content from "U.S. Army TC 3-21.5" dated 20 January 2012. Refer to this Training Circular for more information on Rifle Drill.*

## Introduction

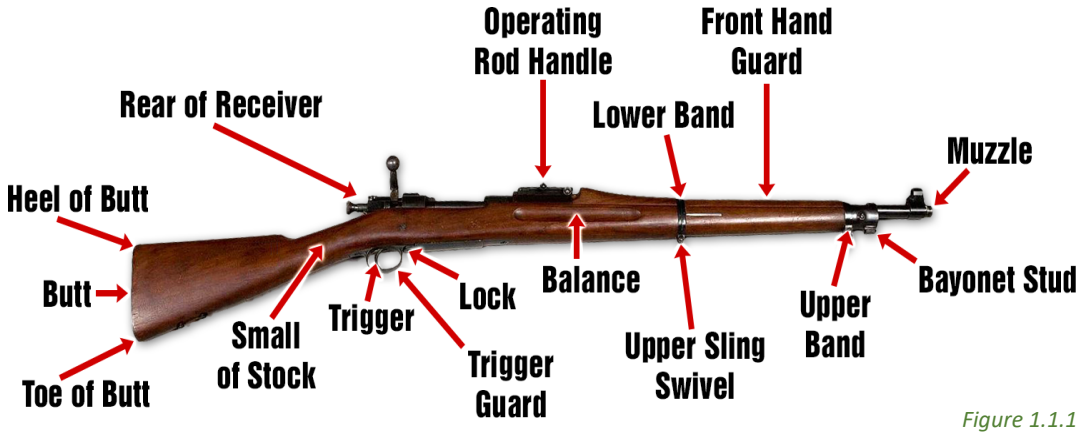



*Figure 1.1.1*

Executing drill with arms builds upon the same basic skills you learned in drill without arms. These drills and movements with arms, such as the M-1903 rifle, are important to master for use in ceremonies, reviews, and drill competitions. Correct execution with arms, combined with a lot of pride and practice on your part, can lead to a precision drill team.

This lesson introduces you to the procedures for executing the manual of arms with M-1903 rifle *(see Figure 1.1.1).* It will highlight the correct responses to commands for

## Key words

**port arms:**
Movement to position rifle diagonally across body with right forearm horizontal and elbows at sides

**sling:**
Strap for carrying rifle over back and shoulder

**butt:**
Bottom end of the rifle stock designed to rest against shoulder

**sight:**
Front and rear plates used to align rifle with target

**hand guard:**
Protective grip forward of the rifle stock

**lower band:**
Metal band located halfway along rifle barrel

**barrel:**
Metal tube for aiming and firing ballistic projectile

*Order Arms* and *Rest, Present* and ***Port Arms****, Inspection Arms, Right* and *Left Shoulder Arms,* and ***Sling*** and *Unsling Arms.*

## Content Enhancement:

### DRILL TIPS

Use the following drill tips when executing drill with arms:

- At the *Halt*, your leader initiates all movements from *Order Arms*, which is the position at attention.
- Execute all precision movements in the cadence of *Quick Time*.
- The command "Port, ARMS" must be given prior to the command for double time.
- Execute facings, alignments, and short distance marching movements from *Order Arms*. When the leader commands these movements while you are at *Order Arms*, automatically raise your rifle about one inch off the ground on the command of execution. When you complete them, automatically return the weapon to *Order Arms.*
- Execute facing movements at *Order Arms* only. When you execute facings to establish the direction of march, do so before the command for the manual of arms. After you complete a marching movement, the leader commands "Order, ARMS" prior to the command for the facing movement.

## Order Arms and Rest

### ORDER ARMS POSITION WITH M-1903

*Order Arms* is the position of attention with the rifle *(see Figure 1.1.2).* Assume the position of *Order Arms* on the command of execution "ATTENTION" from any of the *Rest* positions, and from the commands "FALL IN" or "Order, ARMS," except from *Inspection Arms* or *Sling Arms*.

At "Order, ARMS," place the **butt** of the rifle on the ground, with the toe of the butt on line with the toe of your right shoe and touching it. Keep the rear **sight** to the rear. Secure the weapon with your right hand in a "U" formed by your fingers (extended and joined) and thumb. Hold the rifle by the **hand guard** just above the **lower band** of the **barrel**. Keep your right hand and arm behind the rifle so that your thumb is along the seam of your trousers.

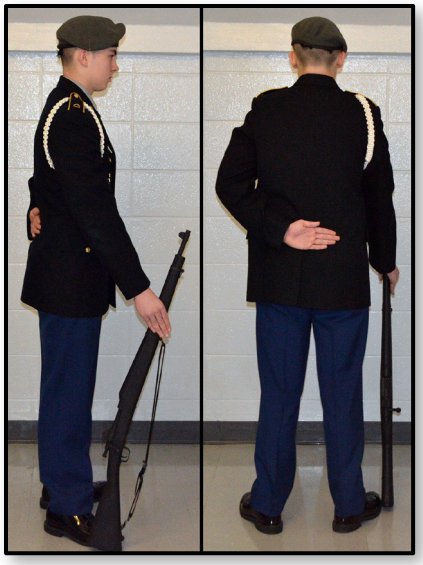


*Order Arms Figure 1.1.2*

## REST POSITION WITH M-1903

Your leaders command the *Rest* positions with the rifle and you execute them much the same as individual drill, with the following additions:

- On the command "Parade, REST," grasp the hand guard below the **upper band** and thrust the **muzzle** forward, keeping your right arm straight *(see Figure 1.1.3).*
- Execute *Stand at Ease* in the same manner as *Parade Rest* with the rifle, except turn your head and eyes toward the unit leader.
- On the commands of "AT EASE" or "REST," keep the butt of the rifle in place.



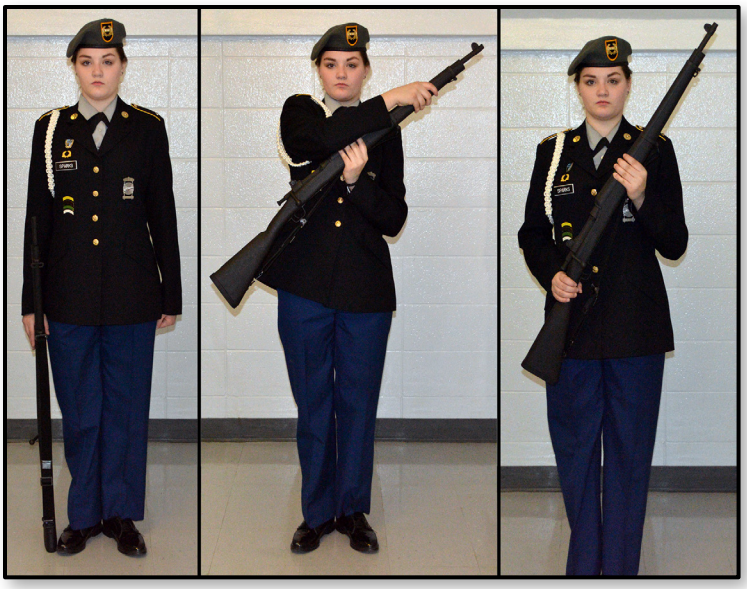
*Parade Rest*
*Figure 1.1.3*

## Port and Present Arms

## PORT ARMS FROM ORDER ARMS

*Port Arms from Order Arms*, is a two-count movement *(see Figure 1.1.4).* The command is "Port, ARMS."

- On the command of execution, grasp the hand guard of the weapon with your right hand and raise the weapon diagonally across your body. With the left hand, grasp the **balance** so that the rifle is approximately four inches from your belt. Hold your right elbow down without strain.
- On the second count, grasp the rifle again with the right hand at the small of the **stock**. Hold the rifle diagonally across your body with your right forearm horizontal and your elbows at your sides.



*Port Arms from Order Arms*
*Figure 1.1.4*

### Key words

**upper band:**
Metal band located close to the muzzle of the barrel

**muzzle:**
The open end of the rifle barrel from which the bullet exits

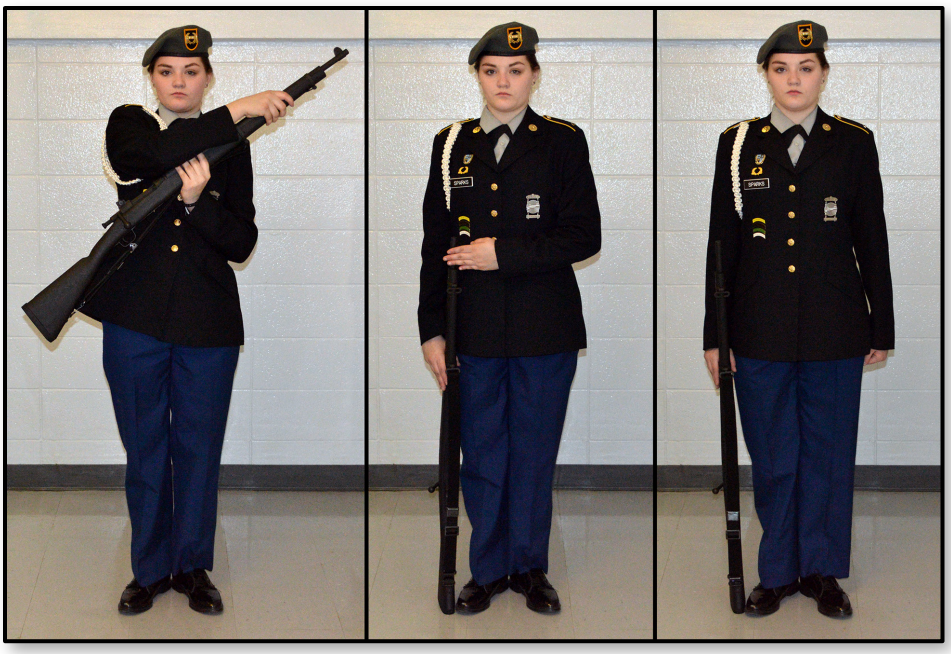
**balance:**
Position just forward of the magazine floor plate on the underside of the rifle stock

**stock:**
Part of a firearm where the barrel and lock are attached

## ORDER ARMS FROM PORT ARMS

Execute *Order Arms from Port Arms* in three counts *(see Figure 1.1.5).* The command is "Order, ARMS."

- On the command of execution "ARMS", move your right hand up and across your body and grasp the hand guard firmly just above the lower band, without moving the weapon.
- On the second count, release the hand guard with your left hand and lower the rifle to your right side until it is approximately one inch from the ground. Guide the weapon to your side by placing the left hand at the upper band, fingers and thumb extended and joined, palm to the rear.
- On the third count, cut the left hand sharply to your side and lower the rifle gently to the ground, resuming the position of *Order Arms*.

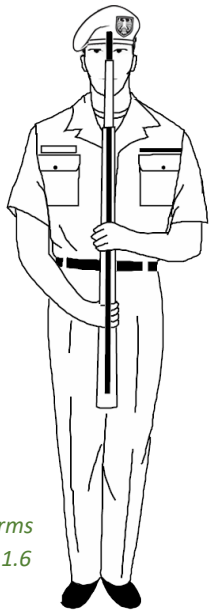


*Order Arms from Port Arms*
*Figure 1.1.5*

## PRESENT ARMS FROM ORDER ARMS

*Present Arms from Order Arms* is a three-count movement. The command is "Present, ARMS."

- On the command of execution "ARMS", execute both movements of Port Arms for counts one and two.
- On the third count, twist the weapon with the right hand and move the weapon to a vertical position approximately four inches in front of and centered on your body. Lower the weapon until the left forearm is horizontal, keeping your elbows at your sides, as shown in *Figure 1.1.6.*



*Present Arms from Order Arms*
*Figure 1.1.6*

## ORDER ARMS FROM PRESENT ARMS

*Order Arms from Present Arms* is a four-count movement. The command is "Order, ARMS."

- On the command of execution, return the weapon to *Port Arms*.
- Counts two, three, and four are the same as *Port Arms* to *Order Arms*.

You may also assume *Port Arms* on the way to or from *Present Arms from Right or Left Shoulder Arms*. *Present Arms*, from or to, *Port Arms*, is a one-count movement.

## PRESENT ARMS RIFLE SALUTE

When rendering reports or courtesy to an individual from *Order Arms*, execute *Present Arms* as just mentioned, except turn your head and eyes toward the individual. Execute *Order Arms* automatically upon acknowledgment of the salute.

When rendering courtesy to an individual while marching with the weapon at *Right Shoulder Arms, Left Shoulder Arms*, or *Port Arms*, and not in formation, execute *Present Arms* and continue marching. Upon acknowledgment of the salute, automatically return to the original position.

### Key words

**bolt handle:**
Lever mechanism for moving rifle bolt to open and close cartridge chamber

**bolt:**
Breeching mechanism for loading, locking, and removing cartridges from rear of barrel

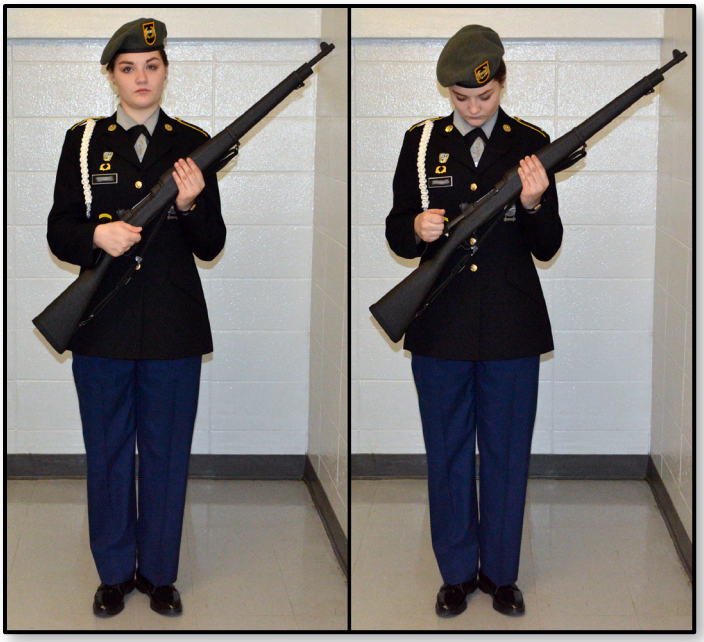
**chamber:**
Opening towards rear of barrel for inserting and removing cartridges

# Inspection Arms

## INSPECTION ARMS FROM ORDER ARMS

*Inspection Arms from Order Arms* is a three-count movement *(see Figure 1.1.7).* The command is "Inspection, ARMS."

- On the command of execution, execute *Port Arms* in two counts.
- On count three, release the small of the stock with your right hand and move the right hand forward, grasping the **bolt handle** with your thumb and forefinger. Turn the bolt handle up, draw the **bolt** back to the rear, and glance into the **chamber**. Raise your head and eyes back to the front. Continue to hold the bolt handle with your right hand.



*Inspection Arms*
*Figure 1.1.7*

## Key words

**trigger guard:**
Metal strip surrounding trigger mechanism to prevent accidental firing

### PORT ARMS FROM INSPECTION ARMS

The only command your leader may give from *Inspection Arms* is “Port, ARMS.”

- On the command “Port,” push the bolt forward, turn the bolt handle down, and grasp the rifle at the small of the stock, placing the index finger of the right hand on the **trigger guard**.
- On the command “ARMS,” pull the trigger and resume *Port Arms*.

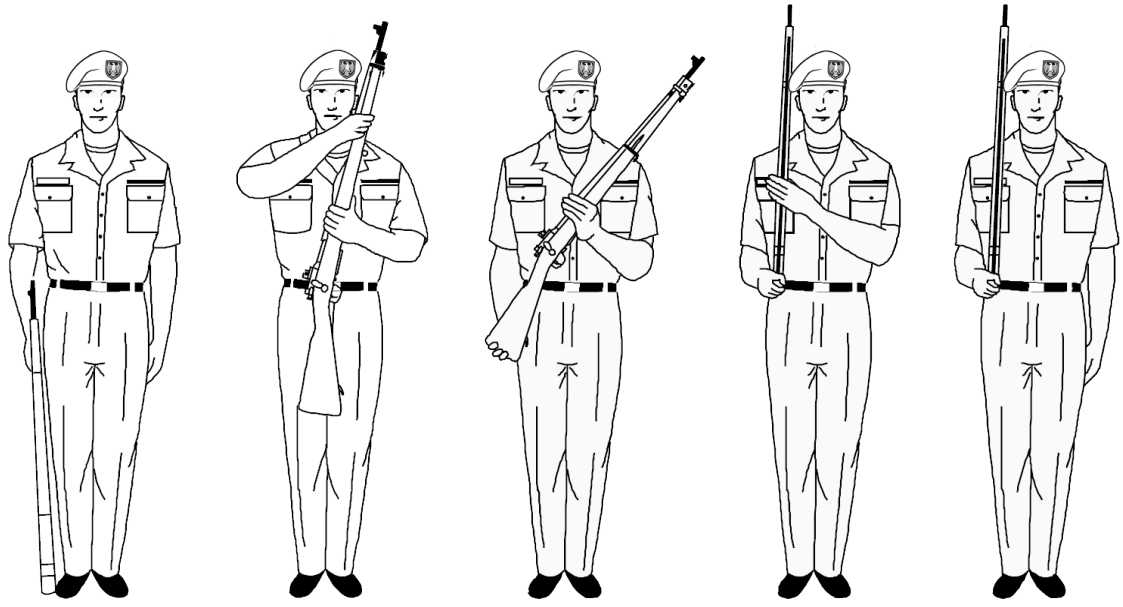
## Right and Left Shoulder Arms

*Shoulder Arms* on the command "Right (Left) Shoulder, ARMS."

### RIGHT SHOULDER ARMS FROM ORDER ARMS

*Right Shoulder Arms from Order Arms*, is a four-count movement *(see Figure 1.1.8).*

- On the command of execution, execute the same movements as for the first count of *Port Arms from Order Arms*.
- On the second count, release your right hand and grasp the heel of the butt of the rifle between your first two fingers, with your thumb and index finger touching.
- On the third count, twist the rifle with your right hand and place it on your right shoulder, not changing the grasp of your right hand. At the same time, move your left hand to the small of the stock and guide the rifle to your shoulder. Keep your fingers and thumb extended and joined, with your palm turned toward your body. The first joint of your left forefinger should touch the rear of the receiver. Keep your wrist straight and your left elbow down.
- On the fourth count, move your left hand back to your side as in the position of attention. Keep your right forearm horizontal with your right upper arm against your side and on line with your back.

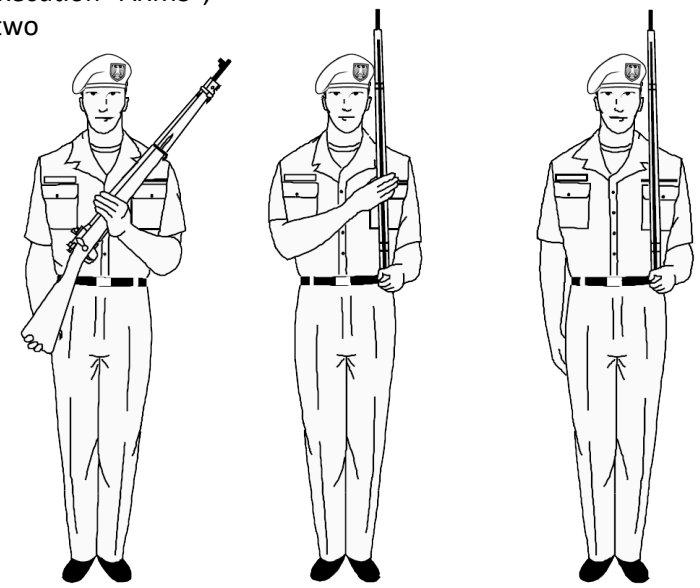


*Right Shoulder Arms from Order Arms*
*Figure 1.1.8*

## LEFT SHOULDER ARMS FROM ORDER ARMS

*Left Shoulder Arms from Order Arms* is a four-count movement *(see Figure 1.1.9).*

- On the command of execution "ARMS", execute *Port Arms* in two counts.
- On the third count, release the grasp of your left hand and place the weapon on your left shoulder with your right hand, keeping your right elbow down. At the same time, grasp the butt with your left hand in the same manner as for *Right Shoulder Arms*.
- On the fourth count, lower your right hand smartly to your side to the position of attention.



*Left Shoulder Arms from Order Arms*
*Figure 1.1.9*

## ORDER ARMS FROM LEFT SHOULDER ARMS

*Order Arms from Left Shoulder Arms* is a five-count movement.

- On the command of execution, move your right hand up and across your body and grasp the small of the stock, keeping your right elbow down.
- On the second count, release your left hand and carry the rifle diagonally across your body with your right hand. At the same time, grasp the rifle at the balance with your left hand, resuming *Port Arms*.
- Counts three to five are the same as *Order Arms from Port Arms*.

## PORT ARMS TO RIGHT SHOULDER ARMS

*Port Arms to Right Shoulder Arms* is a three-count movement. The command is "Right Shoulder, ARMS." When marching, the leader gives the command as the right foot strikes the ground.

- On the command of execution, slide the right hand to the right and grasp the butt.
- Counts two and three are the same as counts three and four of *Right Shoulder Arms from Order Arms*.

## PORT ARMS TO LEFT SHOULDER ARMS

*Port Arms to Left Shoulder Arms* is a two-count movement. The command is "Left Shoulder, ARMS." When marching, the leader gives the command as the left foot strikes the ground.

- On the command of execution, execute *Left Shoulder Arms* in the same manner as counts three and four from *Order Arms*.

## RIGHT SHOULDER ARMS TO LEFT SHOULDER ARMS

*Right Shoulder Arms to Left Shoulder Arms* is a four-count movement. The command is "Left Shoulder, ARMS." When marching, give the command as the left foot strikes the ground.

- On the command of execution, execute the first count the same as in *Order Arms*.
- On count two, release the butt of the weapon with the right hand and grasp the small of the stock as in *Port Arms*.
- Counts three and four are the same as *Left Shoulder Arms from Port Arms*.

## LEFT SHOULDER ARMS TO RIGHT SHOULDER ARMS

*Left Shoulder Arms to Right Shoulder Arms* is a five-count movement. The command is "Right Shoulder, ARMS." When marching, the leader gives the command as the right foot strikes the ground.

- On the command of execution, execute *Port Arms* in two counts.
- Counts three, four, and five are the same as *Right Shoulder Arms from Port Arms*.

## PRESENT ARMS FROM RIGHT (LEFT) SHOULDER ARMS

You execute *Present Arms from Right (Left) Shoulder Arms* while in formation from the *Halt* only.

- On the command of execution, assume *Port Arms* from either shoulder.
- Next, execute *Present Arms* in one count from *Port Arms*.

## RIGHT (LEFT) SHOULDER ARMS FROM PRESENT ARMS

To resume *Right (Left) Shoulder Arms from Present Arms*:

- On the command of execution, execute *Port Arms* in one count.
- Next, execute the counts as prescribed from *Port Arms*.



*Figure 1.1.10*

## Sling and Unsling Arms



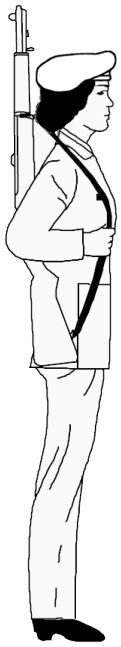
*Figure 1.1.11*

Performing drill with a rifle takes practice and coordination. Many of the positions and movements you just learned with the sling of your M-1903 rifle can be done with the sling loose. Knowing how to drill with your rifle when the sling is loose is equally important in being a sharp drill unit.

### SLING ARMS

From the *Order Arms* position with the rifle slings tight, the command for *Sling Arms* is "Sling, ARMS."

- On the command of execution, raise the weapon vertically and place the rifle butt on your right hip.
- Cradle the weapon with your right arm, and with both hands loosen the **keeper** and adjust the sling.
- After the sling is adjusted, sling the weapon on your right shoulder in the most convenient manner. Assume the position of attention by grasping the sling with your right hand, and by keeping your right forearm horizontal and the weapon vertical. If the sling is already loose, sling the weapon in the most convenient manner *(see Figure 1.1.12).*



*Sling Arms*
*Figure 1.1.12*

### UNSLING ARMS

To return the weapon to the *Order Arms* position, the command is "Unsling, ARMS."

- On the command of execution, reach across the body with the left hand and grasp the sling at the shoulder. Unsling the weapon in the most convenient manner.
- Assume the *Order Arms* position.

If the leader desires the sling to be tightened, they command "Adjust, SLINGS."

- On the command of execution, unsling and cradle the weapon.
- Adjust the sling.
- Assume the *Order Arms* position.

If you are already at *Order Arms* with a loose sling when the leader commands "Adjust, SLINGS," immediately cradle the rifle, adjust the sling, and return to *Order Arms*.

### Key words

**keeper:**
Slide for adjusting slack in the rifle sling

## SALUTING WHILE AT SLING ARMS

To salute while at *Sling Arms*, the command is "Present, ARMS."

- On the command of execution, reach across your body with your left hand and grasp the sling just above the right hand.
- Release your right hand and execute the hand salute *(see Figure 1.1.13).*

To end the hand salute, the leader commands "Order, ARMS."

- On the command of execution, lower your right hand sharply to your side and grasp the sling at the original position.
- After grasping the sling with your right hand, release it with your left hand, returning it smartly to your left side as in the position of attention.



*Figure 1.1.13*

### Content Enhancement:

**DRILL TIPS FOR THE SLING**

- All individual or unit drill movements can be executed while at *Sling Arms*.
- Remain at *Sling Arms* during all *Rest* movements.
- When in formation at *Sling Arms*, execute the hand salute on the command "Present, ARMS."
- When acting as a platoon leader or platoon sergeant, carry your weapon at *Sling Arms* during all drills and ceremonies. This also applies to acting squad leaders when their squads drill as separate units.
- When all members of a unit are carrying their weapons at *Sling Arms*, only the platoon leaders and platoon sergeants execute *Present Arms*. They do not execute *Unsling Arms*.
- When rendering reports or courtesy to an individual while at *Sling Arms*, use the same rules that apply to the hand salute in stationary drill.

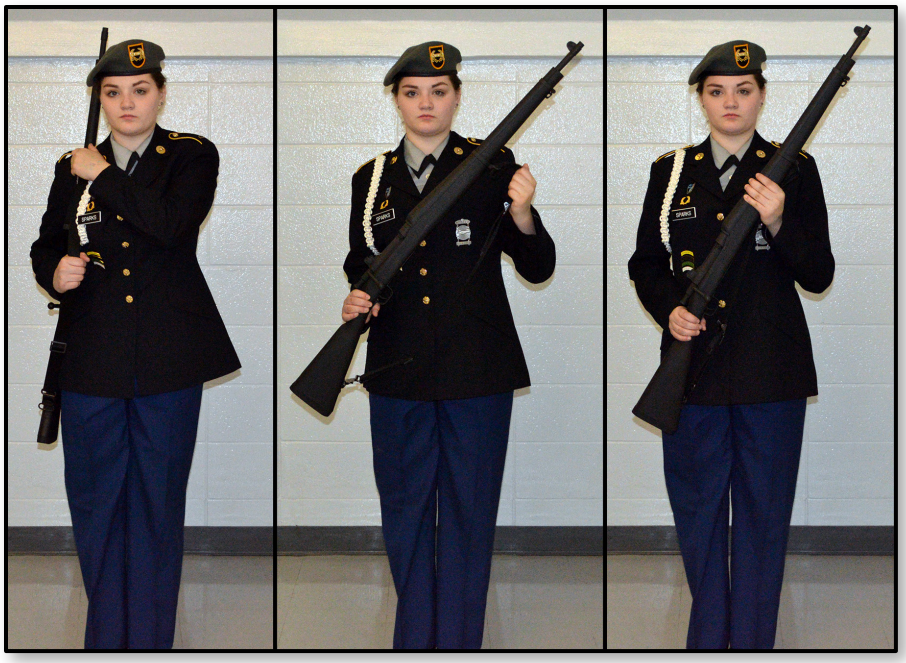


*Figure 1.1.14*

## EXECUTING PORT ARMS FROM SLING ARMS

The command for this movement is "Port, ARMS."

- On the command of execution, reach across the body with your left hand and grasp the sling at the shoulder.
- Lift the weapon by the sling, swing it to the front of your body, and grasp the small of the stock with your right hand.
- Release the sling and grasp the weapon at the balance with your left hand, keeping your elbows at your sides with the right forearm horizontal *(see Figure 1.1.15).*



*Port Arms from Sling Arms*
*Figure 1.1.15*

## SLING ARMS FROM PORT ARMS

Resume *Sling Arms* on the command of "Sling, ARMS."

- On the command of execution, grasp the sling near the upper **sling swivel** with your left hand.
- Release the right hand and swing the weapon back onto your shoulder by inserting the right arm through the sling, immediately resuming the position of *Sling Arms*.

## EXECUTING INSPECTION ARMS FROM SLING ARMS

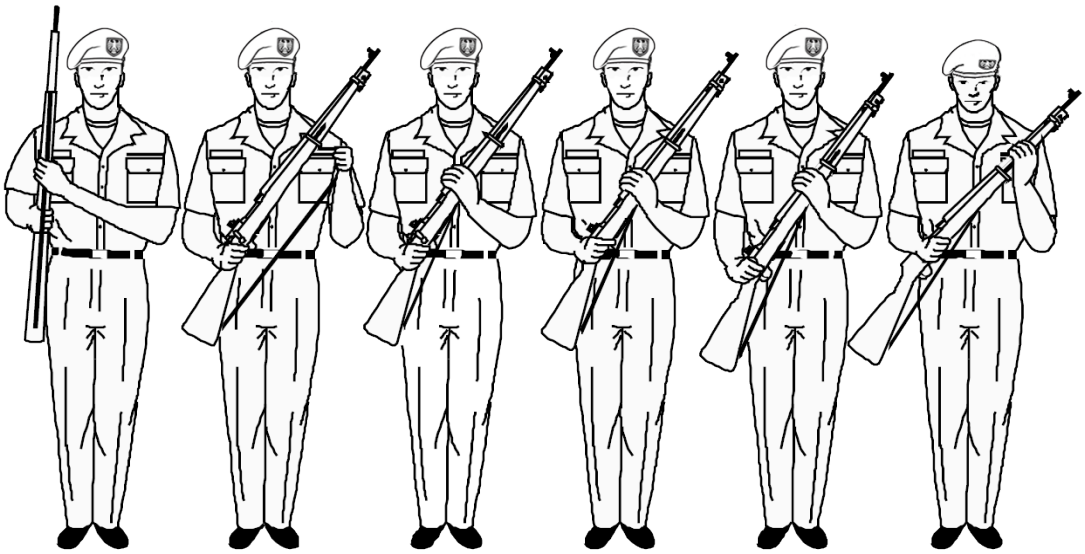
The command for this movement is "Inspection, ARMS."

- On the command of execution, first execute *Port Arms* (in the same manner as you did with the sling tight).
- Then, execute count three in the same manner as *Inspection Arms from Order Arms (see Figure 1.1.16 on next page).*

To resume *Sling Arms*, use the same procedures as described above for *Port Arms*.

### Key words

**sling swivel:**
Metal loop for connecting sling to stock



*Inspection Arms from Sling Arms*
*Figure 1.1.16*

## 15-Count Manual of Arms

Experienced Cadets should be able to execute the 15-count manual of arms in unison: from *Order Arms*, to *Right Shoulder Arms*, to *Left Shoulder Arms*, to *Present Arms*, to *Order Arms*. The command is "Fifteen-Count Manual, ARMS."

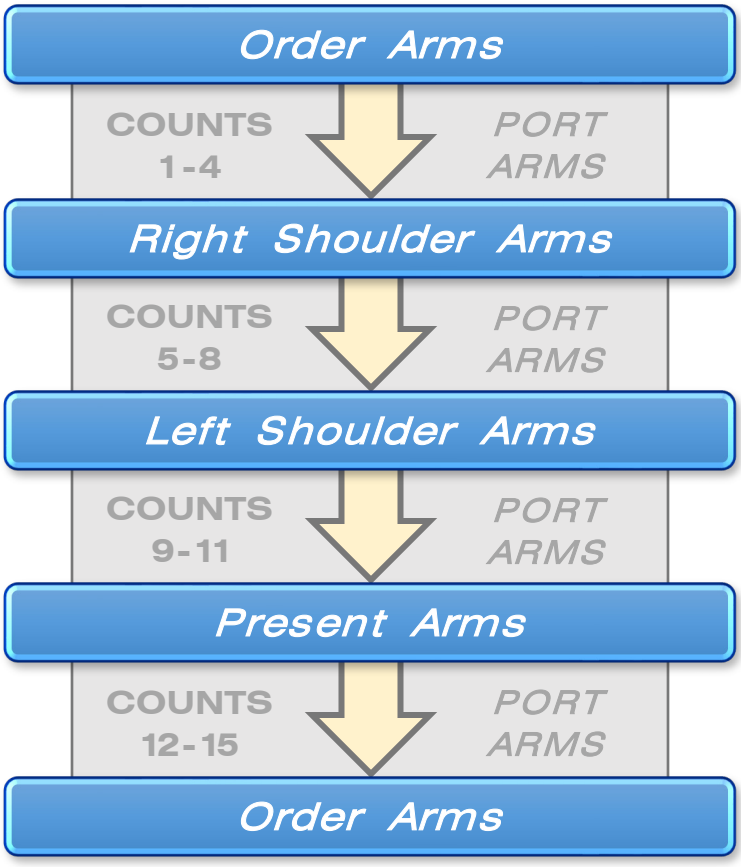



*Figure 1.1.17*

## Conclusion

This lesson covered the procedures for executing the manual of arms with the M-1903 rifle while at *Sling Arms* and when carrying it with the sling tight. Precise drill movements with a weapon require a lot of practice and hard work, but the outcome may be rewarding for you and your Cadet Battalion: winning local, state, and/or national drill competitions. Take a moment to look at a video of the national drill competitions held at Daytona Beach, a news video of the "Old Guard" as members from that unit guard the Tomb of the Unknown Soldier, or the opening of the movie "A Few Good Men" to see firsthand examples of just how good precision drill can be.

## Lesson Check-up



- **What are the correct movements for *Order Arms*?**
- **What are the correct movements for *Present Arms*?**
- **What are the correct movements for *Inspection Arms*?**
- **What are the correct movements for *Right Shoulder Arms*?**

LESSON 2

# The Saber and the Scabbard



## Key words

- **cant**
- **guard**
- **pistol belt**
- **port**
- **saber**
- **scabbard**

## What You Will Learn to Do

Execute the manual of arms with the saber

## Linked Core Abilities

- Communicate using verbal, non-verbal, visual, and written techniques
- Take responsibility for your actions and choices

## Learning Objectives

- **Describe** the parts of a saber and a scabbard
- **Explain** the proper way to wear the saber
- **Describe** the correct responses to commands for the standing manual of arms
- **Describe** the correct responses to commands for the marching manual of arms
- **Define** key words: cant, guard, pistol belt, port, saber, scabbard

## Essential Question

**What are the correct procedures for executing the manual of arms for the saber?**

*This lesson uses content from "U.S. Army TC 3-21.5" dated 20 January 2012. Refer to this Training Circular for more information on Saber Drill.*

## Introduction

This lesson introduces you to the manual of arms for the **saber**. After you have mastered these procedures, you will have added another important skill to your knowledge as a drill leader and as a Cadet officer in JROTC. You will be able to demonstrate this skill during ceremonies or competitions for your Cadet Battalion.



*Figure 1.2.1*

## Key words

**saber:**
A heavy cavalry sword with a one-edged, slightly curved blade

**pistol belt:**
Heavy duty belt for attaching weapons and ammunition at the waist

**scabbard:**
Sheath for a sword, dagger, or bayonet

**guard:**
Protective handle cover

## The Saber and Scabbard

Cadet officers who participate in ceremonies with Cadets under arms may be able to wear the saber. The saber, shown in *Figure 1.2.2*, is carried on the left side of the body and attached to the **pistol belt** by the **scabbard** chain with the **guard** of the saber to the rear. When removed from the protective scabbard, the saber should be handled carefully to avoid injury. While using a saber, remember that precise execution of it enhances the status of the wearer. Poor or inexact execution, however, is particularly obvious at ceremonies.

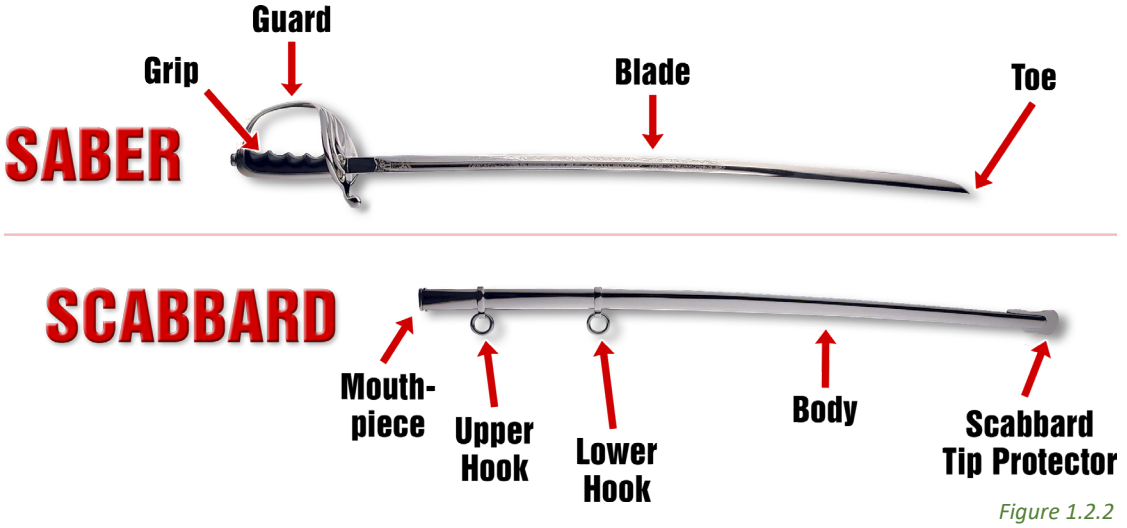



*Figure 1.2.2*

The infantry, revolutionary saber is slightly different than the infantry sword *(Figure 1.2.3)*. The infantry sword is carried by platoon sergeants and first sergeants during ceremonies with Cadets under arms. Although the manual of arms for the saber and sword are the same, we will refer only to the saber for the remainder of this lesson.

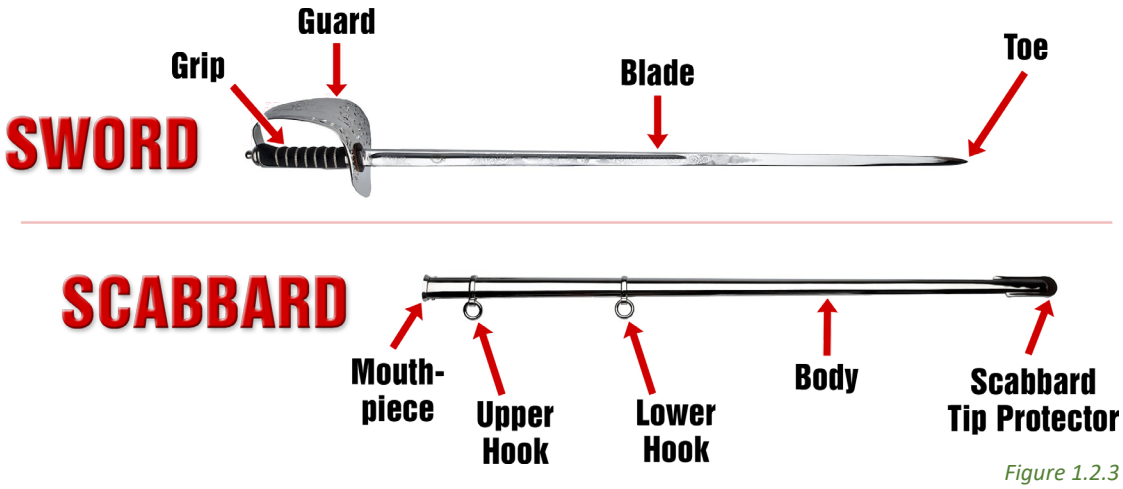


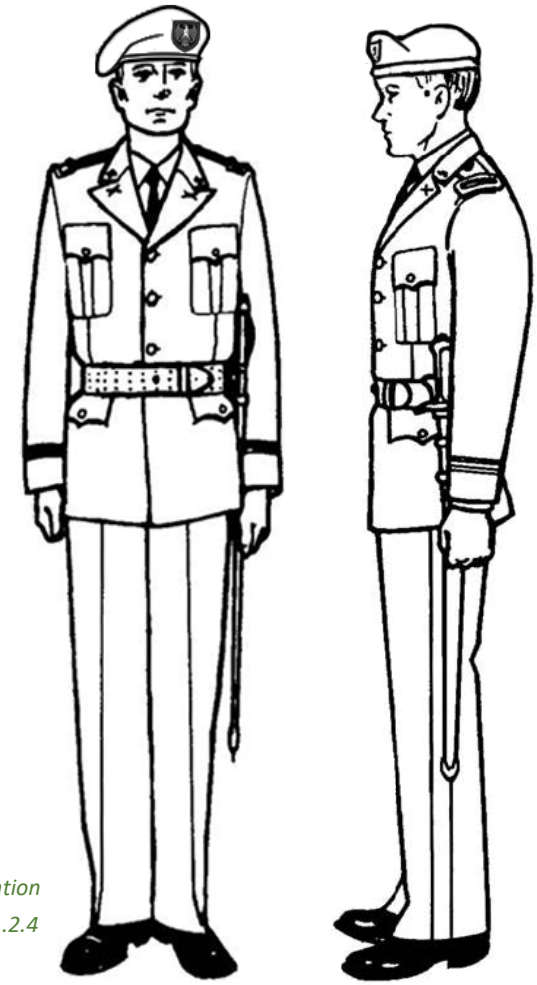

*Figure 1.2.3*

## Standing Manual of Arms

Execute standing with the saber using the procedures described in the following sections.

### ATTENTION

When in formation, assume the *Position of Attention* before the command "Draw, SABER" and after the command "Return, SABER." Place your hands behind the trouser seams with the thumbs touching the first joint of the forefingers *(see Figure 1.2.4).*



*Standing at Attention*

*Figure 1.2.4*

## DRAW SABER

On the preparatory command "Draw," grasp the scabbard with the left hand and turn it clockwise 180 degrees, tilting it forward to form an angle of 45 degrees with the ground. Take the saber grip in the right hand and pull the saber about six inches from the scabbard. The right forearm should now be roughly parallel to the ground *(see Figure 1.2.5)*.

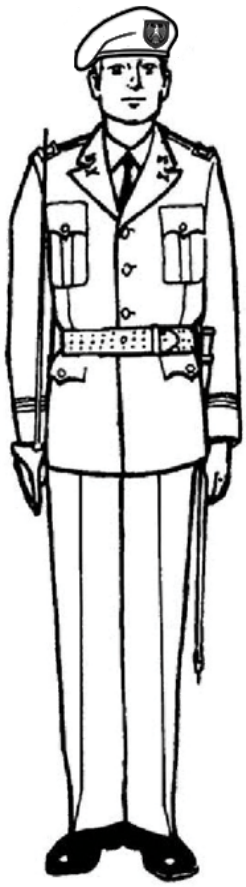
On the command of execution "SABER," pull the saber out of the scabbard and hold it in a *Carry Saber* position. Hold the saber with the inner blade-edge riding in a vertical position along the forward tip of the right shoulder *(see Figure 1.2.6 below)*.



*Draw Saber*
*Figure 1.2.5*

## CARRY SABER

To execute *Carry Saber*, the Cadet officer must first be at the *Position of Attention*. Hold the saber in the right hand keeping the wrist as straight as possible with the thumb along the seam of the trouser leg. Ensure that the point of the blade rests inside the point of the right shoulder and not along the arm. Hold the saber in this position with the thumb and forefinger grasping the grip. Steady the saber with the second finger behind the grip.



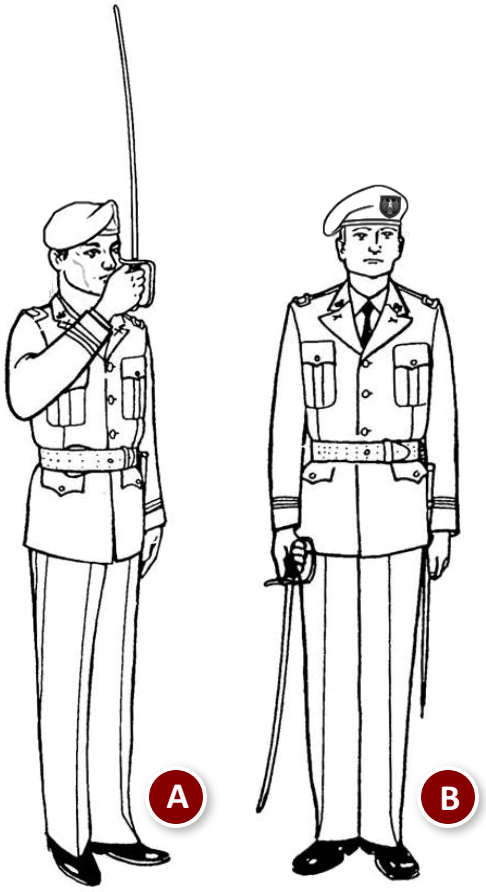
*Carry Saber*
*Figure 1.2.6*

### Content Enhancement:

**CARRY SABER POSITION**

You will want to assume the *Carry Saber* position:

1. When giving commands
2. When changing positions
3. When officially addressing (or when officially addressed by) another officer, if the saber is drawn
4. Before returning the saber to the scabbard
5. When giving the preparatory command for—and while marching at—*Quick Time*




*Present Saber (Present Arms)*

*Figure 1.2.7*

## PRESENT SABER (PRESENT ARMS)

Execute *Present Saber* from the carry position when serving in the capacity of commander-of-troops or in a command that is not a part of a larger unit. On the preparatory command of "Present," of the command "Present, ARMS," bring the grip of the saber to a position approximately four inches from the nose (at the rate of two counts). Hold the saber outward so that the toe is approximately six inches from the vertical *(Figure 1.2.7a)*.

On the command of execution "ARMS," lower the right hand (at the rate of two counts) with the flat of the blade upward, the thumb extended on the left side of the grip, and the toe of the saber about six inches from the marching surface *(Figure 1.2.7b)*.

**Note:** When *not* in formation, keep the saber in its scabbard and use the hand salute.

## ORDER ARMS

On the command "Order, ARMS," return the saber to the *Carry Saber* position *(see Figure 1.2.6 on previous page).* Ensure that whenever the saber is at the *Order Arms* position, it is straight and not at an angle inward or outward in relationship to the body.

## PARADE REST

Assume this position without moving the saber from the *Order Arms* position. At the command of execution, move the left foot about 10 inches to the left of the right foot, and place the left hand in the small of the back, fingers extended and joined, palm to the rear *(see Figure 1.2.8)*. On the command of execution "ATTENTION," return the left hand and foot to the *Position of Attention*.



*Parade Rest*

*Figure 1.2.8*

## RETURN SABER

Execute *Return Saber* from *Carry Saber* in three counts.

1. On the preparatory command "Return" of the command "Officers, Return, SABER," bring the saber to a vertical position along the left shoulder. Hold the forearm (wrist) parallel to the marching surface about three inches from the body with the guard pointed to the left *(see Figure 1.2.9a on next page)*.

2. On the command of execution "SABER," three actions take place simultaneously:
   - Pivot the saber downward toward the guard.
   - At the same time, grasp the scabbard with the left hand just above the upper hook.
   - Tilt it forward and turn it clockwise 180 degrees.
   - The scabbard should form a 45-degree angle with the ground, and the saber bearer turns their head to the left and looks down to observe the mouthpiece of the scabbard (the shoulders remain squared to the front and level). As smoothly and as quickly as possible, insert the saber in the scabbard and stop so that about 12 inches of the blade is showing. The right forearm (wrist) should be horizontal to the marching surface and three inches from the body *(Figure 1.2.9b)*.




*Return Saber*
*Figure 1.2.9*

3. At the command of execution "CUT" of the command "Ready, CUT," thrust the saber smartly into the scabbard. Rotate the scabbard so that its tip protector is forward; then come to *Attention (Figure 1.2.9c)*.

## Marching Manual of Arms

While marching, carry the saber with the inner blade-edge riding in a vertical position along the forward tip of the right shoulder, as shown in *Figure 1.2.11 on the following page*.

### EYES RIGHT WHILE MARCHING

Execute *Eyes Right* while marching at *Carry Saber (see Figure 1.2.10).* Give the command "Ready" as the right foot strikes the marching surface (no action is taken).

> **Note:** You only use the initial preparatory command "Ready" when marching with a guidon bearer.

The second time the right foot strikes the marching surface, give the command "Eyes" and bring the saber to the count one position of *Present Arms* (or *Present Saber*). No action is taken the third time the right foot strikes the marching surface. The fourth time the right foot strikes the marching surface, give the



*Eyes Right While Marching*
*Figure 1.2.10*

command “RIGHT.” As that foot strikes the surface, turn your head sharply to the right at a 45-degree angle and bring the saber downward.

While marching at *Present Saber*, swing the right arm naturally (nine inches to the front and six inches to the rear) in a vertical plane, flexing the wrist to keep the toe of the blade level (about six inches) above the marching surface. This requires extending the wrist on the forward movement and elevating the wrist on the rearward movement.

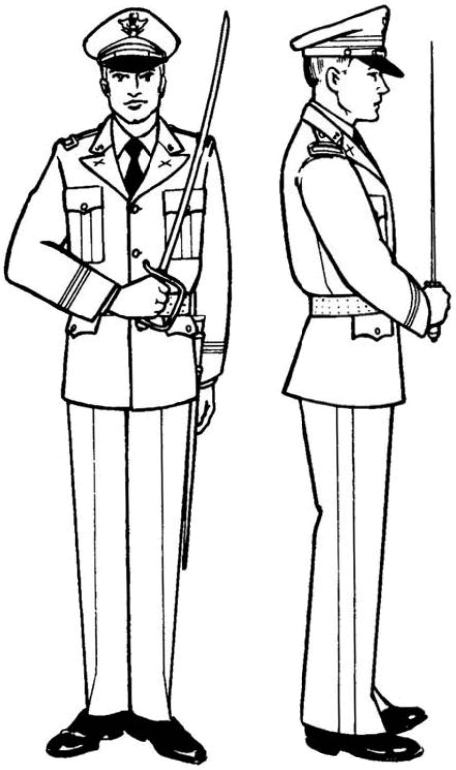
## READY FRONT WHILE MARCHING

Execute *Ready Front* by first giving the command “Ready.” As the right foot strikes the marching surface (no action is taken). The second time the right foot strikes the marching surface, give the command “Ready” a second time (again, no action is taken). Return the saber to the *Order* position while maintaining a natural arm swing as the right foot strikes the marching surface the third time. The fourth time the right foot strikes the marching surface, give the command “FRONT.” Turn your head sharply to the front as the right foot strikes the surface, and return the saber to the *Carry* position the next time the left foot strikes the marching surface.



*Carry Saber Position While Marching*

*Figure 1.2.11*



*Port Arms*

*Figure 1.2.12*

## PORT ARMS

Execute ***Port*** *Arms* on the preparatory command “Double Time” of the command “Double Time, MARCH.” Assume this position only from the *Carry Saber* position. Swing the right arm naturally across and six inches in front of the body. **Cant** the saber 45 degrees from the vertical with the guard pointed to the left. The left hand grasps the scabbard *(see Figure 1.2.12).*

Exercise extreme caution when double timing with the saber in the *Port Arms* position. To end the double-time cadence, command “Quick Time, MARCH,” and return the saber to the *Carry* position.

### Key words

**port:**
To turn or put to the left

**cant:**
Tilt or angle

## Conclusion

Saber drill distinguishes the key positions within a formation, enhances the leadership status of the saber bearer, and increases the showmanship of drill. It is important to correctly drill with the saber since poor or inexact execution is particularly obvious at ceremonies.

## Lesson Check-up

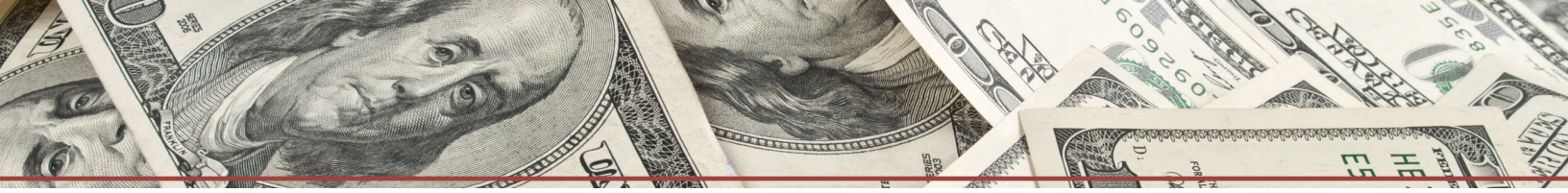


- **What are the correct movements to "Draw, SABER?"**
- **What are the correct movements for "Present, ARMS?"**
- **What are the correct movements to "Return, SABER?"**
- **What is the correct position to carry a saber while marching?**

# CHAPTER 2



*Figure 2.0*



# NEFE® HIGH SCHOOL FINANCIAL PLANNING PROGRAM



## Chapter Outline


**LESSON 1:** **NEFE® – Introduction: Setting Financial Goals** (p.28)
*How can you determine your personal financial goals?*

**LESSON 2:** **NEFE® – Your Financial Plan: Where It All Begins** (p.30)
*How can you plan to meet future financial goals?*

**LESSON 3:** **NEFE® – Budgeting: Making the Most of Your Money** (p.32)
*How can you create a personal budget?*

**LESSON 4:** **NEFE® – Investing: Making Your Money Work for You** (p.34)
*How can I plan to meet future financial goals?*

**LESSON 5:** **NEFE® – Good Debt, Bad Debt: Using Credit Wisely** (p.36)
*What do you need to know about using credit?*

**LESSON 6:** **NEFE® – Insurance: Protecting What You Have** (p.38)
*How can I manage my financial risks?*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# NEFE® – Introduction: Setting Financial Goals



## Key words

- delayed gratification
- goal
- needs
- SMART goals
- values
- wants

## What You Will Learn to Do

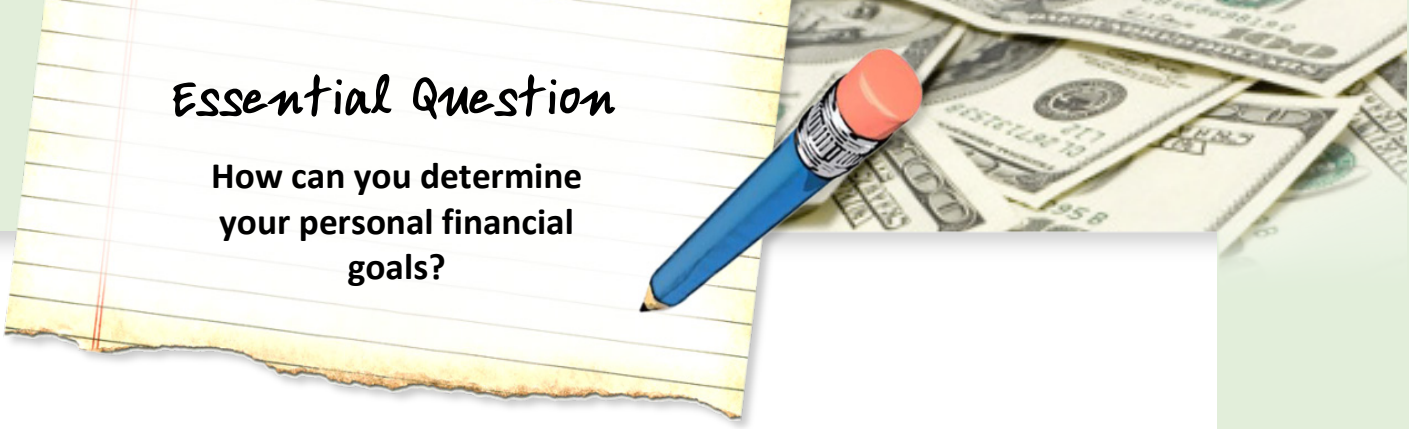
Determine personal financial goals

## Linked Core Abilities

- Take responsibility for your actions and choices

## Learning Objectives

- **Differentiate** between Wants vs. Needs
- **Describe** how values can influence decisions
- **Compare** SMART (Specific, Measurable, Attainable, Relevant & Time-bound) goals
- **Discuss** how goals impact actions
- **Define** key words: delayed gratification, goal, needs, SMART goals, values, wants




## Introduction

Do you ever find that you don't have enough money to buy something or participate in an activity? You may have already found that you need to make choices because your cash supply is limited. In this lesson, you will compare your wants and needs. You will also set personal financial goals as the first step in creating your own financial plan.

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# NEFE® – Your Financial Plan: Where It All Begins



## Key words

- **cash flow**
- **decision-making**
- **opportunity cost**
- **restraint**

## What You Will Learn to Do

Plan personal financial goals

## Linked Core Abilities

- Take responsibility for your actions and choices

## Learning Objectives

- **List** SMART goal elements
- **Explain** the purpose of a tracking your expenses
- **Discuss** what influences financial decisions
- **Describe** the DECIDE method
- **Define** key words: cash flow, decision-making, opportunity cost, restraint



## Essential Question

**How can you plan to meet future financial goals?**

## Introduction

Many people find worrying about money to be very stressful. However, with planning, you can reduce your money worries. Financial planning will help you have cash available to see a movie when you want to, buy new tires for your car, or someday buy furniture for your apartment. In this lesson, you will review your personal financial goals and create a plan to reach those goals.

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LESSON 3

# NEFE® – Budgeting: Making the Most of Your Money




## Key words

- budget
- expenses
- federal income tax
- fixed expenses
- gross income
- income
- Medicare tax
- net income
- payroll deductions
- P.Y.F.
- Social Security tax
- state income tax
- taxes
- variable expense

## What You Will Learn to Do

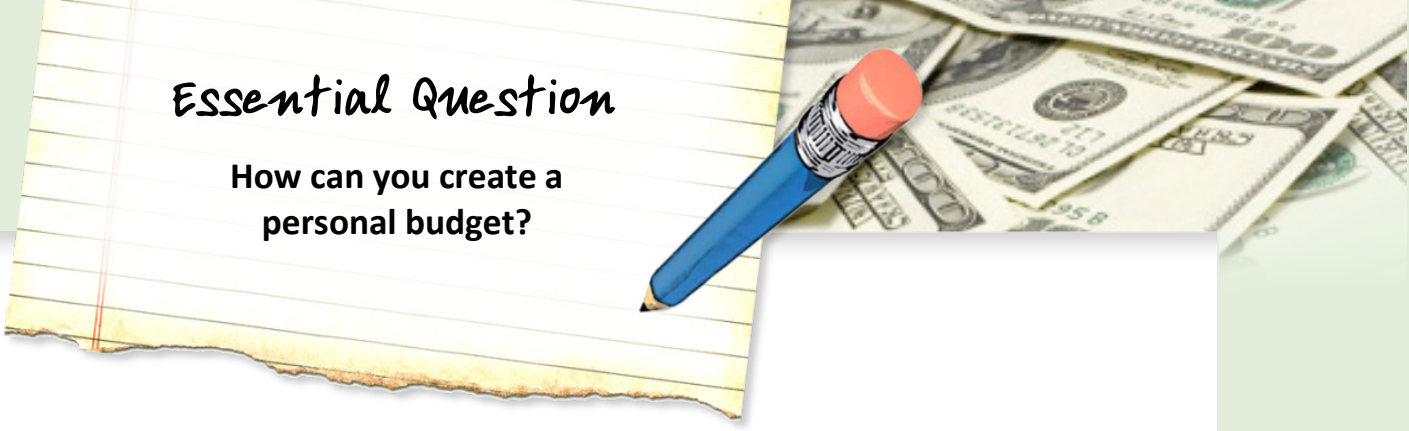
Outline a personal budget

## Linked Core Abilities

- Take responsibility for your actions and choices

## Learning Objectives

- **Identify** the purpose of a budget
- **Determine** resources available for financial objectives
- **Explain** how to construct a simple budget
- **Define** key words: budget, expenses, federal income tax, fixed expenses, gross income, income, Medicare tax, net income, payroll deductions, P.Y.F., Social Security tax, state income tax, taxes, variable expense




## Introduction

What do you spend your money on? Do you take in more money than you spend, or do you find yourself needing to borrow money to make purchases? A budget is a useful way to help you identify where your money goes and figure out how to make the most of it. When you are in control of your spending, you are able to make your money work for you. In this lesson, you will create a personal budget that will match your financial goals.

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# NEFE® – Investing: Making Your Money Work for You



## Key words

- bond
- compounding
- dividend
- inflation rate
- investing
- mutual fund
- stock
- time value of money

## What You Will Learn to Do

Forecast personal savings and investments

## Linked Core Abilities

- Take responsibility for your actions and choices

## Learning Objectives

- **Describe** reasons for saving and investing
- **Describe** how time, money, and rate of interest relate to meeting specific financial goals
- **Describe** basic investment principles
- **Describe** various savings and investment alternatives
- **Define** key words: bond, compounding, dividend, inflation rate, investing, mutual fund, stock, time value of money




## Introduction

You can earn money by working or receiving it as a gift. Another way to earn money is to make your money work for you. You can earn interest on savings or receive earnings from investments. In this lesson, you will examine different ways to put your money to work by saving and investing. You will also consider saving and investing habits that will help you meet your financial goals.

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# NEFE® – Good Debt, Bad Debt: Using Credit Wisely




## What You Will Learn to Do

Appraise personal credit worthiness

## Linked Core Abilities

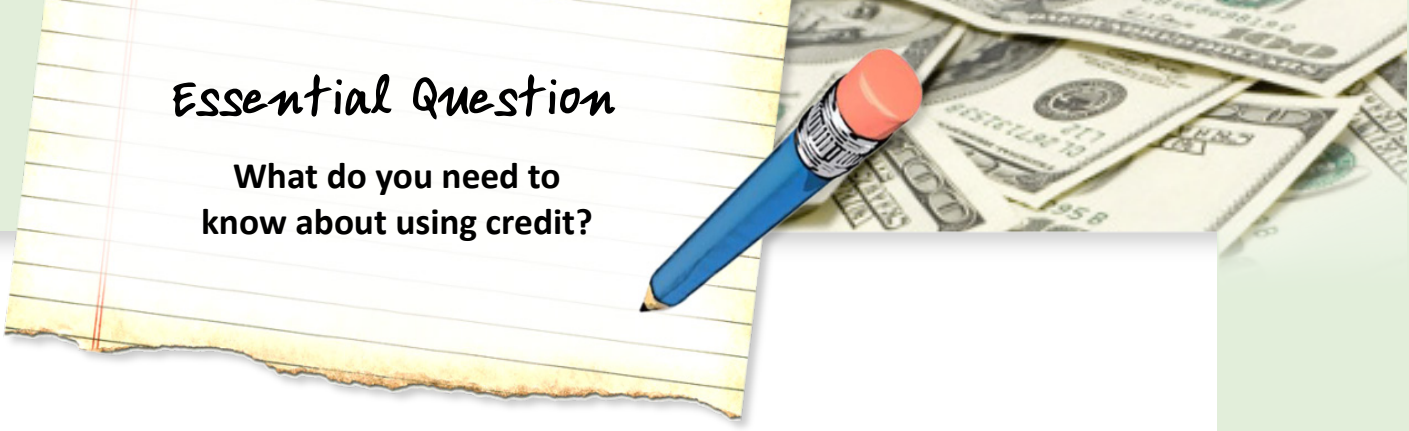
- Take responsibility for your actions and choices

## Learning Objectives

- **Identify** the advantages of using credit
- **Identify** the various costs related to credit
- **Compare** common sources for building credit
- **Discuss** the factors to consider to establish credit
- **Define** key words: annual fee, annual percentage rate (APR), bankruptcy, credit, credit history, credit report, debt, finance charge, grace period, interest, loan term

## Key words

- **annual fee**
- **annual percentage rate (APR)**
- **bankruptcy**
- **credit**
- **credit history**
- **credit report**
- **debt**
- **finance charge**
- **grace period**
- **interest**
- **loan term**




## Introduction

Think of a time you borrowed money from a friend or family member. Were you able to build a good borrowing reputation by promptly repaying the money? Were the terms to repay the money fair? When you are in a situation where you need to make a large purchase such as a car, you might need to borrow money from a bank or other financial institution. To use this type of credit wisely and avoid problems, you need to know what is involved. In this lesson, you will explore ways to use credit. You will also consider the rights and responsibilities of using credit.

**NOTE:**

Student Guides and additional free HSFPP personal finance instructional resources, student learning materials, and participation certificates can be downloaded and ordered from the HSFPP website: **www.hsfpp.org**. Registration on the website is free and secure, and material orders will be shipped at no cost. NEFE® resources are noncommercial and provided at no cost for noncommercial educational purposes.

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# NEFE® – Insurance: Protecting What You Have



When you're young and healthy, owning insurance doesn't seem like it should be a high priority. The chances of something bad happening seem remote, and you'd rather not think about that anyway. But misfortune does happen - to expensive things. So everybody needs to think about insurance.

## Key words

- **deductible**
- **insurance**
- **insurance premium**
- **risk management**

## What You Will Learn to Do

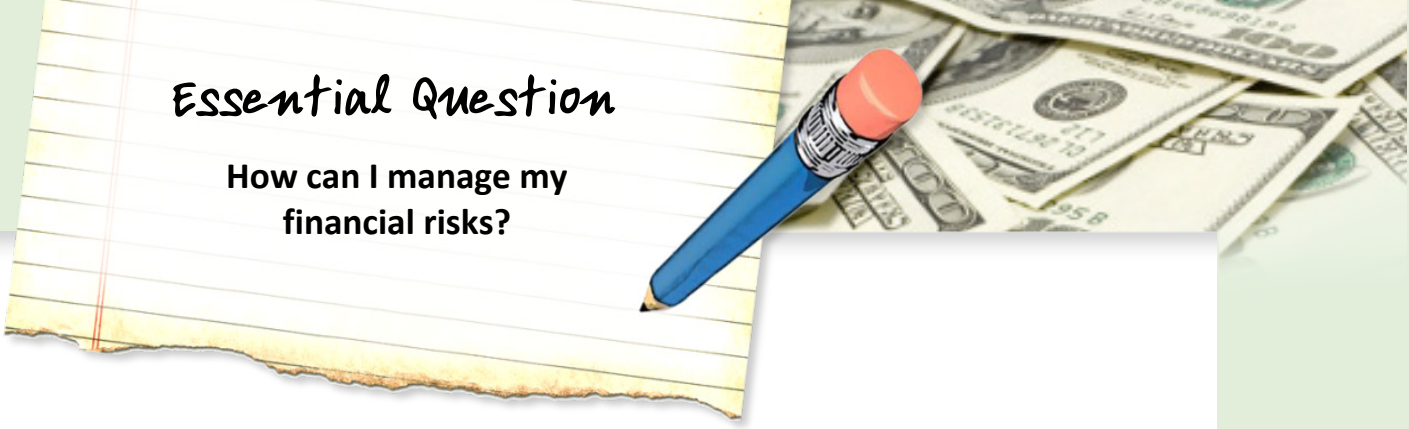
Relate insurance to current and future personal needs

## Linked Core Abilities

- Take responsibility for your actions and choices

## Learning Objectives

- **Determine** ways that teens face risks which can lead to costly consequences
- **Describe** how to get insurance coverage
- **Give** examples of information provided in the insurance policy
- **Define** key words: deductible, insurance, insurance premium, risk management



## Essential Question

**How can I manage my financial risks?**

## Introduction

Have you ever been injured, in an accident, or had property damaged? Chances are someone had to pay for those unexpected medical bills or costs for repairs. People use insurance as a way to protect themselves from unexpected losses. In this lesson, you will explore how different types of insurance protect you from losses.

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# CHAPTER 3



*Figure 3.0*



# FIRST AID

## FIRST AID KIT

### Chapter Outline


**LESSON 1: Hygiene and Sanitation in the Field** (p.42)
*How can JROTC Cadets maintain good hygiene and sanitation habits in the field?*

**LESSON 2: Treating for Shock and Immobilizing Fractures** (p.52)
*How can you treat shock and fractures?*

**LESSON 3: First Aid for Burns** (p.60)
*How do you treat heat, electrical, and chemical burns?*

**LESSON 4: First Aid for Poisons, Wounds, and Bruises** (p.72)
*How do you give first aid for poisoning, wounds, and bruises?*

**LESSON 5: Heat Injuries** (p.82)
*How can heat injuries be treated and prevented?*

**LESSON 6: Cold Weather Injuries** (p.88)
*How can cold weather injuries be treated and prevented?*

**LESSON 7: Bites, Stings, and Poisonous Hazards** (p.100)
*How can bites, stings, and poisonous hazards be treated and prevented?*

**LESSON 8: Controlling Bleeding** (p.110)
*Would you be able to save a life by providing first aid to a bleeding victim?*

# Hygiene and Sanitation in the Field



## Key words

- ampule
- bivouac
- chlorine
- disinfect
- dysentery
- galvanized
- hygiene
- iodine
- lice
- personal hygiene
- purified
- sanitation

## What You Will Learn to Do

Analyze the impact sanitation and hygiene has on health when camping

## Linked Core Abilities

- Communicate using verbal, non-verbal, visual, and written techniques
- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Recognize** the benefits of maintaining good hygiene habits
- **Explain** how to keep clean in field conditions
- **Explain** the correlation between physical fitness and hygiene
- **Identify** possible results of poor sanitation
- **Detail** procedures for disinfecting water
- **Explain** how to guard against food poisoning and the spread of germs through waste

## Essential Question

**How can JROTC Cadets maintain good hygiene and sanitation habits in the field?**

## Learning Objectives (cont'd)

- **Define** key words: ampule, bivouac, chlorine, disinfect, dysentery, galvanized, hygiene, iodine, lice, personal hygiene, purified, sanitation

## Introduction

Exercise, rest, good **hygiene**, and adequate nutrition can help you stay healthy and avoid many illnesses and infections. In other words, you can prevent disease and injury by taking good care of yourself. You learned about the importance of nutrition and exercise to your health in a previous lesson. This section covers the importance of good hygiene habits. In particular, it discusses hygiene and **sanitation** when attending JROTC summer camp or camping on your own.

In these cases, you may not have the modern conveniences of clean, running water, or indoor plumbing. However, you must still know how to take care of yourself to help prevent illness and maintain good health.




*Figure 3.1.1*

## Key words

**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

**sanitation:**
The promotion of hygiene and prevention of disease by working to keep a clean and healthy environment

## Personal Hygiene

Most likely, there are certain habits you perform routinely at the start of each day. You are probably so accustomed to doing them that you do not give them a second thought. First, you wake up after resting your body during the night. Then, you shower if you did not shower the night before, wash your face, and comb your hair. You then eat breakfast—some toast and cereal perhaps. And, finally, you brush your teeth and leave for school.

All of the above activities involve rest, nutrition, and cleanliness—the three elements important to maintaining good health and **personal hygiene**.

It is easy for most of us to practice personal hygiene in our homes where there are sinks, showers, toilets, and clean water, all of which help with sanitation. In some situations, however, practicing personal hygiene and maintaining sanitary conditions take more effort and require greater care. For example, if you are camping, you may have to work harder at hygiene and sanitation depending on conditions at your campsite. Also, when you are staying in close quarters with several other people, like at JROTC summer camp, hygiene and sanitation become extremely important. The poor sanitation or hygiene habits of one person can lead to a disease or illness that affects an entire group.

### Key words

**personal hygiene:**
An individual's practice of taking care of him or herself in order to maintain good health



### Content Enhancement:

**FIELD SANITATION EXAMPLE**

The following story illustrates the importance of maintaining all aspects of health and sanitation when out in the field.

> *On Togatabu Island in 1942, the 14th Artillery and the 404th Engineer Battalions were part of a task force preparing to attack Guadalcanal. Fifty-five percent of the engineers and sixty-five percent of the artillerymen contracted a disease called "Filariasis," transmitted by mosquitoes. Both units had to be medically evacuated without seeing any enemy action because they were not combat ready. The use of insect repellent and insecticides and the elimination of standing water would have prevented the spread of this disease.*

Often in military history, the health of the troops influenced the course of battle more than strategy or tactics. "Historically, in every conflict in which the United States has been involved, only 20 percent of all hospital admissions have been from combat injuries. The other 80 percent have been from diseases and non-battle injuries." (Field Hygiene and Sanitation, FM 21-10)

Personal hygiene is important to maintain your health and establish your health image to other people. A neat, clean, physically fit person illustrates a healthy image and a positive leadership posture.

## Principles of Hygiene

It is not always simple to apply the basic principles of personal hygiene. It takes a conscience effort to follow these principles and stay healthy.



*Figure 3.1.2*

### HAND HYGIENE

Hand washing needs to be second nature. It is important to wash your hands after contact with an animal, after using the toilet, before eating or touching a person at risk from infection. A good routine should include removing jewelry, washing hands with soap and water vigorously for at least 30 seconds, rinsing hands, and drying hands on a clean towel or using a hand drying machine.



*Figure 3.1.3*

### ORAL HYGIENE

After each meal or at least twice a day, you need to eliminate food particles and dental plaque as well as clean your gums. Visiting the dentist twice a year is also recommended. Use fluoride toothpaste and brush up and down in a light circular motion, in front, behind, and across the top of the teeth for at least three minutes. Avoid putting objects and fingers in your mouth as well as sugar and sweets that encourage germ proliferation.

### PERSONAL HYGIENE



*Figure 3.1.4*

A dirty body is a hotbed for developing germs. Dust, sweat, other secretions, and warmth are all factors that encourage germs to multiply. A shower with effective soap and shampoo should follow any physical activity. Showering daily is necessary to maintain good personal health. Clean clothes should be worn and underwear changed daily; the fabric in clothes is a breeding ground for many germs. Imagine how you would feel if you did not bathe for a week. Now imagine how others would feel about having to be around you during that time. Uncleanliness or disagreeable odors affect the morale of others, so the solution is for everyone to take personal responsibility for their own hygiene.

## NASAL HYGIENE

Nasal secretions are highly contagious. Runny noses and sneezing are sources of germ dissemination. Frequent nose blowing using a disposable paper tissue clears the nostrils and limits the spread of germs. Repeated blowing of the nose can cause irritation, so use a soft tissue and blow softly.



*Figure 3.1.5*

## FOOD HYGIENE



*Figure 3.1.6*

Food poisoning is on the rise. Some of these cases can be linked to the food processing industry and centralized distribution of food. You can reduce your risk of food poisoning by following simple yet effective hygiene practices. High-risk foods include eggs and egg products, poultry, (particularly chicken), and food eaten raw. It is estimated that 50 percent of domestic food poisoning cases are due to poor hygiene in the home.

Refrigeration is a means of reducing the spread of germs and not the elimination of germs. Refrigerators need to be cleaned on a regular basis. Food that needs refrigeration should be kept at the recommended temperature; food that does not need refrigeration should be stored as indicated on the packaging. Follow the expiration dates on food packaging.

Cooking food is an excellent way of keeping germs from spreading. Cooking food at sufficiently high temperature will eliminate many germs. Rigorous hygiene is also required when working with food—especially raw meat or eggs. Always wash hands before handling food. Frequently wash any cloths and towels used in the kitchen. Avoid using wooden chopping blocks, salad bowls, and spoons because nicks or cracks can create an ideal place for germs.




*Figure 3.1.7*

Kitchen utensils should not be used to prepare different dishes unless they have been cleaned in between. Tables and worktops should be cleaned with an anti-bacterial product between preparing different types of food. Note the “best before” dates on food labels and use the most effective practices in food preparation.

## Stay Physically Fit

People who are physically fit are less likely to get sick or injured, so participate regularly in a fitness program. Physical fitness training will also help you become adjusted to a field environment. Remember to use caution when exercising in extremely hot or cold weather.



*Figure 3.1.8*

## Get Enough Sleep



*Figure 3.1.9*

The average person needs eight hours of sleep a night. Make sure you get enough sleep so you have the energy to effectively complete the required tasks of your day. You may have a harder time sleeping when you are away from home, bunking with others, or camping. Follow these suggestions to get as much rest as possible:

- Sleep as much as you can before going someplace where you may not be able to sleep comfortably or as much as you should.
- Take catnaps whenever you can, but expect to need a few minutes to wake up fully.
- When in the field, follow your leader's instructions and share tasks with other Cadets so everyone gets time to sleep.
- After going without sleep, catch up as soon as possible.
- Learn and practice techniques to relax yourself quickly.

If you have not gotten enough sleep in the field and are required to remain awake and alert, try to follow the suggestions listed below:

- Play mental games or talk with other Cadets to stay alert during dull watches or critical jobs such as driving at night.
- Take short stretch breaks or do light exercises in place.
- Do not trust your memory—write things down. Double check your communications and calculations.
- Watch out for your mind playing tricks (like seeing things that are not there) when you are very tired. Check strange observations before acting.

## Learn to Reduce Stress



*Figure 3.1.10*

Stress begins in the mind but causes physical reactions in the body. Although stress can be beneficial in small doses by supplying you with bursts of energy to complete a project on time or compete in an important game, stress that continues over long periods of time can weaken your immune system and lead to exhaustion and illness. People under too much stress may not care for themselves properly or be able to complete tasks effectively.

To keep yourself healthy and efficient, you must learn to relax and reduce stress. The following hints may help.

- Maintain a positive attitude.
- Do not try to do more than is possible or take on tasks for which you are not prepared.
- Talk with friends or family when you encounter difficulties.
- Take time each day to do something that you enjoy, even if it is only for 15 minutes.
- Do not worry about things that are out of your control, but concentrate on what you can do.

To help reduce stress in a group or among friends or fellow Cadets, give each other moral support if things are tough at home, school, or in the unit. Welcome new replacements into your group and be active in establishing friendships. By building a feeling of esprit de corps, you can minimize stressful feelings of loneliness and isolation. When in the field, attempt to care for other Cadets and work together to provide everyone with food, water, sleep, shelter, and protection from heat, cold, and poor sanitation.

## Basic Principles of Sanitation

Poor sanitation can contribute to conditions that may result in diarrhea and **dysentery**. Intestinal diseases are usually spread through contact with bacteria and germs in human waste, by flies and other insects, or in improperly prepared food and water supplies.



*Figure 3.1.11*

### USE PURIFIED WATER

When you are staying outdoors, in the field,

**Key words**

**dysentery:**
Any of several intestinal disorders usually caused by infection and characterized by stomach pain and diarrhea with passage of mucous and blood

or traveling in foreign countries with questionable water supplies, use only **purified** water. Fill your canteen from a clean water source at every chance.

To treat or **disinfect** water, bring it to a hard rolling boil for 5 - 10 minutes. If you are at a high elevation, boil water for an additional minute for every 1,000 feet above sea level. Boiling water is the best method for purification. The exception is if you are at an altitude of 18,000 feet or more; boiling is not effective at these heights.

When heated water is not available, disinfect water using one of the following methods:

- Disinfecting Water with the Preferred Method: **Iodine** Tablets
  - Fill a one-quart canteen with the cleanest water available.
  - Put one iodine tablet in the water; two in cold or cloudy water. Double these amounts in a two-quart canteen.
  - Place the cap on the canteen, wait five minutes, then shake. Loosen the cap and tip the canteen over to allow leakage around the canteen threads. Tighten the cap and wait an additional 25 minutes before drinking.
- Disinfecting Water with Chlorine
  - Fill a one-quart canteen with the cleanest water available.
  - Mix one **ampule** of **chlorine** with one-half canteen cup of water. Stir the mixture with a clean device until the contents dissolve. Take care not to cut your hands when breaking open the glass ampule.
  - Pour one canteen capful of the chlorine solution into your quart of water.
  - Replace the cap on your canteen and shake. Slightly loosen the cap and tip the canteen over to allow leakage around the threads. Tighten the cap and wait 30 minutes before drinking.
- Disinfecting Water with Iodine
  - Fill a one-quart canteen with the cleanest water available.
  - Add five drops of two percent Tincture of Iodine to the water. If the water is cold or cloudy, add 10 drops.
  - Mix thoroughly by shaking the canteen. Slightly loosen the cap and tip the canteen over to allow leakage around the threads. Tighten the cap and wait 30 minutes before drinking.
  - Very cloudy or cold water may require prolonged contact time. Let it stand several hours or overnight if possible.



*Figure 3.1.12*

## Key words

**purified:**
Free from undesirable elements or impurities; cleaned

**disinfect:**
To destroy harmful germs; to purify

**iodine:**
A nonmetallic element having important medical uses

**ampule:**
A small, sealed glass container that holds one dose of a solution, usually a medicine, to be administered by injection

**chlorine:**
A gaseous greenish-yellow element used as a bleach and disinfectant in water purification

## Key words

**galvanized**:
Coated with zinc

**bivouac**:
A temporary camp or shelter

**lice:**
Small, wingless, parasitic insects that live on warm-blooded animals, especially in hair, and suck the animal's blood

## GUARD AGAINST FOOD POISONING

Wash your hands for at least 30 seconds after using the bathroom or before touching food. Inspect all cans and food packages prior to using them, and throw away any cans with leaks, bulges, or holes. Do not eat foods or drink beverages that have been prepared in **galvanized** containers, which may result in zinc poisoning. When camping or in the field, wash your mess kit in a mess kit laundry or with treated water or disinfectant solution.

## BURY YOUR WASTE

On a march or at camp, personal disposal bags should be used if available. If not, then use a personal 'cat hole.' Always bury your waste immediately to prevent flies from spreading germs from waste to your food. Burying your waste also helps keep unwanted animals out of your **bivouac** area.

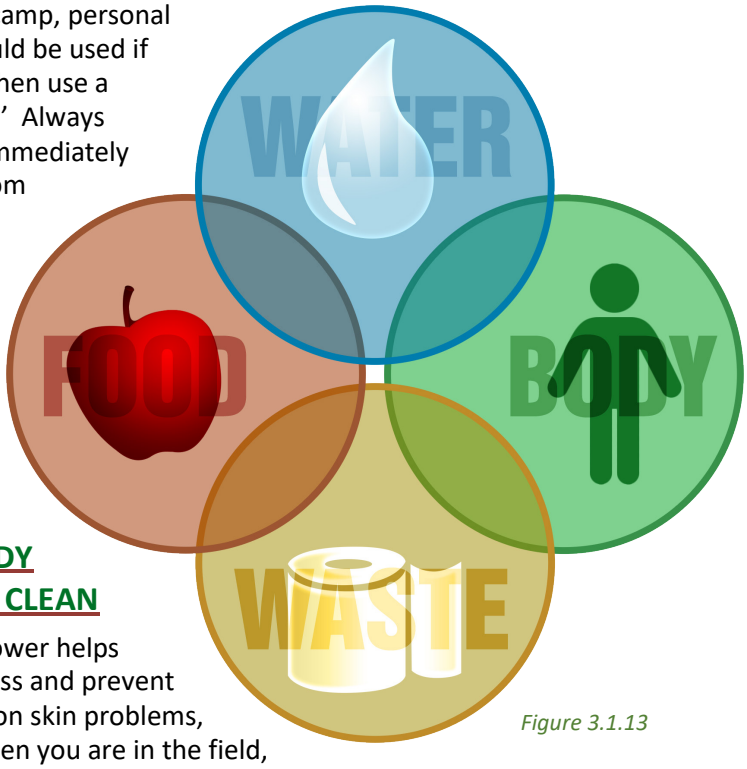



*Figure 3.1.13*

## KEEP YOUR BODY AND UNIFORM CLEAN

A daily bath or shower helps maintain cleanliness and prevent body odor, common skin problems, and infection. When you are in the field, however, bathing daily may not be possible. In this case, make sure you take a full shower at least once a week (or at the earliest opportunity) and use a washcloth daily to wash:

- Your face
- Your armpits
- Your genital area
- Your feet
- Other areas where you sweat or that become wet, such as between your thighs or, for females, under the breasts

Powders, such as talcum powder, help to keep your skin dry when in the field. Apply it to places where you tend to sweat, and to your feet and inside your socks each morning, especially if you have had prior foot infections. Change to clean clothing regularly. When you are outdoors, changing your clothes regularly aids in the control of **lice**. Make sure the clothing you wear in the field is loose and does not restrict circulation. Avoid wearing nylon undergarments. Wear cotton, which is more absorbent and allows the skin to dry.

## Conclusion

Practicing good personal hygiene and sanitation are common sense actions everyone should perform. They are particularly important in the field where Cadets have a responsibility to both themselves and others, and leaders must plan and enforce preventative measures.

Remember, correct cleanliness habits, regular exercise, good nutrition, and adequate amounts of rest and relaxation can directly affect a person's well-being. By practicing these preventative measures, you can significantly reduce time lost due to illness and injuries.

## Lesson Check-up



- **How do you keep clean in the field?**
- **What is the correlation between physical fitness and hygiene?**
- **What are some results of poor hygiene?**
- **Describe when and how to disinfect water.**

# Treating for Shock and Immobilizing Fractures



## Key words

- clammy
- closed fracture
- dislocation
- fainting
- ligament
- open fracture
- splint
- sprain
- strain
- trauma

## What You Will Learn to Do

Determine first aid treatment for shock, fractures, sprains, and strains

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Explain** how to identify and treat shock
- **Distinguish** between closed and open fractures
- **Identify** procedures for treating fractures
- **Distinguish** between dislocations, strains, and sprains
- **Identify** procedures for treating dislocations, strains, and sprains
- **Define** key words: clammy, closed fracture, dislocation, fainting, ligament, open fracture, splint, sprain, strain, trauma

## Essential Question

**How can you treat shock and fractures?**

## Introduction

Suppose you and your friend are rock climbing at a nearby park. She loses her grip and tumbles to the ground. She is clearly injured and you've kicked your "lifesaving steps" into gear. First, you check her level of consciousness, then her breathing and heart rate, then whether or not she is bleeding, and/or presenting any signs of shock. Next, you'll check for fractures. In this lesson, you'll continue building on your emergency and first aid response skills by learning to help people in shock or who have suffered possible fractures.

## Checking for Signs of Shock

Shock is a life-threatening condition that occurs when the body is not getting enough blood flow. Lack of blood flow means that the cells and organs do not get enough oxygen and nutrients to function properly. As a result, many organs can be damaged. Shock requires immediate treatment and can get worse very rapidly. As many as one in five people who suffer shock will die from it.

When a victim is in shock, the skin is pale or bluish and cold to the touch. For a victim with dark skin, check the color of the mucous membranes on the inside of the mouth or under the eyelids, or check under the nail beds. The skin may be **clammy** from perspiration.

### Key words

**clammy:**
Damp, soft, sticky, and unusually cool

### Content Highlight:
**SIGNS OF SHOCK**

Signs of shock include:

- Pale/bluish/cold skin
- Blueness around the mouth, lips, tongue, nail beds
- Perspiration
- Restlessness or nervousness
- Thirst
- Bleeding
- Confusion or loss of awareness
- Breathing rapidly
- Nausea and/or vomiting

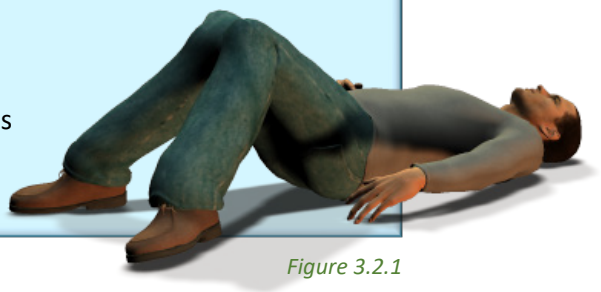


*Figure 3.2.1*

## Key words

**fainting:**
To lose consciousness briefly because of temporary decrease in the amount of blood that flows to the brain

**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

**Fainting**, or "blacking out," is a mild form of shock caused by a lack of blood to the brain. Fright, bad news, **trauma**, breathing polluted air, or standing too long can result in fainting. Before fainting occurs, a shock victim may turn pale, shake, or suddenly fall to the ground.

## Treating Shock

If someone is in shock, call for emergency help. Do NOT wait for mild shock symptoms to worsen before calling for help. Always check the victim's airway, breathing and circulation. If necessary, rescue breathing and CPR may be the first step in this case. Even if the victim is breathing, continue to check the rate of breathing every five minutes until help arrives.

Procedures for treating shock include improving circulation of the blood, ensuring an adequate supply of oxygen, and maintaining normal body temperature.

To treat a victim for shock, follow these steps:

1. If the victim is conscious and does NOT have an injury to the head, leg, neck, or spine, place him in the shock position. Lay them on their back. If the victim is vomiting, position them on their side to let fluid drain from their mouth.
2. Elevate the victim's legs about 12 inches. Do NOT elevate the head. If raising the legs will cause pain or potential harm, leave them lying flat.



*Figure 3.2.2*

3. Loosen clothing that may bind around the person's neck and waist.
4. Keep the victim from becoming cold or overheating.
5. Reassure the victim, and do NOT give them anything to eat or drink. However, if you know that help is not going to arrive for over an hour, give the victim small amounts of fluids, at room temperature, every 15 minutes. Add an eighth of a teaspoon of salt, if available, to each half glass of fluid. This will help the victim retain more fluids in their system.
6. Stay with the shock victim until medical help arrives.

## Fractures

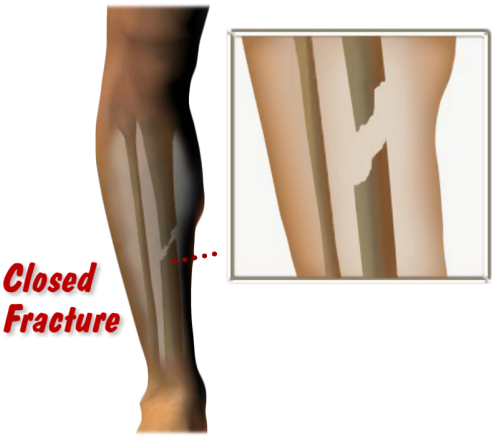



*Figure 3.2.3*

Bone fractures resulting from falls are common injuries. The most common type of fracture is a **closed fracture** or simple fracture. It is a break in the bone that does not penetrate the skin. In the case of a closed fracture, as seen in *Figure 3.2.3*, indications of a broken bone include swelling, discoloration, and unusual positioning of the limb in question.

An **open fracture** or compound fracture occurs when the sharp edges of a splintered bone has cut through the skin. In the case of an open fracture, it is obvious the bone is broken, as seen in *Figure 3.2.4*. Open fractures are often accompanied with bleeding, which increases the risk of infection.

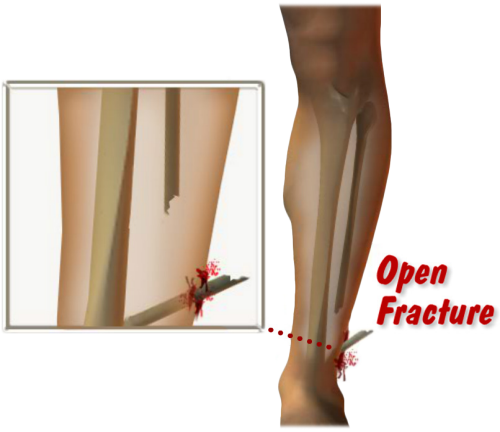



*Figure 3.2.4*

### Key words

**closed fracture:**
A fracture in which the broken bone does not push through the skin's surface

**open fracture:**
A fracture in which the broken end of a bone pierces the skin

**splint:**
To support and immobilize a body part with a stiff material

## Treating Fractures

When treating fractures, it is important to know what to do and what not to do!

**THE DO'S AND DON'TS FOR TREATING FRACTURES**

- Do NOT set or realign the bone.
- DO **splint** the injured limb in the position you find it. This will immobilize it until professional help can assist the victim.
- DO splint the bone above or below the injury.
- DO check the circulation regularly and adjust the splint or sling if it becomes too tight.



*Figure 3.2.5*

## THE USE OF SPLINTS

The most important action to take when dealing with a fracture is to immobilize the injured bone to prevent further damage. The best way to immobilize bones is with a splint.

For open fractures, control the bleeding before splinting. Keep the exposed bone moist by covering it with a moist, sterile dressing.

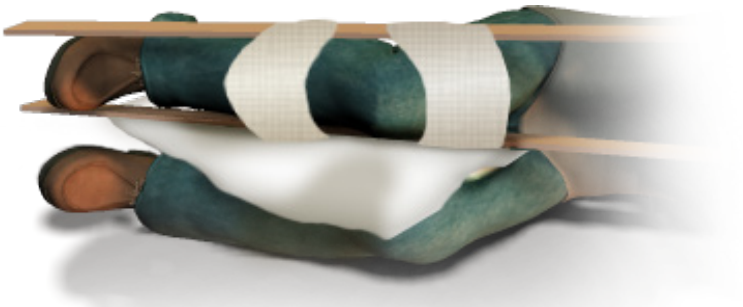


*Figure 3.2.6*

The rules of splinting are as follows:

1. Pad all splinting material. Make splints from sticks, boards, cardboard, rolled newspaper, or any other unbendable material.
2. Splint the broken leg or arm in the position in which you found it. Do NOT try to straighten or reposition the fracture. In most cases, support an arm from above and below and a leg from the sides.
3. Use splinting material that is long enough to immobilize the joint above and below the break. For example, immobilize the ankle and the knee for a fracture in the vicinity of the calf.
4. Tie the splints above and below the suspected fracture. Make two ties above and two below the break. NEVER make a tie directly over the break.
5. Tie all knots on the outside of the splints.
6. Check that circulation is not restricted by splints that are too tight.

### Content Highlight:

**IMPROVISING TO MAKE A SPLINT**

If no splinting material is available, immobilize a leg fracture by placing padding between the injured leg and the uninjured leg and tying them together. Using the uninjured leg as the splint, draw two ties above and two below the suspected break.

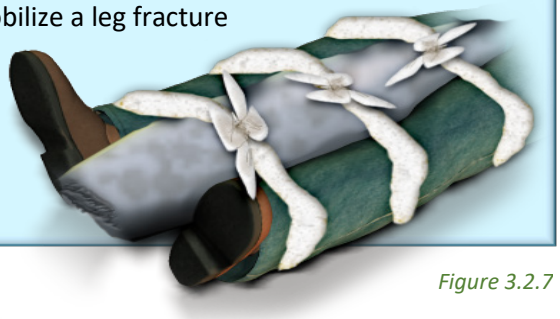


*Figure 3.2.7*



*Figure 3.2.8*

## USING SLINGS

For arm fractures in which the entire arm is not splinted, use a sling to support the weight of the arm. If necessary, pin the victim's shirttail up to serve as a field expedient sling.

## Joint Injuries

Joint injuries occur when excess stress or **strain** is placed on the joint. This can happen during normal activities such as walking or running and is common in sports activities. **Dislocation**s and **sprain**s are the most common joint injuries.

### DISLOCATIONS

A dislocation occurs when a joint comes apart and stays apart with the bone ends no longer in contact. The shoulders, elbows, fingers, hips, kneecaps, and ankles are the joints most frequently affected.

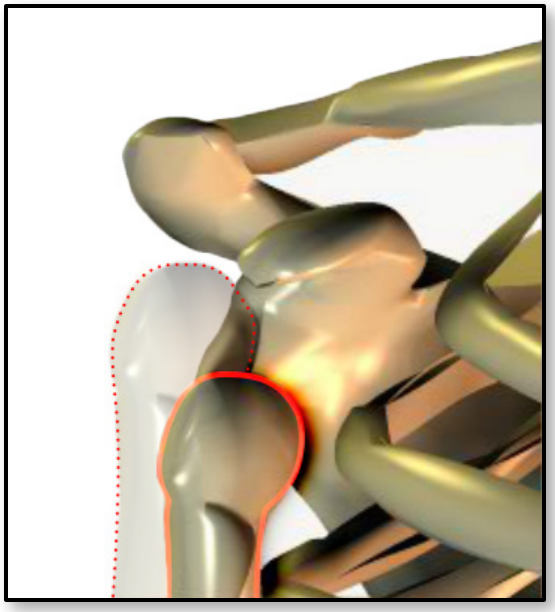


*Figure 3.2.9*

Dislocations have signs and symptoms similar to those of a fracture—severe pain, swelling, and the inability of the victim to move the injured joint. The main sign of a dislocation is deformity—its appearance will be different from that of a comparable uninjured joint. The procedures for treating a dislocation include the following:

1. Do NOT delay medical attention. Get help immediately.
2. Do NOT move the joint or try to force it back in place. If possible, splint the joint until help arrives. Immobilize and support the injured joint as if treating for a fracture.
3. Put ice on the dislocated joint. This can help reduce swelling and internal bleeding. Do NOT put ice directly on the skin.

### SPRAIN

A sprain is an injury to a joint in which the **ligament**s and other tissues are damaged by violent stretching or twisting.

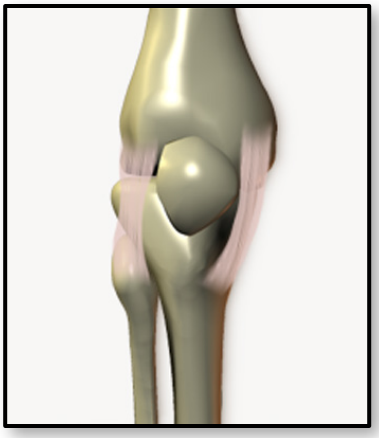


*Figure 3.2.10*

Attempts to move or use the joint increase the pain. The skin around the joint may be discolored because of bleeding from torn tissues. It is often difficult to distinguish between a severe sprain and a fracture, because their signs and symptoms are similar. If you are not sure whether an injury is a sprain or a fracture, treat it like a

### Key words

**strain:**
An injury caused when a muscle or tendon is overstretched

**dislocation:**
The separation of a bone from its joint

**sprain:**
An injury caused by twisting a ligament or tendon around a joint

**ligament:**
A fibrous band of tissue that holds bones together at a joint

fracture. It is better to immobilize a sprain than to take the chance of a victim sustaining further damage from an un-splinted closed fracture. Use RICE procedures to treat the sprain and seek medical attention.

## RICE – Procedures for Bone, Joint, and Muscle Injuries

RICE is the acronym for the first aid procedures—***R****est,* ***I****ce,* ***C****ompression, and* ***E****levation*. Most often, the RICE procedures are used to treat bone, joint, and muscle injuries. By performing RICE within the first 48–72 hours following such an injury, people will often recover from the injury more quickly.

- ***Rest***. Injuries heal faster if rested. Rest means the victim stays off the injured part. Do not attempt to move or set the injured area.
- ***Ice*** the area. Use a cold pack, a slush bath or a compression sleeve filled with cold water to help limit swelling after an injury. Try to ice the area as soon as possible after the injury and continue to ice it for 15 to 20 minutes, four to eight times a day, for the first 48 hours or until swelling improves. If you use ice, be careful not to use it too long, as this could cause tissue damage. Do not put ice packs on bare skin.
- ***Compress*** the area with an elastic wrap or bandage. Compressive wraps or sleeves made from elastic or neoprene are best.
- ***Elevate*** the injury above the heart when possible. Gravity has an important effect on swelling. The force of gravity pulls blood and other tissue to the lower parts of the body. After fluids get to your hands or feet, they have nowhere else to go; therefore, those parts of the body tend to swell the most. Elevating the injured areas, in combination with ice and compression, limits circulation to that area, which in turn helps limit internal bleeding and minimize swelling. Whenever possible, elevate the injured part above the level of the heart for the first 24 hours after an injury.




*Figure 3.2.11*

## Muscle Injuries

Muscle injuries are as common as joint injuries. These can be very painful and need treatment as soon as possible after the injury occurs. The most common muscle injury is a strain.

### STRAIN

A muscle strain, or muscle pull, occurs when a muscle is stretched beyond its normal range of motion, resulting in the muscle tearing. Signs and symptoms include:

- Sharp pain
- Extreme tenderness when the area is touched
- Slight swelling and difficulty moving or using the affected part

When treating a strain, use RICE procedures.

## Conclusion

This lesson reinforced the first aid procedures for treating shock and fractures. Remember that shock can follow severe injuries and can be life threatening if left untreated. Treating a victim for shock involves improving circulation, ensuring an adequate oxygen supply, and maintaining normal body temperature. Additionally, the lesson reviewed how to properly treat fractures, joint injuries, sprains, and strains. By following these first aid procedures, you can lessen the severity of shock caused by an injury and ensure that no further damage occurs to a victim because of a broken bone, sprain, or strain.

## Lesson Check-up



- **Why is it important to check for shock before treating a fractured bone?**
- **What can cause a victim to faint and what is the emergency response for someone who has fainted?**
- **What should you do when you suspect or know that a bone is broken?**
- **Distinguish between the characteristics of a strain and sprain?**

# First Aid for Burns



## Key words

- acids
- bases
- caustic
- compresses
- flush
- mottled
- neutralize
- scalding
- systemic

## What You Will Learn to Do

Determine first aid treatment for burns

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Characterize** degrees of burns
- **Describe** how to treat first-, second-, and third-degree heat burns
- **Describe** how to treat electrical burns
- **Describe** how to treat chemical burns to the eyes and skin
- **Identify** eight things that should not be done in treating burns
- **Define** key words: acids, bases, caustic, compresses, flush, mottled, neutralize, scalding, systemic

## Essential Question

**How do you treat heat, electrical, and chemical burns?**

## Introduction

Burns can result from sources of heat, electricity, and chemicals. In situations where people are injured by these sources, your first aid knowledge should include how to treat them. This lesson covers different types of burns, how to treat them, and ways to prevent them.

## Types of Burns

There are several types and degrees of burns that require different treatments. Heat, electricity, and chemicals can produce burn injuries with their severity depending on the burn's depth, size, and location. Burns can be painful and may result in shock and infection. They can be very serious if they are spread over a large area of the body, if there are other injuries involved, or if the victim is very young or very old.

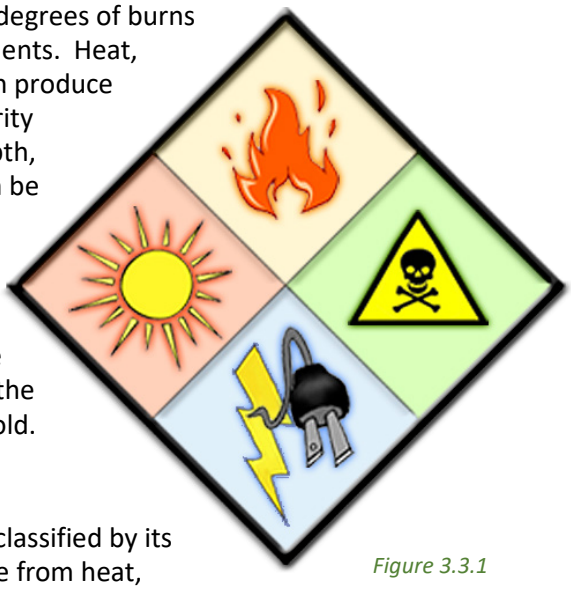


*Figure 3.3.1*

### BURN SOURCES

The type of burn is typically classified by its heat source. Burns can come from heat, chemicals, electricity, radiation, or sun.

### DEGREES OF BURNS

For burns caused by heat sources, there are different degrees (first, second, or third) based on the burn's depth. The deeper a burn reaches into the skin, the more severe it is. Deeper burns are rated at a higher degree.

### CHARACTERISTICS OF FIRST-DEGREE BURNS

First-degree burns, the least serious type, are superficial, where the top layer of skin has been burned slightly. These burns produce pain and redness of the skin. First-degree burns are usually caused by: overexposure to the sun, brief contact with a hot object, such as an iron or skillet, minor **scalding** by hot water or steam, or brief contact with harsh chemicals.

## Key words

**scalding:**
Burning of the skin by a substance that is hot in temperature

First-degree burns:

- Injure only the top layer of skin
- Redden the skin
- Produce mild swelling
- Cause pain due to irritated nerve endings
- Heal quickly and completely if properly treated
- Are caused by brief contact with hot objects, brief exposure to hot water or steam, and overexposure to sun (light sunburn) or wind

**FIRST-DEGREE BURNS**

***Signs:***

- Skin is red, dry, and painful
- Skin may have swelling
- Skin not broken



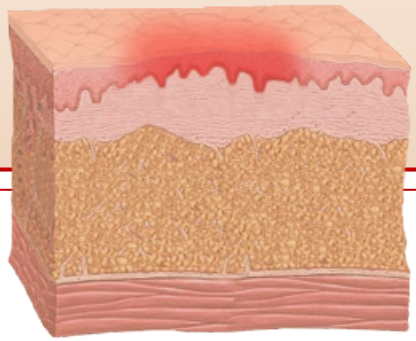


*Figure 3.3.2*

## CHARACTERISTICS OF SECOND-DEGREE BURNS

Second-degree burns are more serious than first-degree burns because a deeper layer of skin is burned. They can more easily become infected. Also, if the burn affects more than 10 percent of your skin, you may go into shock because large quantities of fluid are lost from the burned area. A medical professional should treat all second-degree burns greater than two to three inches in diameter. Second-degree burns are usually caused by: deep sunburn, exposure to flames, contact with hot liquids, burning gasoline or kerosene, or contact with chemicals.

Second-degree burns:

- Involve deeper layers of skin
- Cause skin to turn red and/or **mottled**
- Appear moist and oozing from the loss of fluid through damaged skin layers
- Produce blisters and swelling
- Are usually the most painful type of burn because nerve endings are still intact even though tissue damage is severe

**Key words**

**mottled:**
Marked with irregular spots or splotches of different colors or shades of color

Second-degree burns *(cont'd):*

- May cause shock due to extensive loss of fluid from the burned skin if the burn covers a large area
- Should heal within two weeks with little or no scarring if the burn is small and it was property treated
- Are caused by a deep sunburn, prolonged contact with hot objects, scalding, and flash burns from flammable liquids suddenly bursting into flame

**SECOND-DEGREE BURNS**

***Signs:***

- Skin is swollen and red, may be blotchy or streaked
- Blisters may be weeping clear fluid
- Signs of significant pain



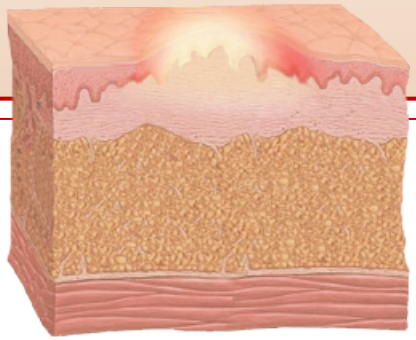


*Figure 3.3.3*

## CHARACTERISTICS OF THIRD-DEGREE BURNS

Third-degree burns, the most serious, involve all layers of skin. They are so deep that only the edges will heal. Scars will eventually cover the rest of the burned area if skin grafting is not done. Third-degree burns are usually caused by: clothing on fire, immersion in hot water, contact with flames, hot objects, electricity, or corrosive chemicals.

Third-degree burns:

- Are the deepest and most severe type of burn
- May look white or charred (may appear to be a second-degree burn at first)
- Result in deep tissue destruction, reaching all layers of the skin and sometimes structures below the skin
- Often cause little or no pain since nerve endings are destroyed
- Often cause shock
- Will be covered by scar tissue when healed
- Are caused by immersion in extremely hot water, prolonged contact with flames, or electric shock

**THIRD-DEGREE BURNS**

***Signs:***

- Skin damage, charred skin, or white leathery skin
- May have signs and symptoms of shock

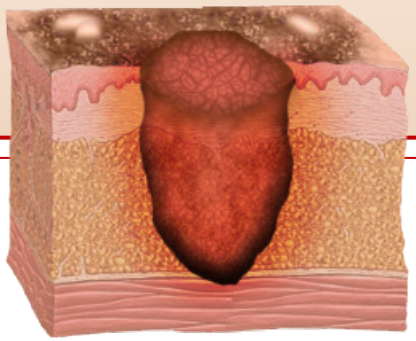




*Figure 3.3.4*

## Treating Heat Burns

Treat heat burns based on their degree; therefore, before treating a burn, determine its degree and treat accordingly. When deciding the degree of a burn, in addition to the above descriptions, it may help to know the source of the burn and/or how hot the source was, as well as how long the victim was exposed to it.

If a victim appears to have a combination of burns of different degrees, determine the degree of the most burned part—usually in the middle of the burned area—and treat for that degree. If you are not sure about the degree of a burn, treat it as a third-degree burn.

Keep in mind that the goal of burn treatment is to relieve the victim's pain, prevent them from going into shock, and prevent infection of the burned area.

### TREATING FIRST-DEGREE BURNS

1. Loosen tight clothing and remove jewelry from the burned area before it swells. Have the victim put their jewelry in a safe place after removal.
2. Cool the burned part with water by holding it under cool running water, pouring cold water over it, immersing it in cold water, or applying cold, wet **compresses** to it. Cooling



*Figure 3.3.5*

**Key words**

**compresses:**
Folded cloths or pads applied so as to press upon a body part to stop bleeding or cool a burn

the burn with water helps remove heat from the skin, relieves pain and swelling, and cleans the injury. Continue this **neutralizing** treatment for 5 - 15 minutes until the pain subsides.

3. Gently pat the burned area dry with a clean cloth.
4. Cover the injury loosely with a sterile bandage or clean cloth to keep air off of it, thereby reducing pain, and protecting against infection. Keep the bandage loose to keep pressure off of the injury.
5. Once a first-degree burn is completely cooled, especially a sunburn, use a lotion or moisturizer to relieve pain and prevent drying of the skin.

## TREATING SECOND-DEGREE BURNS

1. Rinse the burn gently with cool water until the pain subsides. For burns on arms, hands, legs, or feet, soak the injured part in cool water. For burns on the face or body, use a clean, cool, wet cloth to cool the burned skin. Do NOT use ice or ice water.
2. Clean the burn gently with mild soap and water. Make sure your hands are clean. Do NOT break the blisters—this can increase the risk of infection. Use an antibiotic ointment each time you clean the burn. You can use a loose bandage to cover the burn and help keep it clean.



*Figure 3.3.6*

3. Check the burn every day for signs of infection, such as redness, increases in swelling or pus.
4. Seek medical treatment for second-degree burns to the face, hands, feet, or genitals, or burns that are more than two to three inches in diameter. Ensure the victim drinks plenty of liquids to avoid dehydration.

### Key words

**neutralize:**
Counteract the activity or effect of something

### Content Enhancement:

**SECOND DEGREE BURNS**

1) For extensive second-degree burns, monitor the victim for signs of shock and treat accordingly until the person receives medical treatment.
2) For second-degree burns to the face, especially if accompanied by smoke inhalation, the victim may have respiratory burns that can lead to swelling and blockage of the airway. Monitor the victim's breathing and treat accordingly until the person receives medical treatment.

## TREATING THIRD-DEGREE BURNS

1. Remove the victim from the source of heat if they are still in contact with it. If the victim's clothes are on fire, attempt to smother the fire by getting the person to stop-drop-and-roll. Rolling on the ground should smother the burning clothes because it deprives the fire of oxygen. If needed, wrap the person in thick material, such as a coat, rug, or blanket. This will also help put out the flames. Pour water on the person.
2. Call for Emergency Medical Services (EMS). All third-degree burns require medical treatment regardless of their size. Until the victim receives treatment, follow steps three through seven.
3. Ensure that the victim is breathing. If not, begin mouth-to-mouth resuscitation. If the victim is breathing, continue with steps four through seven.
4. Do not remove any clothing that is stuck to the burn. Do NOT soak the burn in water nor apply ointment. If possible, raise the burned area above the level of the heart.
5. Cover the burned area loosely with cool, moist compresses, sterile bandages, or clean cloth.

   **NOTE: Unlike treatment for first- and second-degree burns, DO NOT cool a third-degree burn with water, since this can increase the risk of shock.**
6. Check the victim for shock. Pay special attention to the victim's body temperature, which can change rapidly due to the skin being burned.
7. Monitor breathing of victims with burns to the face and burns resulting from fire accompanied by smoke inhalation. Treat accordingly.



### Content Enhancement:

**"DON'TS" WHEN TREATING BURNS**

- Do not put butter, oil, or grease on a burn; they can keep heat in the burn and cause more damage, as well as increase the chance of infection.
- Do not use cotton or cottony bandages on burns as they may stick to the injury.
- Do not put ice or ice water on a burn; this can result in frostbite and cause more damage to the skin.
- Do not break any blisters that have formed; blisters help protect against infection.
- Do not put pressure on a burn.
- Do not try to remove stuck clothing, debris, or loosened skin from a burn.
- Do not try to clean a wound with soap, alcohol, or any other antiseptic product; only water should be used and only on first- and second-degree burns.
- Do not let a victim walk on burned feet even if they tell you it does not hurt; third-degree burns can cause little pain since nerved endings are destroyed, but damage is severe and pressure from walking will only increase it.



*Figure 3.3.7*

## Treating Electrical Burns

While an electrical shock will often produce only a minor mark on the skin, the injury can be a serious, deep-tissue burn. The current from an electrical shock passing through a victim's body can also result in unconsciousness and may slow or stop their breathing and/or heartbeat. Therefore, treat electrical shock as a potentially life-threatening injury.

**ELECTRICAL BURN**

- Occurs when you receive an electrical shock
- Must be examined by a doctor
- If you encounter a victim of an electrical shock, first make sure you turn off the power at its source and then care for any life-threatening conditions



*Figure 3.3.8*

If you believe a person has been electrocuted, assess the situation first before touching the victim. They may still be in contact with the electrical current, and if you touch them, you could become a victim of electrical shock as well. Follow these steps to avoid a double accident and provide first aid treatment:

1. Call for emergency help. If the victim is still in contact with the source of electricity, stop the current.
   - Shut off the electrical current by unplugging a cord, removing a fuse from the fuse box, or turning off the circuit breaker, as appropriate.

     **NOTE:** In many cases, just turning off a wall or appliance switch does not stop the electrical flow. Even though you have shut off the electrical current, to be completely safe, move the victim away from the electrical source before continuing. Proceed to step three.

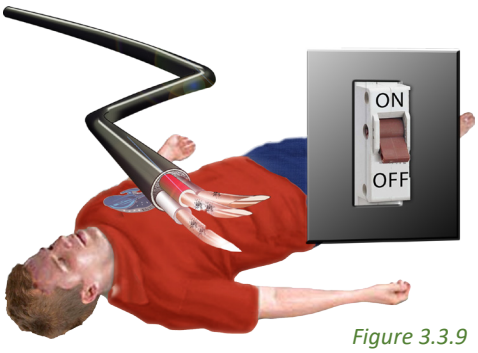



*Figure 3.3.9*

   - If you cannot turn off the electricity or you are outside and the shock is due to a downed power line, either call the power company yourself if you have a phone near you, or if there are other people around, have someone else call the power company. Meanwhile, since it may take you less time to separate the victim from the current than to wait for the power to be cut off, proceed to step two. Or, if you are alone and/or there is no phone readily available in this situation, proceed to step two.

2. Separate the victim from the source of electrical current.
    - Push the victim off of or away from the source of electricity—or push the source of electricity off of or away from the victim—using a dry non-conducting material (wood, plastic, cardboard) like a broom, stick, or chair. If available, also stand on something dry and non-conducting, like newspaper or a rubber mat, as you disengage the victim. If pushing does not work, use a dry rope or dry clothing to lift or drag the victim off of or away from the source of electricity. This method works better if there are two rescuers: one to lift the victim off and the other to push the electrical source away.

**SPECIAL PRECAUTION**

***If the ground is wet***, **do not attempt to move a victim in contact with an electrical current.** Water conducts electricity, and you can be electrocuted as well. In this case, the current must be stopped before you can administer first aid.



*Figure 3.3.10*

3. Check the victim's breathing and pulse. Be prepared to administer mouth-to-mouth resuscitation or cardiopulmonary resuscitation (CPR) if the victim's breathing is shallow or nonexistent or their pulse is dangerously slow or nonexistent. Prevent the person from becoming chilled.
4. Check the victim for two burn sites—one where the electricity entered the body and one where it exited the body. If the burns appear to be serious, treat them as third-degree burns. If they are less serious, rinse with water and apply a loose sterile bandage. Skin burned by electricity can be first-, second-, or third-degree burns.

## Treating Chemical Burns

Chemical burns occur when the skin or eyes come in contact with liquid or dry chemicals that are **caustic** or irritating. Around your house, you may have products like rust and paint removers and drain and cement cleaners that contain **acids** designed to eat away certain materials and **bases** (also called alkalis) used to cut through grease. If used carelessly or improperly, these products may also do the same to your clothes and skin.

The seriousness of a chemical burn depends on the:

- Length of time the chemical is in contact with the skin or eyes
- Concentration of the chemical—the more concentrated, the more damaging
- Temperature of the product containing the chemical—the higher the temperature, the quicker the damage

### Key words

**caustic:**
Capable of destroying or eating away something by chemical action

**acids:**
Chemicals designed to eat away certain material

**bases:**
Chemicals used to cut through grease; also called alkalis

**CHEMICAL BURN**

Chemical burns may result when skin or eyes come into contact with liquid or dry chemicals, such as:

- Rust and paint removers
- Drain and concrete cleaners

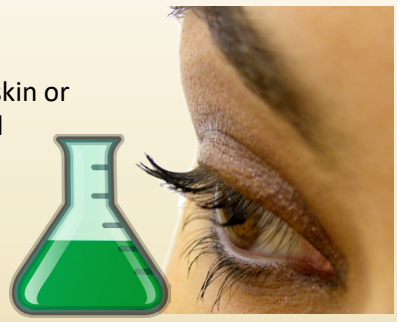


*Figure 3.3.11*

Treatment of chemical burns involves stopping the chemical action immediately by removing the chemical from the skin or eyes and by removing contaminated clothing that can transmit absorbed chemicals to the skin. Treatment will vary depending on the type of chemical involved, so if there are first aid instructions on the label of the chemical product causing the burn, follow those instructions. If not, use the following basic guidelines for treatment.

## TREATMENT FOR CHEMICAL BURNS TO THE SKIN

1. Depending on the extent of chemical coverage on the victim or in the area, consider wearing gloves and/or safety goggles, if available, to protect yourself from chemical injuries while assisting the victim.
2. Remove any contaminated jewelry or clothing from the victim, including shoes and socks where chemicals can collect.
3. Remove the chemical from the skin.

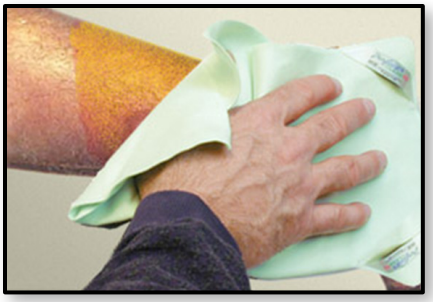


*Figure 3.3.12*

**NOTE:** ***Some chemical burns should NOT be flushed with water!*** When water interacts with some chemicals, it can make the burn worse.

**LIQUID CHEMICALS:** For liquid chemicals, **flush** them from the contaminated skin with large amounts of cool running water for at least 15 minutes.

- Carbolic acid or phenol is not water soluble, so use isopropyl (rubbing) alcohol first to flush the chemical off the skin and then flush with water.
- Sulfuric acid burns should be rinsed with a mild, soapy solution if the burns are not severe. Sulfuric acid feels hot when water is added to the acid, but you want to rinse the acid off the skin as soon as possible.
- Hydrofluoric acid burns should be rinsed with a mixture of water and baking soda. Then flush with a large amount of water. Burns from hydrofluoric acid don't always appear immediately, so rinse the exposed skin even if a burn isn't seen.

**Key words**

**flush:**
To cleanse or wash out with running water or another liquid

**DRY CHEMICALS:** For dry chemicals, brush them off the skin using a clean, dry cloth. Take care to keep the chemicals from blowing into your eyes or the victim's eyes, and avoid brushing the chemicals onto your own skin. Then, if large amounts of water are available, flush the contaminated area for at least 15 minutes. If large amounts of water are not available, do not apply any water to the contaminated area, since small amounts of water can react with dry chemicals causing more burning.

4. Cover the burned area loosely with dry, clean bandages or cloth.

   **NOTE:** If the victim says they feel the burning has intensified after you have finished flushing the contaminated area, flush for several more minutes, or longer, as necessary.

5. Minor chemical burns generally heal without further treatment; however, call for Emergency Medical Services for:

   - Any chemical burn to the face, hands, feet, genitalia, or joints
   - Second-degree chemical burns over two to three inches in diameter
   - All third-degree chemical burns
   - If there is a **systemic** reaction to the chemical burn and/or chemical exposure

## Key words

**systemic:**
Something that acts throughout the body after absorption or ingestion



## Content Enhancement:

### NOTES FOR CHEMICAL BURNS

(1) For extensive or severe chemical burns, monitor the victim for signs of shock and treat accordingly until the person receives medical treatment.

(2) For a victim with chemical burns to the face or who may have inhaled chemicals, monitor their breathing in case of possible respiratory burns and swelling. Treat accordingly until medical help arrives.

## TREATMENT FOR CHEMICAL BURNS TO THE EYES

1. Position the victim's head so that the injured eye is lower than the uninjured eye. This will prevent the chemical from getting into the uninjured eye.
2. If there is only one injured eye, hold the eyelids of the injured eye open and flush with water from the inner corner of the eye (closest to the nose) to the outer corner (closest to the ear). Flush with lukewarm water for at least fifteen minutes. If both eyes are injured, flush both at the same time. The person should keep the eye open as wide as possible. Flushing the eye should also help remove contact lenses. If the contacts don't come out try to remove them gently after flushing with water.
3. Make sure the victim does not have any chemical on their hands or another part of the body. To keep the victim from moving their

injured eye(s), have the victim close both eyes, then cover them with cloth pads or gauze taped loosely into place. Since eyes move together, both eyes must be closed and covered to keep the injured eye still. Do not put any pressure on the eyes. Do NOT rub the eyes or allow the victim to rub their eyes.

4. Call for emergency help for severe burns. Be aware that some alkali chemicals (like ammonia and oven cleaner) may not cause eye pain, but can seriously injure the eye.



## Content Enhancement:

### "DON'TS" WHEN TREATING CHEMICAL BURNS

Follow the "don'ts" listed previously in "Don'ts When Treating Burns" Content Enhancement. In addition, do not put any other chemicals on a chemical burn in an attempt to neutralize the chemical causing the burn—for example, putting an acid on an alkali and vice versa. This may cause more damage.



*Figure 3.3.13*

## Conclusion

You have just learned important procedures for treating burns, as well as when to apply basic first aid and life-saving skills in these situations. Remember that while it is important to administer first aid treatment as quickly as possible in most situations, some rescue situations require careful assessment before you jump in to save someone, so that you do not become a victim yourself. Remaining calm, thinking logically and clearly, and knowing what steps to take and when to take them, will help you successfully perform first aid.

## Lesson Check-up



- **What are some of the characteristics of first-, second-, and third-degree burns?**
- **What first aid would you provide someone with a first-degree burn?**
- **What first aid would you provide someone with a second-degree burn?**
- **Before treating a person who may be a victim of an electrical burn, what should you do first and why?**

# First Aid for Poisons, Wounds, and Bruises




## Key words

- **abrasions**
- **amputation**
- **avulsion**
- **incisions**
- **lacerations**
- **solvents**

## What You Will Learn to Do

Determine first aid for poisonings, wounds, and bruises

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Identify** the causes and symptoms of poisoning
- **Describe** how to treat a poison victim
- **Distinguish** among the four types of open wounds
- **Describe** how to treat wounds and bruises
- **Define** key words: abrasions, amputation, avulsion, incisions, lacerations, solvents

## Essential Question

**How do you give first aid for poisoning, wounds, and bruises?**

## Introduction

Whenever there are small children left alone in the kitchen, accidents can happen, especially when cleaning products are left out in the open. But, poisonings can accidentally happen to people of any age. As such, the first section of this lesson introduces the treatment and prevention of injury from poisons. As an addition to your first aid skills, the lesson ends with a discussion of different types of wounds and their treatment, as well as the treatment of bruises.

## Poisons

As consumers, we buy more than a quarter of a million different household products—materials used in and around the house for medication, cleaning, cosmetic purposes, exterminating insects, and killing weeds. These items are valuable in the house and for yard maintenance, but misuse, especially when products are used in inappropriate applications or quantities, can cause illness, injury, and even death.




*Figure 3.4.1*

Each year more than 6,000 people die and an estimated 300,000 suffer disabling illnesses as a result of unintentional poisoning by solid and liquid substances.

Poisonings at home can be prevented. While child-resistant packaging has greatly reduced the number of fatalities among children under five years of age, parents, grandparents, and other caregivers must still be cautious. Following label directions for all products, including medication dosages and proper storage of potentially toxic products are important precautions to heed.

### Content Enhancement:

**POISON CONTROL CENTER**

Because there are so many substances that can cause poisoning, and so many different treatments, the vast majority of poisonings should be treated immediately by contacting 911 or a poison control center.

The number for the National Poison Center is:
**1-800-222-1222**



*Figure 3.4.2*

## Inhaled Poisoning

Inhaled poisoning occurs when a person breathes a poisonous substance into their lungs. Inhaled poisons include:

- Smoke
- Gas used in outdoor cooking equipment and appliances in homes and recreational vehicles
- Hazardous fumes from household products such as paint and paint thinners, gasoline, **solvents**, and glues, as well as from chemicals used in industrial processes
- Carbon monoxide, which is always produced by wood, coal, and charcoal fires, and by gasoline engines. It can also be produced by gas, oil, and kerosene appliances, such as furnaces, space heaters, water heaters, and stoves

### Key words

**solvents:**
Types of chemicals that are used to dissolve other substances, such as paint, grease, or plastic

**INHALED POISON COULD BE FUMES FROM…**

- Ammonia
  (some uses include household cleaners, fertilizers, and freon)
- Chlorine
  (some uses include household bleaches and disinfectants, and swimming pool disinfectants and algaecides)
- Gases
  (carbon monoxide)
- Glue
- Paint
- Pesticides
- Petrol / Turpentine
- Smoke




*Figure 3.4.3*

Carbon monoxide, in particular, is a very dangerous poisonous substance, because it is odorless, colorless, and tasteless, making it difficult to detect.

When a person inhales carbon monoxide, it replaces oxygen in the blood, which results in oxygen starvation throughout the body. Exposure to low amounts of carbon monoxide can cause flu-like symptoms; continued exposure can cause permanent brain, nerve, and heart damage; exposure to very high concentrations can kill a person in a few minutes.

Running a car engine in a closed garage, using a charcoal grill indoors, and burning a fire in a fireplace with a blocked chimney can all result in carbon monoxide poisoning. In addition, since carbon monoxide forms when there is a lack of oxygen resulting in incomplete fuel combustion, operating fuel-burning equipment without an adequate supply of oxygen (proper ventilation) can result in carbon monoxide poisoning. For example, hundreds of people in the United States each year suffer carbon monoxide injuries from using portable heaters, lanterns, and camping stoves inside tents, campers, and vehicles.

## Content Enhancement:

### SYMPTOMS OF INHALED POISONING

Symptoms of inhaled poisoning may not show up immediately. If you suspect inhalation poisoning, keep the victim under observation. If you know the victim has inhaled a poisonous chemical, get medical help whether or not symptoms are present. Symptoms will vary depending on the type and amount of poison inhaled, but can include any of the following:

- Dizziness
- Weakness
- Drowsiness
- Headache
- Mental confusion
- Breathing difficulties
- Heartbeat irregularities
- Unusual breath odor
- Discoloration of the lips and mucous membranes
- Nausea
- Vomiting
- Rashes or burns on the skin
- Unconsciousness



*Figure 3.4.4*

## TREATMENT FOR INHALED POISONS

Before rushing in to rescue a victim in a smoke-, gas-, or fume-filled environment, quickly assess the situation so that you do not end up a victim as well. If the poisonous substance is overwhelming and the danger to you is too great, do not attempt to rescue the victim unless you have been trained for rescue in this type of situation. Immediately call EMS and stay clear of danger.

However, if after assessing the situation you believe you can safely remove the victim from the poisonous environment, do so by following these guidelines:

1. If you are alone, call for help first before attempting the rescue. This will notify others of the situation—a precaution that will ensure help is on its way in case you are also overcome by the poison. Open doors and windows to remove fumes.
2. Take several deep breaths of fresh air, then take a final deep breath and hold it as you go in. If available, a damp cloth held over your nose and mouth is a good safety precaution. **NOTE:** Do not use light switches, light a match, or use any other equipment or appliance that produces flames or sparks while you are in a gas- or fume-filled area.
3. If you can see fumes or smoke, keep your head out of them. For example, fumes from car exhaust are heavy and settle near the floor, so keep your head above them; but in the case of smoke, which rises, keep your head below it.

4. Move the victim out into the fresh air. If for some reason this is not possible, open doors and windows to ventilate the area, returning out into the fresh air as necessary to ensure your safety. Do not administer first aid until you and the victim are out of the hazardous environment or the area is ventilated. If the person vomits, wrap a cloth around your fingers and clear the airway.

   Check the victim's airway, breathing, and circulation (ABC), and perform mouth-to-mouth resuscitation and CPR as necessary. Once you are sure the victim is breathing, call EMS if you or someone else has not already done so. Even if the victim seems fine once they are in fresh air, call for medical help as symptoms may show up later. While you are waiting for medical help, treat the victim for any burns or other injuries they may have suffered and monitor for shock.

## Oral Poisoning

Oral poisoning occurs when a harmful substance, such as a common household cleaning product, is swallowed. First aid for oral poisoning depends on the substance swallowed.



### Content Enhancement:

**SYMPTOMS OF ORAL POISONING**

Symptoms will vary depending on the type and amount of poison inhaled but can include any of the following:

- Abdominal pain and cramping
- Nausea or vomiting
- Diarrhea
- Burns, odor, and stains around and in the mouth
- Drowsiness or unconsciousness
- Poison containers nearby

### TREATMENT FOR ORAL POISONS

Procedures for treating oral poisoning:

1. Determine critical information:
   a. Age and size of victim
   b. What was swallowed
   c. How much was swallowed
   d. When was it swallowed
2. Remove any poisons remaining from the mouth. If a household cleaner was swallowed, read the product label for instructions about poisoning. Do not attempt to neutralize the poison unless the instructions or a poison control center list a neutralizing substance as a remedy.
3. For a responsive victim, call a poison control center immediately. More than 70 percent of poisonings can be treated through instructions taken over the telephone from a poison control center or 911.



*Figure 3.4.5*

4. For an unresponsive victim, or if the poison control center number is unknown, call EMS and monitor the ABCs—airway, breathing, and circulation.
5. Place the victim on their left side to position the end of the stomach where it enters the small intestine straight up. Gravity will delay advancement of the poison into the small intestine, where absorption into the victim's circulatory system is faster. If the poison has spilled on the victim's clothes, remove the clothes and flush the skin with water.
6. Induce vomiting only if a poison control center or physician advises it. Inducing must be done within 30 minutes of swallowing. If the victim was poisoned by eating a plant, save a vomit sample. It could help doctors identify and reverse the poison.
7. Save poison containers, plants, or any other source of ingested poison to help medical personnel identify the poison.

## Wounds

Wounds are soft tissue injuries that break the skin. They are typically classified into four categories—abrasions, lacerations, punctures, and avulsions—and depending on their severity, can be painful and invite infection if not properly treated.

### ABRASIONS

**Abrasions** are a result of the top layer of skin being scraped away. Most often, abrasions are caused by a sliding impact between a rough surface and the skin. Abrasions are generally shallow injuries with little bleeding. *See Figure 3.4.6.*

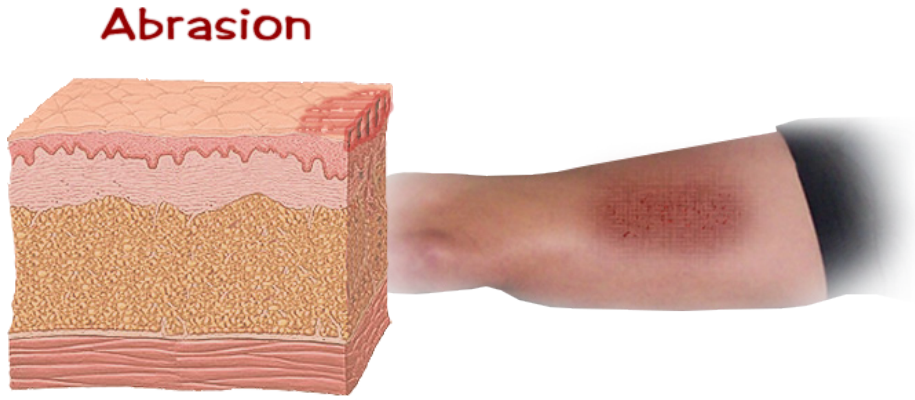



*Figure 3.4.6*

### LACERATIONS

**Lacerations** are wounds in which the soft tissue in the body is torn. As a result, they are often jagged or irregular in size and shape. They are usually produced by some kind of blunt trauma to the skin. **Incisions** are straight, clean cuts made with sharp objects like knives, glass, or razor blades. *See Figure 3.4.7.*

## Key words

**abrasions:**
Wounds where the top layer of skin has been scraped away

**lacerations:**
Wounds in which the soft tissue in the body is torn, often in a jagged or irregular in size and shape

**incisions:**
Straight cuts, usually made with a sharp object like a knife or piece of glass

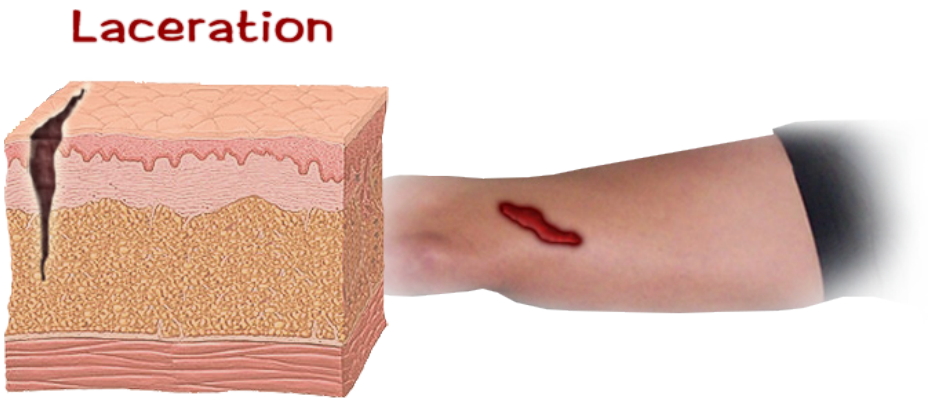



*Figure 3.4.7*

## PUNCTURES

Punctures are caused by pointed objects such as pins and nails that make small holes into deeper tissue, often with little bleeding. Bites from animals also result in puncture wounds. *See Figure 3.4.8.*

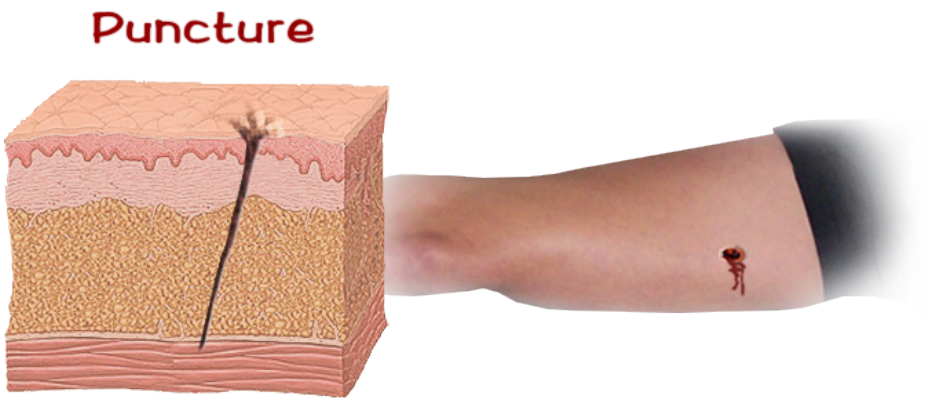



*Figure 3.4.8*

**Key words**

**avulsion:**
A wound where tissue is torn from, or pulled away from and hanging off of, the body

## AVULSIONS

An **avulsion** is tissue torn from, or pulled away from and hanging off of, the body. This type of injury may also result from an animal bite. *See Figure 3.4.9.*




*Figure 3.4.9*

## When Does a Wound Require Care?

Wounds can be minor or serious depending on their size, depth, location, and source. Minor wounds involve only the outer skin layer. They stop bleeding in a few minutes on their own or with gentle pressure and can be treated with just first aid. Serious wounds require first aid followed by medical treatment. Consider a wound serious, if:

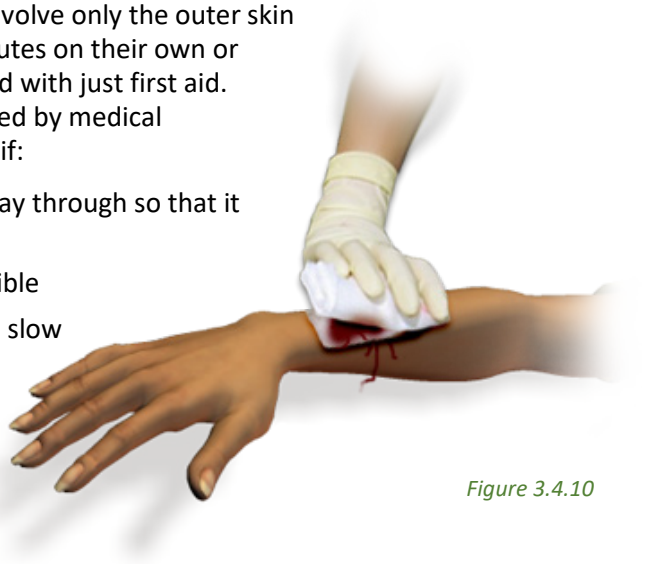


*Figure 3.4.10*

- The skin is cut or torn all the way through so that it gapes open
- Fat, muscle, or tendons are visible
- Bleeding is heavy and does not slow or stop after applying pressure for 15 to 20 minutes
- Soil or other debris cannot be washed from the wound
- There is loss of function like the inability to move a cut finger
- It is on the face, since even a small wound may leave a scar
- It is on the bottom of the foot
- Its source is a rusty or dirty object or an animal or human bite

Some extremely serious injuries that generally contain a combination of the four kinds of wounds, and always require immediate medical attention, are amputations, avulsions, and crushing injuries. They are generally the result of motor vehicle or industrial machinery accidents or explosions.

- An **amputation** is the complete removal of an extremity, such as a finger or leg.
- Crushing injuries occur when parts of the body are caught between heavy objects or when the body is thrown against a heavy object or vice versa. In addition to wounds, crushing injuries include bone fractures, as well as possible injuries to internal organs and internal bleeding.

**Key words**

**amputation:**
The complete removal of an extremity, such as a finger or leg

## Treatment of Wounds

Before beginning treatment of any injured victim, remember to always use the Universal Precautions, wear a facemask and rubber gloves, and any other protective gear. Doing so can prevent contraction of diseases that can be spread through blood-borne pathogens.



*Figure 3.4.11*

## MINOR WOUND CARE

Clean a minor wound by flushing it with cool water and washing it with mild soap. Dry it thoroughly with a clean cloth, apply a thin layer of antibiotic ointment to keep the wound moist and protect against infection, and cover it with a bandage to keep it clean.

Change the bandage whenever it gets wet or dirty, and consider leaving the bandage off at night when sleeping since exposure to air also helps the healing process. Contact a doctor if the wound does not appear to be healing after several days or shows signs of infection like redness, draining, or swelling.

## SERIOUS WOUND CARE

In the case of serious wounds, follow the steps for controlling bleeding which include applying direct pressure, elevating the wounded part, cleaning and bandaging the wound, and seeking medical treatment. For any wound caused by a dirty object or animal bite, ask if the victim has had a tetanus shot or booster shot within the last 10 years. If not, their doctor may order one to guard against tetanus infection.



*Figure 3.4.12*

## AMPUTATION, AVULSION, AND CRUSHING INJURY CARE

For extremely serious injuries such as amputations, avulsions, or crushing injuries, call EMS, control bleeding, monitor breathing, treat for shock, and provide comfort to the victim until medical help arrives. Remember that tourniquets should only be used in extreme, life-threatening situations, and pressure points should only be used if you are trained to do so.

# Bruises

Bruises are injuries that discolor but do not break the skin tissue. They can be caused by a fall, a blow, or bumping into something. Though sometimes very ugly and lasting for several weeks, they are usually not very serious.

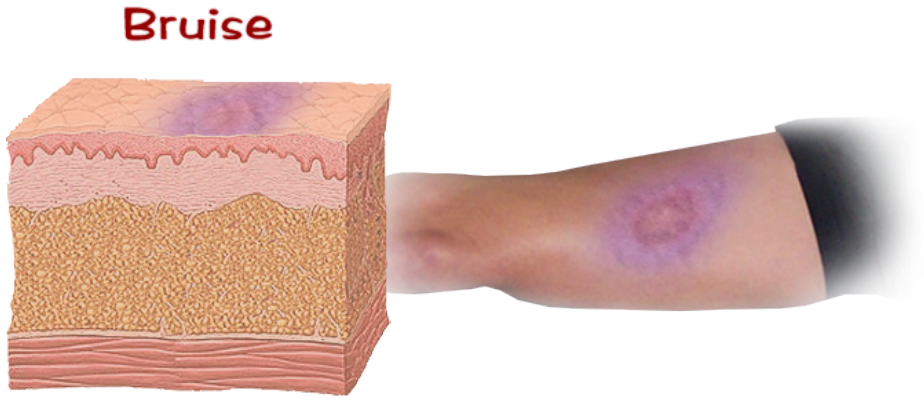



*Figure 3.4.13*

## Treatment of Bruises

Wrap ice or an ice pack in a clean towel and apply it to the bruise. To reduce swelling, elevate the bruised part for 20 to 30 minutes if the injury is mild or for a few hours if it is severe. Seek medical attention if swelling increases unusually, pain increases, the bruise site appears deformed, or there is an inability to move a body part associated with the bruise.

## Conclusion

You have just learned important procedures for treating poisons, wounds, and bruises, as well as when to apply basic first aid and life-saving skills in these situations. Remember that while it is important to administer first aid treatment as quickly as possible in most situations, some rescue situations require careful assessment before you proceed, so that you do not become a victim yourself. Remaining calm, thinking logically and clearly, and knowing what steps to take and when to take them will help you successfully perform first aid.

### Lesson Check-up



- **Describe the characteristics of the four types of skin wounds.**
- **What are some demonstrated symptoms of someone who has inhaled poison?**
- **Describe some poisons that may be unfamiliar to most people.**
- **How would you treat someone who has been bruised?**

# Heat Injuries



## Key words

- **dehydration**
- **fatigue**
- **heat cramps**
- **heat exhaustion**
- **heat stroke**
- **perspiring**
- **ventilation**

## What You Will Learn to Do

Determine first aid for heat injuries

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Explain** the cause of heat injuries
- **Describe** the symptoms of the three types of heat injuries
- **Explain** how to treat heat cramps
- **Explain** how to treat heat exhaustion
- **Explain** how to treat heat stroke
- **Describe** how to prevent heat injuries
- **Define** key words: dehydration, fatigue, heat cramps, heat exhaustion, heat stroke, perspiring, ventilation

## Essential Question

**How can heat injuries be treated and prevented?**

## Introduction

Participating in any vigorous outdoor exercise or activity on an extremely hot day can lead to serious injuries if you are not prepared. Knowing how to recognize the signs and symptoms of heat-related injuries can help you prevent a life-threatening situation.

## Causes of Heat Injuries

For your body to work properly, its temperature must be normal, which is around 98° Fahrenheit. You risk health problems, and even death, if your body gets too cold or too hot.

Heat injuries can occur when people are exposed to high temperatures and high humidity. When it is hot, your body cools itself by **perspiring**. During perspiration, sweat evaporates and carries heat away from your body. However, you risk heat injuries when you lose large amounts of water, salt, or both, through perspiring, and do not replace the lost fluid quickly enough. This results in **dehydration**. You also risk injury in high humidity when sweat does not evaporate as rapidly as needed to keep the body cool, causing heat to build up. The body will then perspire even more in an attempt to cool itself, losing dangerous amounts of fluids in the process.

### Key words

**perspiring:**
Giving off moisture through pores of the skin

**dehydration:**
The condition that results when fluids are lost from the body and are not replaced

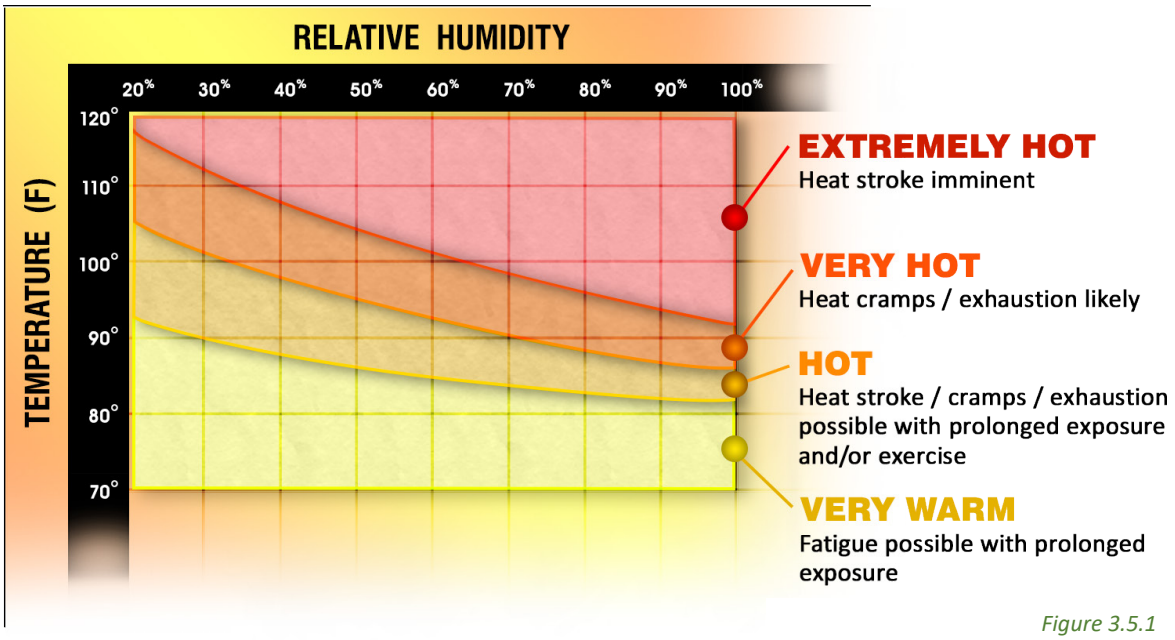



*Figure 3.5.1*

People who may be at risk of heat injuries include those who exercise or work outside in high temperatures and high humidity, or those whose bodies do not regulate heat well, such as older people, overweight people, or babies.

## Factors to Consider



*Figure 3.5.2*

When perspiring, the body can lose more than a quart of water per hour. Therefore, since the body depends on water to cool itself, you should drink plenty of water when working or playing in hot weather. In most cases, however, you do not need to consume extra salt because you obtain adequate amounts through a balanced diet. In fact, consuming salt during hot weather activities may pull water away from muscles and other tissues where it is needed and into your digestive tract. You can also drink too much water and become overhydrated. Symptoms of overhydration can include:

- Nausea and vomiting
- Headache
- Confusion or disorientation

In general, do not consume more than one quart or liter of water per hour.



*Figure 3.5.3*

In addition to water intake and diet, consider the type of clothing you wear in hot weather. Wear lightweight clothes that fit loosely but also protect the body from sunburn. Many synthetic fabrics are better than cotton in hot, humid weather because they allow perspiration to evaporate quickly. Some activities require extra clothing or equipment, such as football or hiking with full camping gear. Cadets may have problems acclimating to hot weather because of the type and amount of clothing and equipment they must wear. In all of these cases, protective gear and equipment may reduce **ventilation** needed to cool the body. So, ensure clothing or uniforms fit well but are not tight, and remove extra pieces of clothing and equipment as soon as they are no longer needed.

### Key words

**ventilation:**
The circulation of air as a system or means of providing fresh air

## Types of Heat Injuries

Overheating of the body progresses in stages. At first, a person may suffer **heat cramps**. If the person ignores the symptoms and continues exercising, working, or playing in the heat, they may experience **heat exhaustion**. (However, heat cramps do not always precede heat exhaustion.) If heat exhaustion is left untreated, **heat stroke** may follow and can be fatal.

### HEAT CRAMPS

Heat cramps are muscular pains and spasms caused by the loss of salt from the body through heavy perspiring. Heat cramps usually involve muscles that are **fatigue**d such as legs, abdominals, and shoulders. Other symptoms may include stomach cramps, wet skin, and extreme thirst.

#### Treatment of Heat Cramps

Heat cramp victims should rest for several hours after the cramps go away. Seek medical aid if cramps continue for more than an hour or if the person is unable to drink because of nausea or vomiting.

**TREATING HEAT CRAMPS**

1. Get the victim to a cooler location
2. Lightly stretch and gently massage affected muscles to relieve spasms
3. Give sips of up to a half glass of cool water every 15 minutes
4. Discontinue liquids if the victim is nauseated



*Figure 3.5.4*

### HEAT EXHAUSTION

When people work or exercise heavily in high temperatures or in a hot, humid place, the body loses fluids through heavy sweating. Heat exhaustion occurs when fluids are not adequately replaced or when sweat does not evaporate because of high humidity or too many layers of clothing, causing the body to sweat even more. When the body loses a great amount of fluid, less blood flows to vital organs, resulting in a form of shock.

#### Heat Exhaustion Symptoms

- Heavy sweating
- Weakness or faintness
- Dizziness or drowsiness
- Cool, pale, moist skin
- Headaches
- Loss of appetite
- Nausea with or without vomiting
- Confusion
- Chills
- Rapid breathing and pulse
- Body temperature above normal but below 102°F

### Key words

**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

**fatigue:**
Weariness or exhaustion

### Treatment of Heat Exhaustion

Heat exhaustion victims should be monitored carefully. Call for emergency help if the person's condition worsens or if the person experiences fainting, confusion, seizures, or a fever over 104° F.

**TREATING HEAT EXHAUSTION**

1. Get the victim to lie down in a cool place
2. Loosen or remove clothing
3. Apply cool, wet cloths
4. Fan or move victim to air-conditioned place
5. If victim is conscious, give sips of up to a half glass of cool water every 15 minutes *
6. Discontinue water if victim is nauseated
7. Seek immediate medical attention if vomiting occurs





* Be sure water is consumed slowly

*Figure 3.5.5*

## HEAT STROKE

Heat stroke, also known as sun stroke, is a medical emergency that can be fatal if not treated as soon as possible. The victim's cooling mechanism stops working when the body perspires so much that no fluids remain to produce sweat. Since the body can no longer sweat and sweating is its defense against overheating, body temperature rises and skin becomes red and flushed. The body is unable to regulate its core temperature. If body temperature rises high enough, brain damage and death can occur. Therefore, when you encounter a heat stroke victim, you must cool the victim as fast as possible. If you suspect heat stroke, call for emergency medical assistance. Heat stroke is life-threatening.

### Heat Stroke Symptoms

- No sweating
- Hot, dry, red skin
- Headache, dizziness, nausea, and vomiting
- Fast, weak pulse, and shallow respiration
- Seizures and mental confusion
- Unconsciousness or sudden collapse
- Very high body temperature

### Treatment of Heat Stroke

If a heat stroke victim is able to drink without vomiting, give the person small sips of water. Monitor the person for danger signs such as loss of consciousness, no signs of circulation and so on.

**TREATING HEAT STROKE**

1. Call 9-1-1 or emergency medical services
2. Move victim to a cooler environment; use fans and air conditioner
3. Remove or loosen clothing
4. Use a cool bath, sponging, or wet sheet to reduce body temperature
5. Watch for breathing problems

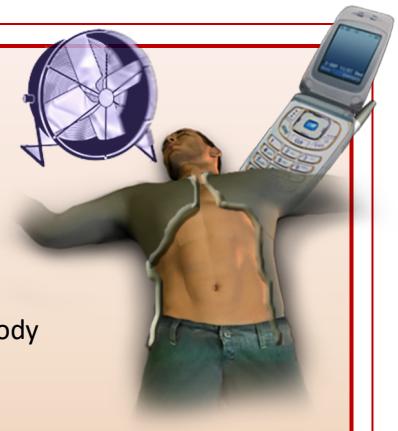


*Figure 3.5.6*

## Prevention of Heat Injuries

You can prevent heat injuries by taking a few simple precautions and exercising a little common sense. If possible, limit your exposure to high temperatures and avoid working or exercising outside in hot, humid weather. During work or training periods, or in extremely hot climates, drink at least one quart of water every hour, but not more than that. Drinking too much water can cause overhydration. Also, remember to dress for the hot weather and the activity being performed.

In the military or in the field, prevention of heat injuries is both an individual and leadership responsibility. Leaders should identify people who have a high risk of injury—basic trainees, overweight individuals, and individuals who have symptoms of fatigue or a previous history of heat injury. If possible, leaders should schedule heavy or strenuous activities during cooler morning or evening hours.

## Conclusion

Vigorous exercise in hot weather can lead to heat cramps, heat exhaustion, or heat stroke. Familiarize yourself with the symptoms of these injuries, which can be serious or even fatal if left untreated. By knowing the signs of heat injuries, and taking precautions, you should be able to enjoy exercising outdoors, even in hot weather.

## Lesson Check-up



- **What are the types of heat injuries?**
- **What symptoms would a victim present if suffering heat exhaustion? What first aid would you administer?**
- **What symptoms would a victim present if suffering from a heat stroke? What first aid would you administer?**

LESSON 6

# Cold Weather Injuries



## Key words

- **frostbite**
- **hypothermia**
- **insulate**
- **precipitation**
- **subcutaneous**
- **superficial**

## What You Will Learn to Do

Determine first aid for cold weather injuries

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Explain** the causes of cold weather injuries
- **Identify** symptoms of cold weather injuries
- **Explain** how to treat frostbite, immersion foot/trench foot, hypothermia, and snow blindness
- **Describe** how to prevent cold weather injuries
- **Define** key words: frostbite, hypothermia, insulate, precipitation, subcutaneous, superficial

## Essential Question

**How can cold weather injuries be treated and prevented?**

## Introduction

It is common to think that only in areas where snow and frost are present, people are susceptible to cold weather injuries. Prolonged exposure to low temperatures, wind, or moisture—whether it is on a ski slope or in a stranded car—can result in cold-related injuries such as **frostbite** and **hypothermia**. It doesn't matter where you live, cold weather injuries can occur, especially if you are not prepared.



*Figure 3.6.1*

## Key words

**frostbite:**
An injury caused to body tissue by frost or extreme cold

**hypothermia:**
An injury where there is too little body heat with abnormally low internal body temperature

**precipitation:**
Any form of water, such as rain, snow, sleet, or hail that falls to the earth's surface

## Factors to Consider

### WEATHER

Low temperatures, high humidity, **precipitation**, and high winds may affect the loss of body heat. Wind chill (the temperature of both the wind speed and air temperature combined) increases loss of body heat and may aggravate cold injuries. By studying the Wind Chill Chart in *Figure 3.6.2*, you can determine the chilling effect of wind speed on temperature.

## WIND CHILL CHART and FROSTBITE TIMES

***How to use the chart:***

Find the wind speed in the left-hand column, then read across to the column under the actual temperature. This number is the equivalent temperature that would be acting on any exposed skin.

For example, if the wind is blowing at 20*mph*, and the actual temperature is 10°F, the effect on bare skin would be the same as a temperature reading of -9°F under calm conditions.

Any movement has the same cooling effect as wind. Running, skiing, or riding in an open vehicle must be considered in using the wind chill chart.

**Temperature (°F)**

| Wind (mph) | Calm | 40 | 35 | 30 | 25 | 20 | 15 | 10 | 5 | 0 | -5 | -10 | -15 | -20 | -25 | -30 | -35 | -40 | -45 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5 | | 36 | 31 | 25 | 19 | 13 | 7 | 1 | -5 | -11 | -16 | -22 | -28 | -34 | -40 | -46 | -52 | -57 | -63 |
| 10 | | 34 | 27 | 21 | 15 | 9 | 3 | -4 | -10 | -16 | -22 | -28 | -35 | -41 | -47 | -53 | -59 | -66 | -72 |
| 15 | | 32 | 25 | 19 | 13 | 6 | 0 | -7 | -13 | -19 | -26 | -32 | -39 | -45 | -51 | -58 | -64 | -71 | -77 |
| 20 | | 30 | 24 | 17 | 11 | 4 | -2 | -9 | -15 | -22 | -29 | -35 | -42 | -48 | -55 | -61 | -68 | -74 | -81 |
| 25 | | 29 | 23 | 16 | 9 | 3 | -4 | -11 | -17 | -24 | -31 | -37 | -44 | -51 | -58 | -64 | -71 | -78 | -84 |
| 30 | | 28 | 22 | 15 | 8 | 1 | -5 | -12 | -19 | -26 | -33 | -39 | -46 | -53 | -60 | -67 | -73 | -80 | -87 |
| 35 | | 28 | 21 | 14 | 7 | 0 | -7 | -14 | -21 | -27 | -34 | -41 | -48 | -55 | -62 | -69 | -76 | -82 | -89 |
| 40 | | 27 | 20 | 13 | 6 | -1 | -8 | -15 | -22 | -29 | -36 | -43 | -50 | -57 | -64 | -71 | -78 | -84 | -91 |
| 45 | | 26 | 19 | 12 | 5 | -2 | -9 | -16 | -23 | -30 | -37 | -44 | -51 | -58 | -65 | -72 | -79 | -86 | -93 |
| 50 | | 26 | 19 | 12 | 4 | -3 | -10 | -17 | -24 | -31 | -38 | -45 | -52 | -60 | -67 | -74 | -81 | -88 | -95 |
| 55 | | 25 | 18 | 11 | 4 | -3 | -11 | -18 | -25 | -32 | -39 | -46 | -54 | -61 | -68 | -75 | -82 | -89 | -97 |
| 60 | | 25 | 17 | 10 | 3 | -4 | -11 | -19 | -26 | -33 | -40 | -48 | -55 | -62 | -69 | -76 | -84 | -91 | -98 |

Frostbite Times — 30 minutes — 10 minutes — 5 minutes

*Effective 11/01/01*

*Figure 3.6.2*

## STRESS

When in a stressful situation, people are more likely to experience fear, fatigue, dehydration, and lack of nutrition. These factors increase the possibility of a cold-weather injury.

## CLOTHING

When in cold weather, you should wear several layers of loose clothing and dress as lightly as the weather permits. This reduces the danger of excessive perspiration followed by chilling. It is better if the body is slightly cold and producing heat than overly warm and sweltering toward dehydration. Wet clothing adds to the possibility of cold injury.

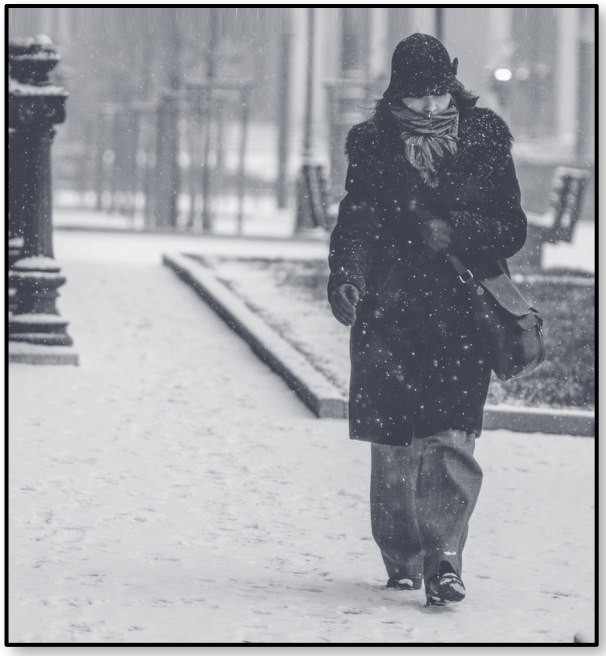


*Figure 3.6.3*

## PHYSICAL MAKEUP

Physical fatigue leads to inactivity, personal neglect, carelessness, and less heat production. These, in turn, increase the risk of cold injury. Individuals who have had a cold injury before have a higher risk of being injured again.

## PSYCHOLOGICAL FACTORS

Mental fatigue and fear lessen the body's ability to warm itself and increase the possibility of a cold injury. Depressed or unresponsive individuals are also at a higher risk of cold injury because they are less active and tend to be careless about protecting themselves.



*Figure 3.6.4*

## OTHER FACTORS

Individuals are also at risk of cold injury if they are:

- Often in contact with the ground
- Immobile for long periods of time, such as while riding in a vehicle
- Standing in water
- Out in the cold for days without being warmed
- Deprived of an adequate diet and rest
- Careless about personal hygiene

People exposed to severe cold can suffer from the following conditions: frostbite, immersion foot/trench foot, hypothermia, snow blindness, and dehydration.

# Frostbite

Frostbite is the most common injury resulting from exposure to the cold. Ice crystals form in body tissues exposed to temperatures below freezing. The crystals restrict blood flow to the injured parts and are like daggers that puncture cell membranes as they grow larger. Body parts most easily frostbitten are the cheeks, nose, ears, chin, forehead, wrists, hands, and feet. People suffering from frostbite may not realize it, since the injured part may be numb from the cold.

There are different degrees of frostbite depending on the extent of tissue damage.

- A **superficial** cold injury can usually be characterized by numbness and tingling or "pins and needles" sensations. It involves the skin and the tissue just beneath the skin. *(See Figure 3.6.5)*



*Figure 3.6.5*

- Deep (severe) frostbite, on the other hand, involves freezing of the **subcutaneous** tissue, and possibly even muscle and bone. With a deep cold injury, victims are often unaware of a problem until the affected part feels like a stump or block of wood. Severe frostbite may result in infection or gangrene and may require surgical removal of the injured part. *(See Figure 3.6.6)*



*Figure 3.6.6*

## Key words

**superficial:**
Injuries that are not very serious and only affect the surface of the body

**subcutaneous:**
Beneath the top layer of skin

## SIGNS OF FROSTBITE

Signs of superficial frostbite include:

- Redness of the skin on light-skinned individuals; grayish coloring of the skin on dark-skinned individuals
- Blisters in 24 to 36 hours
- Sloughing of the skin

Signs of deep frostbite include:

- Signs of superficial frostbite
- Painless or numb unthawed skin that is pale-yellowish and waxy looking
- Frozen, swollen tissue that is like wood to the touch
- Blisters in 12 to 36 hours

Frostbite victims may also experience pain in the affected area after warming.

## TREATMENT OF FROSTBITE

Frostbite may be accompanied by a more serious condition—hypothermia. Symptoms include intense shivering, slurred speech, and drowsiness. Always check frostbite victims for hypothermia and call for emergency help if you suspect it.

If possible, bring a frostbite victim indoors. You can gently rewarm frostbitten areas by soaking in warm—not hot—water. As the frozen tissue thaws, it may burn and become painful. Use over-the-counter medications such as ibuprofen to reduce pain and inflammation. Seek medical attention if the pain and numbness continue after warming or if blisters develop.

Deep frostbite is very serious and requires extra care to reduce or avoid losing all or parts of the fingers, toes, hands, or feet. If possible, transport the victim to a hospital or contact emergency medical services immediately, since it is preferable that deep frostbite injuries be rewarmed under medical supervision. If this is not possible, rewarm the injured parts, protect them from re-freezing, and seek medical help as soon as possible.

**TREATING FROSTBITE**



***Superficial frostbite:***

1. Warm affected area with direct body heat.
2. Consult with medical personnel ASAP.
3. DO NOT thaw frozen area if treatment will be delayed.
4. DO NOT massage or rub affected area.
5. DO NOT wet area or rub with snow or ice.

***Deep frostbite:***

1. DO NOT attempt to thaw the affected part if you believe you cannot keep it warm until the victim receives medical treatment. It is extremely dangerous for an injured part to re-freeze after warming. It is less dangerous to leave the part frozen than to warm it and have it re-freeze.
2. Avoid having the victim walk on frostbitten feet, especially if they thaw. If the victim must walk, it is less dangerous while his or her feet are frozen.
3. DO NOT rub the injured part with snow or apply cold water packs.
4. DO NOT warm the injured part by massage; ice crystals in the tissues will damage more cells when rubbed.
5. DO NOT expose the injured part to open fire; the frozen part may burn because of lack of feeling.
6. DO NOT have the victim move the injured part to increase circulation.
7. DO NOT break any blisters.
8. DO NOT use ointments or other medications.
9. DO NOT let the victim use alcohol or tobacco. Alcohol reduces the body's resistance to cold, and tobacco decreases blood circulation.

*Figure 3.6.7*

## Immersion Foot / Trench Foot

Immersion foot and trench foot result from long exposure of the feet to wet conditions at temperatures between approximately 32° and 60°F. Keeping your feet in damp or wet socks and shoes or tightly laced boots for long periods of time may affect circulation and contribute to injury. Inactivity also increases the risk of immersion foot/trench foot. This injury can be very serious, leading to loss of toes or parts of the feet.

### SIGNS OF IMMERSION FOOT AND TRENCH FOOT

Symptoms of immersion foot/trench foot in the primary stage include:

- Affected parts that are cold, numb, and painless
- Affected parts may begin to feel hot, with burning and shooting pains
- In the advanced stages, the pulse decreases and skin becomes pale with a bluish cast
- Redness, blistering, swelling, heat, hemorrhages, and gangrene may follow



*Figure 3.6.8*

### TREATMENT OF IMMERSION FOOT OR TRENCH FOOT

Someone suffering from trench foot should remove shoes and socks then clean and dry the feet thoroughly. Elevate the feet to reduce swelling and avoid walking to prevent tissue damage. Keep the feet warm and dry with a sheet or blanket while they are healing, but do not wear socks. Skin that is discolored—greenish or blackish—is usually an indication of dying tissue. Get immediate medical attention to prevent further damage.

**TREATING IMMERSION FOOT / TRENCH FOOT**

1. Remove shoes and socks.
2. Dry the feet thoroughly.
3. Warm feet by exposing them to warm air, or a loose sheet or blanket.
4. Evacuate victim to a medical facility.
5. DO NOT massage, rub, moisten, or expose affected area to extreme heat.



*Figure 3.6.9*

## Hypothermia

Hypothermia is a general cooling of the body to a temperature below 95°F caused by continued exposure to low or rapidly dropping temperatures, cold moisture, wind, snow, or ice. With hypothermia, the body loses heat faster than it can produce it. Inadequate insulation, fatigue, poor physical condition, dehydration, faulty blood circulation, alcohol, trauma, and immersion in cold water can bring on this condition. People at high risk of hypothermia include infants, older people, people with limited mobility due to illness or other medical conditions, very thin people, and people with heart and lung problems.



*Figure 3.6.10*

Remember, cold weather affects the body slowly and almost without notice. Even when well protected by clothing, a person may suffer cold injuries if exposed to low temperatures for long periods of time. As the body cools, it goes through several stages of symptoms.

### SIGNS OF HYPOTHERMIA

- Shivering or trembling which indicates mild hypothermia and will eventually stop as body temperature drops
- Cold skin
- Weakness
- Dizziness
- Drowsiness and mental slowness or confusion
- Uncoordinated movements and slurred speech
- Low body temperature; in severe hypothermia, 90°F or below
- Stiff or rigid muscles
- Decreasing pulse and breathing rate
- Unconsciousness
- Shock, coma, and death, which may result as body temperature drops and the body freezes



*Figure 3.6.11*

## TREATMENT OF HYPOTHERMIA

The treatment for hypothermia is directed toward re-warming the body evenly and without delay. If you suspect hypothermia, call for emergency medical help! Get the person indoors if possible. If that is not possible, protect the person from wind—especially around the neck and head. Try to get the person to lay on a thick blanket, cardboard, or anything that will **insulate** from the cold ground.

Treating a person with severe hypothermia is extremely dangerous because of the possibility of shock and disturbances of the heartbeat while re-warming. If possible, as you begin to re-warm the victim, transport them to a hospital or contact Emergency Medical Services immediately. If this is not possible, treat the victim gently since the heart is weak when the body is cold. Stabilize the body temperature by containing the body heat, and continue to keep them warm until medical treatment is available.

If further warming is needed, go slowly. Use a dry warm—not hot—compress on the chest and groin. You can also use an electric blanket if one is available. Offer warm, sweet, nonalcoholic drinks. In addition to these steps, there are also steps you must avoid:

- DO NOT warm the person too quickly.
- DO NOT warm the arms or legs; heating the extremities of a hypothermia victim can stress the heart and lungs.
- DO NOT give the person alcohol or cigarettes. Both can hinder the body's attempts to rewarm itself.

### Key words

**insulate:**
To use materials to protect or isolate something from the elements of weather

**TREATING HYPOTHERMIA**

1. Strip off wet clothing and wrap victim in dry blankets or sleeping bag.
2. Get victim to a heated location and medical treatment as soon as possible.



*Figure 3.6.12*

## Snow Blindness

Snow blindness is the effect the glare from an ice field, or snowfield, has on the eyes. It is more likely to occur in hazy, cloudy weather, since people tend to protect their eyes when the sun is shining and believe protection is unnecessary on cloudy days. If you wait until you feel discomfort or pain to use protective eyewear, a deep burn of the eyes may have already occurred.

## SIGNS OF SNOW BLINDNESS

- A sensation of grit in the eyes
- Pain in and over the eyes made worse with eye movement
- Watery and red eyes
- Headache
- Increased pain with exposure to light



*Figure 3.6.13*

Symptoms may also include eyelid twitching and small pupils. There is rarely vision loss.

## TREATMENT OF SNOW BLINDNESS

Snow blindness usually goes away on its own. To relieve the discomfort and prevent further damage, get out of the sun and into a dark room.

**TREATING SNOW BLINDNESS**

1. If wearing contact lenses, remove as soon as snow blindness is suspected.
2. DO NOT rub eyes.
3. Place a cold, damp washcloth over the eyes to alleviate the stinging of the burn.
4. During and after the healing process, use protection from light (i.e. sunglasses if outside) and limit eyelid movement.



*Figure 3.6.14*

# Dehydration

Dehydration occurs when the body loses too much fluid, salt, and minerals. As mentioned in the previous lesson, you can lose large amounts of fluid and salt through sweating. This loss creates an imbalance of fluids, and dehydration occurs when fluids are not replaced.

Dehydration can occur in both hot and cold climates. In cold weather, sweat evaporates quickly and heavy layers of clothing absorb it, making dehydration more difficult to detect because the signs of sweating are less noticeable. Therefore, the danger of dehydration during strenuous cold weather activities can become a serious problem.

### TREATING DEHYDRATION

The symptoms of cold weather dehydration are similar to those of heat exhaustion. Treat dehydration as follows:

1. Move the victim out of the wind and cold, and keep them warm.
2. Loosen the victim's clothes to promote circulation.
3. Ensure the victim receives proper fluid replacement, rest, and prompt medical treatment.



*Figure 3.6.15*

## Prevention of Cold Weather Injuries

You can prevent many cold weather injuries by taking proper care and precautions when participating in cold weather activities.

- Be sure to receive adequate nutrition, hot meals, and warm fluids.
- Get enough rest.
- Practice good hygiene.
- Wear the right clothing and protective gear. Do not forget to protect your eyes, ears, and face.
- Wear layers of clothing that insulate and can be removed if you begin to perspire.
- Avoid tight clothes that interfere with circulation.
- Replace or remove any clothing that gets wet as soon as possible.




*Figure 3.6.16*

Since you may not feel cold injuries because of cold's numbing effect, always try to go out into cold weather with a partner, so you can check each other for signs of injury. Exercise and keep active to maintain steady circulation and improve resistance to the cold. Many cold weather injuries can be avoided by planning ahead, staying alert, and using common sense.

## Conclusion

Whether or not snow and frost are present, cold weather injuries, such as frostbite or hypothermia, can be a threat to anyone's safety. Knowing the proper ways to treat these injuries is very important because, although it might seem like a good idea to re-warm the victim, you may in fact be making the injury worse. Read the first aid measures outlined in this lesson and review how to prevent these injuries in the first place. In doing so, the cold will not catch you off guard.

## Lesson Check-up



- **What factors should you consider when preparing for cold weather?**
- **What are the symptoms of frostbite and how would you treat a victim with superficial frostbite?**
- **What medical threat does trench foot provide its victim?**
- **What are the symptoms of hypothermia and how would you treat someone presenting those symptoms?**

LESSON 7

# Bites, Stings, and Poisonous Hazards




## Key words

- allergic reaction
- antivenin
- calamine
- discoloration
- rabies
- tetanus
- venom

## What You Will Learn to Do

Determine first aid for bites, stings, and poisonous hazards

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Identify** four types of poisonous snakes
- **Describe** symptoms of and treatment for snake bites
- **Describe** symptoms of and treatment for human and animal bites
- **Describe** symptoms of and treatment for insect bites and stings
- **Describe** symptoms of and treatment for poisonous plant exposure
- **Identify** ways to prevent bites, stings, and poisonous plant exposure
- **Define** key words: allergic reaction, antivenin, calamine, discoloration, rabies, tetanus, venom

## Essential Question

**How can bites, stings, and poisonous hazards be treated and prevented?**




## Introduction

With so many outdoor activities to participate in, such as hiking, camping, bicycle riding, skate boarding, and skiing, it is common to come across emergencies involving bites, stings, and poisonous hazards. It is estimated that one of every two Americans will be bitten at some time by an animal. Dogs are responsible for about 80 percent of all animal-bite injuries. Depending upon where you live, the type of first aid you should perform for snake bites and plants will vary. Knowing what to do when you are outdoors can mean the difference between life and death.

### Key words

**venom:**
A poison produced by animals such as snakes, scorpions, and spiders that is transmitted by a bite or sting

## Snake Bites

If you spend much of your time outdoors, it may be common for you to come across snakes; however, your chances of a snake bite are remote if you remain alert and careful. There are poisonous and nonpoisonous snakes, so the severity of snake bite depends on whether the snake is poisonous or not. Beyond that, the severity of snake bite depends on the type of snake, location of the bite, and the amount and type of **venom** injected.



*Figure 3.7.1*

### SIGNS OF A SNAKE BITE

- Puncture marks on the skin may be visible
- The following may take from 15 minutes to 2 hours to develop:
  - Redness and swelling of the bitten area
  - Nausea and vomiting
  - Diarrhea
  - Headache
  - Double vision
  - Faintness
  - Tightness in the chest and difficult breathing
  - Unconsciousness

## TYPES OF SNAKE BITE VENOM

There are three types of venoms: neurotoxin, which affects the nervous system and can cause death by paralysis; hemotoxin, which digests tissue including blood cells; and cardiotoxin, which directly affects the heart.

## TYPES OF SNAKES

There are approximately 130 different varieties of nonpoisonous snakes in the United States. They have oval-shaped heads and round pupils.

Poisonous snakes exist throughout the world, primarily in tropical to moderate climates. In the United States, there are four kinds of native poisonous snakes: coral snakes, rattlesnakes, copperheads, and cottonmouths (water moccasin). Rattlesnakes make a rattling noise by shaking the rings at the end of their tails. Cottonmouths have a white cottony surface in their mouths. Coral snakes have red, yellow and black rings—with the red bands flanked by yellow bands. Copperheads also have distinct markings. They have brownish bands shaped like an hourglass.

Rattlesnakes, copperheads, and cottonmouths are pit vipers. The coral snake is a type of cobra.



*Rattlesnake* *Figure 3.7.2*

### Pit Vipers

Pit vipers have slit-like pupils; flat, triangular-shaped heads; small, deep, heat-sensing pits between their nostrils and eyes; and in most cases, hemotoxic venom. When a pit viper bites, it injects this venom from sacs through long, hollow fangs. This produces a severe burning pain, along with **discoloration** and swelling around the fang marks. The hemotoxin destroys blood cells, which causes the discoloration of the skin. Blisters and numbness in the affected area follow this reaction. Pit viper bites attack the circulatory system, possibly causing weakness, rapid pulse, and shortness of breath, as well as nausea, vomiting, and shock.

### Cobras

Corals, cobras, kraits, and mambas belong to the cobra family. The coral snake *(Figure 3.7.3)* is the only one native to the United States. Rings of red, yellow, and black color encircle its body. While other nonpoisonous snakes have the same colors, only the coral snake has a red ring next to a yellow ring.



*Coral snake* *Figure 3.7.3*

**Key words**

**discoloration:**
An altered or changed color



Cobra Figure 3.7.4



Krait Figure 3.7.5



Mamba Figure 3.7.6

The cobra *(Figure 3.7.4)*, found in Africa and Asia, forms a hood with its neck when on the defensive. The krait *(Figure 3.7.5)*, found in India and Southeast Asia, is brightly banded, while the mamba *(Figure 3.7.6)* in Africa is either almost black or green. These snakes look very different, but all four inject their venom, a neurotoxin, through short, grooved fangs leaving a characteristic bite pattern. There is minimal pain and swelling compared to a pit viper bite, but since their powerful venom affects the central nervous system, it can cause blurred vision, drooping eyelids, slurred speech, drowsiness, and increased salivation and sweating. Nausea, vomiting, shock, respiratory difficulty, paralysis, convulsions, and coma develop if the bite is not treated promptly.

### Sea Snakes

Sea snakes are found in warm water areas of the Pacific and Indian Oceans. They have small heads, thick bodies, and tails flattened along the sides. The poisonous yellowbelly sea snake is found in waters off the coasts of California and Hawaii. Bites from these snakes are rare.



Figure 3.7.7

## TREATMENT FOR SNAKE BITES

Snake bites are rarely fatal if treated within an hour or two, but they can cause pain and illness and may severely damage a bitten hand or foot. Although snakes do not always inject venom, all snakes may carry **tetanus** (lockjaw). Therefore, anyone bitten by a snake, whether poisonous or nonpoisonous, should receive immediate medical attention.

One of the most important parts of treating a snake bite is identifying the type of snake making the bite. The type of **antivenin** used in medical treatment of snake bites varies by the snake. Try to remember the color and shape of the snake. If you can identify the type of snake causing the injury, let Emergency Medical Services know when you call for help or phone the information ahead to the hospital if you plan to transport the victim yourself.

### Key words

**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

**antivenin:**
Antitoxin used to counteract venom

If you are bitten by a snake, remain calm and move out of striking distance from the snake. Call for emergency help if you suspect a poisonous bite.

**TREATING SNAKE BITES**

1. Apply roller bandage
2. Restrict movement with a loose splint and keep the bitten area below the level of the heart.
3. Monitor vital signs and check for shock.
4. Remove rings or tight clothing near the bite. The area may swell.



*Figure 3.7.8*

There are also a few things you should NOT do in the case of snake bite:

- DO NOT use ice on the bite, nor a tourniquet.
- DO NOT cut into the bite and attempt to suck out the venom by mouth.
- DO NOT give the person anything by mouth.
- DO NOT try to capture the snake. This can be dangerous!
- DO NOT give the person any medication unless a doctor tells you to do so.

### PREVENTION OF SNAKE BITES

Most snakes are shy and passive. Unless they are injured or disturbed, they tend to avoid contact with humans. You can prevent a snake bite by using caution and common sense. If you are working outside clearing dense undergrowth, wear gloves, long sleeves, long pants, and boots for protection. When hiking in the wilderness, wear boots and long pants. Try to walk in open areas or stay on established paths. Look where you are stepping or placing a hand if climbing or pushing away tree limbs. Check before sitting on a rock or fallen tree. If possible, stay away from brush, rocks, and undergrowth. If you must handle a snake, even a freshly killed one, use a long tool or stick.

## Human and Animal Bites

Animal bites can puncture the skin causing a high risk of infection. Animal bites also pose the threat of exposing the victim to **rabies**. Rabies is a potentially deadly disease that is spread through the saliva of rabid animals, which behave strangely. Animals that may carry rabies include raccoons, bats, skunks, and household pets that have not been vaccinated.

### Key words

**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

Human bites, like animal bites, can cause infections. This usually happens in fights for example, when one person's hand may come in contact with another person's mouth. When human bites puncture the skin, they have a high risk of infection and also pose a risk of injury to tendons and joints.



*Figure 3.7.9*

## SYMPTOMS OF AN ANIMAL BITE

Possible symptoms include:

- Break or major cuts in the skin with or without bleeding
- Bruising
- Crushing injuries
- Puncture-type wound

## TREATMENT FOR ANIMAL BITES

If you are concerned that the bite might have been caused by a rabid animal, see a doctor immediately. Tetanus is also a concern. Your doctor may order a tetanus booster shot depending on your circumstances.



**TREATING ANIMAL BITES**

1. Wash your hands thoroughly before AND after with soap, or use sterile gloves.
2. *If the bite IS NOT bleeding severely* – Wash thoroughly with mild soap and running water for 3 to 5 minutes, then apply antibiotic ointment and a clean dressing.
3. *If the bite IS actively bleeding* – Apply direct pressure with a clean, dry cloth until bleeding stops; raise the area of the bite.
4. Carefully monitor for 24 to 48 hours for signs of infection (increasing skin redness, swelling, and pain). *

* *Seek medical attention if the bite becomes infected or if it is on the hand or finger*

*Figure 3.7.10*

# Insect Bites and Stings

In the outdoors, you may come in contact with various types of biting and stinging insects—bees, mosquitoes, ticks, fleas, spiders, etc. Most of these insect bites and stings

## Key words

**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



*Figure 3.7.11*

result in minor reactions, such as itching, redness, swelling, and irritation. However, scorpions and certain spiders can inject powerful poisons when they bite, and some people may have an **allergic reaction** to an insect bite or sting, particularly made by bees or wasps. In these cases, seek medical treatment immediately.

The black widow and brown recluse spiders, tarantulas, and scorpions are some of the more harmful insects you may encounter. Venom from the black widow is neurotoxic and may cause stomach and muscle cramps, breathing difficulties, nausea, sweating, vomiting, and convulsions. Tarantula venom is basically neurotoxic and may produce symptoms like that of a black widow bite, but in some cases can affect the heart and may digest tissue producing a severe local wound. The brown recluse spider can produce severe tissue damage around the bite, possibly leading to gangrene; and while stings from certain types of scorpions are painful but not dangerous, some can cause nausea, fever, stomach cramps, and possible convulsions and shock.

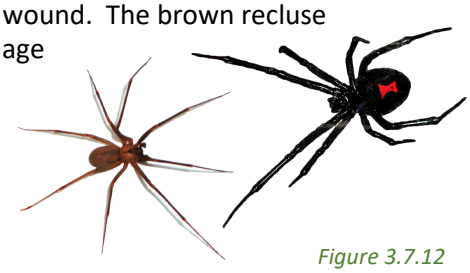


*Figure 3.7.12*

In most cases, bee and wasp stings produce minimal swelling, pain, redness, itching, and burning at the site of the sting. Multiple stings may cause headaches, fever, muscle cramps, and drowsiness. In addition, allergic reactions to stings can be serious.

## SYMPTOMS OF AN ALLERGIC REACTION

- Swelling, itching, and pain at the sting site
- Itchy rash and welts elsewhere on the body
- Swelling of the eyelids and face
- Breathing difficulty

## TREATMENT FOR INSECT BITES AND STINGS

Notice what kind of insect made the bite and be prepared to describe it if needed. Only attempt to capture the insect if you can do so without putting yourself at risk.

If you are allergic to stings, your doctor may have already given you a prescription for an allergic attack. People who are allergic to stings should carry their epinephrine auto injector when they know they'll be in close proximity to stinging insects. If signs of infection like pus, red streaks leading away from the bite, swollen glands, or fever occur within hours or several days after an insect bite, seek medical attention.



*Figure 3.7.13*

### TREATING INSECT BITES AND STINGS

***Initial treatment for ALL insect bites and stings:***

1. Move to a safe area.
2. *For a sting* – Scrape or brush off the stinger with a straight-edged object.
3. Apply a cold pack.
4. Apply hydrocortisone cream.
5. Take an antihistamine.

***Treatment for MORE SERIOUS allergic reactions while waiting for medical help:***

6. Use an epinephrine auto injector if available.
7. Loosen tight clothing and keep the person warm.
8. Do not give the person anything to drink.
9. Turn the person on their side to prevent choking.
10. Be prepared to perform basic life-support measures if the person shows no signs of circulation, such as breathing or movement.




*Figure 3.7.14*

## PREVENTION OF INSECT BITES AND STINGS

Wear insect repellent when outside in areas where biting insects are present. Re-apply repellent every few hours when participating in activities that cause heavy perspiration. Wear appropriate protective clothing when hiking or camping in the wilderness or working in a yard, garden, or overgrown area.

## Poisonous Plants

Most plants are harmless, but a few can cause allergic reactions upon contact. Poison ivy, poison oak and poison sumac produce an oily substance that irritates the skin of many people. Reactions to this substance include a rash characterized by redness, blisters, swelling, and intense burning and itching, as well as headaches and fever. Although the rash usually begins within a few hours after contact, it may appear 24 to 48 hours later.



*Poison Ivy* *Figure 3.7.15*



*Poison Oak* *Figure 3.7.16*

## Key words

**calamine:**
A pink powder that is made of zinc oxide and some ferric oxide and is used in lotions and ointments

## SYMPTOMS OF AN ALLERGIC REACTION

- Red rash with extreme itching
- Rash erupts in streaks or patches where the plant came in contact with the skin
- Rash includes red bumps and may also form large, weeping blisters

## TREATMENT FOR POISONOUS PLANT CONTACT

In general, treat someone who has come in contact with a poisonous plant by washing the area and treating with an oral antihistamine and **calamine** lotion or hydrocortisone. Do not use other creams or ointments on the area; they can make the skin more sensitive. Washing the area within 10 minutes of exposure can greatly minimize reactions and symptoms.

Seek emergency medical care if the person is having a severe allergic reaction, such as difficulty breathing. See a doctor if there is a rash covering a large part of the body or if blisters develop.

### TREATING REACTION TO POISONOUS PLANT

1. Remove exposed clothing and wash.
2. Wash the area thoroughly with soap and water as soon as possible.
3. Treat itching with an oral antihistamine and one of the following:
    - Colloid oatmeal bath
    - Paste of baking soda and water
    - Calamine lotion
    - Topical hydrocortisone cream




*Figure 3.7.17*

## PREVENTION OF EXPOSURE TO POISONOUS PLANTS

Become familiar with what poison ivy and other poisonous plants look like, so you can recognize a poisonous plant and avoid contacting it.

The following are other precautions you should take to limit your exposure to poisonous plants:

- Dress appropriately when participating in outdoor activities.
- Avoid areas where you are aware that poisonous plants grow.
- Do not eat plants or parts of plants that you do not recognize.
- Do not put grass, twigs, stems, or leaves in your mouth.

## Conclusion

Being able to adjust to new environments and protect yourself from harmful conditions is very important when participating in outdoor activities. Factors in nature such as extreme temperatures and humidity; animal, snake, and insect bites; and poisonous plants can pose a threat to you if you do not take precautions to guard against the possibility of injury. By being aware of potential hazards, knowing how to treat outdoor-related injuries, and exercising common sense, you can cope successfully with the environment and enjoy your time in the great outdoors.

## Lesson Check-up



- **Why is it important to try to determine what kind of snake caused the bite?**
- **How would you treat someone who had an allergic reaction to an insect bite or sting?**
- **How would you treat someone who has come into contact with a poisonous plant?**

# Controlling Bleeding



## Key words

- arteries
- dressing
- elevated
- hemorrhage
- pressure bandage
- pressure points
- veins

## What You Will Learn to Do

Demonstrate first aid procedures for bleeding victims

## Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world

## Learning Objectives

- **Identify** the three types of bleeding
- **Identify** the best way to control most cases of bleeding
- **Distinguish** among direct pressure, pressure points, and a tourniquet to control bleeding
- **Describe** how to treat bleeding on the head or torso
- **Explain** the importance of following Universal Precautions when dealing with blood and other body fluids
- **Define** key words: arteries, dressing, elevated, hemorrhage, pressure bandage, pressure points, veins

## Essential Question

**Would you be able to save a life by providing first aid to a bleeding victim?**




## Introduction

In an accident situation, you may encounter injured persons bleeding from wounds such as scrapes, cuts, punctures, tears, or gashes in the skin. In this lesson, you'll learn what steps to take for both minor and serious bleeding wounds.



*Figure 3.8.1*

## Key words

**arteries:**
Blood vessels that carry blood from the heart to other parts of the body

**veins:**
Blood vessels that carry blood from the body to the heart

**hemorrhage:**
Severe bleeding

## Types of Bleeding

The deeper a wound goes, the more serious it is. Mild wounds to the outer layer of skin do not bleed heavily, but still require cleaning to avoid infection. Deeper wounds, in which **arteries** and **veins** are cut, can be life threatening. These kinds of wounds may involve great amounts of blood loss, with blood often pulsing or spurting out of the wound. Severe bleeding, or **hemorrhage**, can result in shock or death if not treated promptly. Stopping the loss of blood in these cases is essential. If a victim loses too much blood, even cardiopulmonary resuscitation (CPR) will not keep the person alive, because there will not be enough blood to deliver oxygen from the lungs to the body.

There are three types of bleeding: arterial, venous, and capillary. First aid treatment in all of these cases includes stopping the flow of blood and preventing infection.

## ARTERIAL BLEEDING

Arterial bleeding is the loss of blood from an artery. Arteries carry blood from the heart to the rest of the body. Characterized by bright red blood that spurts with each heartbeat, arterial blood loss is severe and hard to control. ***Give it first priority for treatment.*** Bleeding from injured arteries is generally more serious and more likely with deep injuries. This bleeding needs to be controlled ***immediately***.

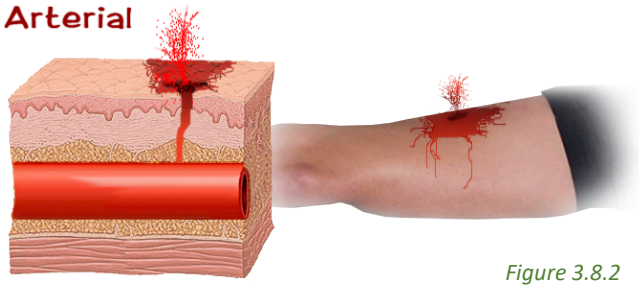



*Figure 3.8.2*

## VENOUS BLEEDING

Venous bleeding is blood loss from a vein. Veins carry blood to the heart from other parts of the body. Venous bleeding is characterized by a steady flow of dark blood. Bleeding from injured veins is generally slow and steady, but can still be serious. The dark red blood flows steadily, rather than spurting. This bleeding is usually easier to control.




*Figure 3.8.3*

## CAPILLARY BLEEDING

Capillary bleeding is the loss of blood from the smallest blood vessels, the capillaries, and is usually characterized by a slow flow of blood. Capillary bleeding occurs with shallow cuts or scrapes. The bleeding stops fairly quickly. However, the wound still requires cleaning to prevent infection.

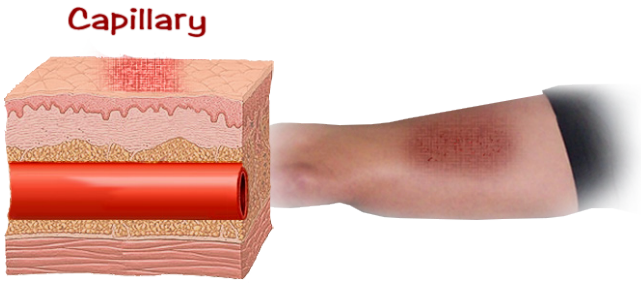



*Figure 3.8.4*

### Content Highlight:

**BLEEDING vs. INJURY**

You should note that serious injuries don't always bleed heavily, while some relatively minor injuries, such as scalp wounds, can bleed quite a lot. People who take blood-thinning medication or who have bleeding disorders, such as hemophilia, may bleed profusely because their blood does not clot properly. Bleeding injuries in these situations require immediate medical attention.

## Direct Pressure

In most cases, applying continuous, direct pressure to a wound is the best way to control bleeding. To apply direct pressure, place a **dressing** over the wound. A dressing should be:



*Figure 3.8.5*

- Sterile; if a sterile dressing is not available, use a clean cloth, such as a washcloth, towel, or handkerchief
- Larger than the wound
- Thick, soft, and compressible so pressure is evenly distributed over the wound
- Lint free

If a clean cloth or gauze is not available, use clothing or your bare hands or fingers—whatever is the cleanest. Continue applying pressure and bleeding should begin to slow or stop within 30 minutes.

## Stopping Infection

Even the slightest wound requires immediate cleansing. The best way to clean wounds is to wash them with soap and water. At home, use water from the faucet. On a hike, use water from a canteen or the clear running water of a stream. If available, use an antiseptic cleanser instead of soap. Wait until the skin around the wound dries, then put on a bandage. If available, apply an antiseptic cream to the wound before bandaging it.

For a minor wound, cleaning and bandaging is probably all that is required. Deep wounds, wounds made by animal or human bites, and wounds contaminated by dirt, rust, or other items, require medical treatment. Clean and bandage these wounds and seek medical assistance as soon as possible. If a wound contains glass or other objects stuck into the flesh, do not remove them unless they wash out of the wound easily.

## Controlling Bleeding to Extremities

In most cases, direct pressure is the best way to stop bleeding of wounds to the extremities. As you apply direct pressure, keep the injured limb **elevated** above the heart to slow the flow of blood out of the body.

After initially applying direct pressure, you should apply a **pressure bandage**.



*Figure 3.8.6*

### Key words

**dressing:**
In this case, a bandage or gauze applied to a wound

**elevated:**
Raised or moved above

**pressure bandage:**
A snug bandage using the pressure to control bleeding

Do this by applying a bandage snugly, using overlapping turns with a roll of gauze. Do not tie the pressure bandage so tightly that it restricts blood flow to the lower part of the limb. If fingertips or toes appear bluish, or if there is no pulse below the dressing, loosen the material used to secure the dressing immediately. Once you apply a pressure bandage, only qualified medical personnel should remove it.

## Content Enhancement:

### USING UNIVERSAL PRECAUTIONS



Remember that blood can be a carrier of contagious diseases, such as hepatitis and HIV. Wear protective gloves when giving first aid to a bleeding victim, and avoid touching other surfaces with bloody gloves. You'll not only be protecting yourself, you'll also be protecting the bleeding victim, who might develop an infection if your hands were not clean.

*Figure 3.8.7*

## When to Call for Emergency Help

Seek emergency help anytime bleeding is due to a major trauma or injury. Serious abdominal or chest wounds usually warrant emergency medical attention. Arterial bleeding—spurting blood—warrant immediate attention. Blood loss can be life threatening. If bleeding continues after 10 minutes of firm and steady pressure, call 911. In addition, call your local emergency number if you suspect internal bleeding. Signs of internal bleeding include:



*Figure 3.8.8*

- Bleeding from the mouth, ear, nose, or anus
- Vomiting or coughing up blood
- A swollen stomach
- Cold, clammy skin accompanied by thirst
- Signs of shock: fast pulse, sweating, rapid breathing, and lessened alertness
- Bruising or fracture

## Steps for Tending to a Bleeding Victim

Let's go over a few helpful first aid tips that you should always practice when tending to a bleeding victim. When you see bleeding from a wound, blood on a victim, or signs of shock, such as pale, clammy skin, take the following steps:




*Figure 3.8.9*

**Step 1:** Put on medical gloves or use some type of barrier to protect yourself from contact with the victim's blood.

**Step 2:** Move aside any clothing and place a sterile dressing, or clean cloth, on the wound. Then apply direct pressure on the wound with your hand.

**Step 3:** With a bleeding arm or leg, raise the limb above the heart level while keeping pressure on the wound. Be careful moving the victim because of the possibility of other injuries.

**Step 4:** If blood soaks through the dressing, do not remove the old dressing. Instead, put another dressing or cloth pad on top of it and keep applying pressure.

**Step 5:** If possible, wrap a roller bandage around the limb to hold the dressings in place and apply direct pressure. If direct pressure does not control the bleeding, also apply indirect pressure at a pressure point in the arm or leg to squeeze the artery closed.




*Figure 3.8.10*

## Pressure Points

In case of severe bleeding that does not slow or stop using direct pressure, finger pressure may be applied to the **pressure point** on the injured limb between the wound and the heart. Pressure points are locations on the body where arteries are close to the surface. *(See Figure 3.8.11)* By applying pressure at these points, you slow or stop the flow of blood through the artery.

### Key words

**pressure points:** Locations on the body where arteries are close to the surface

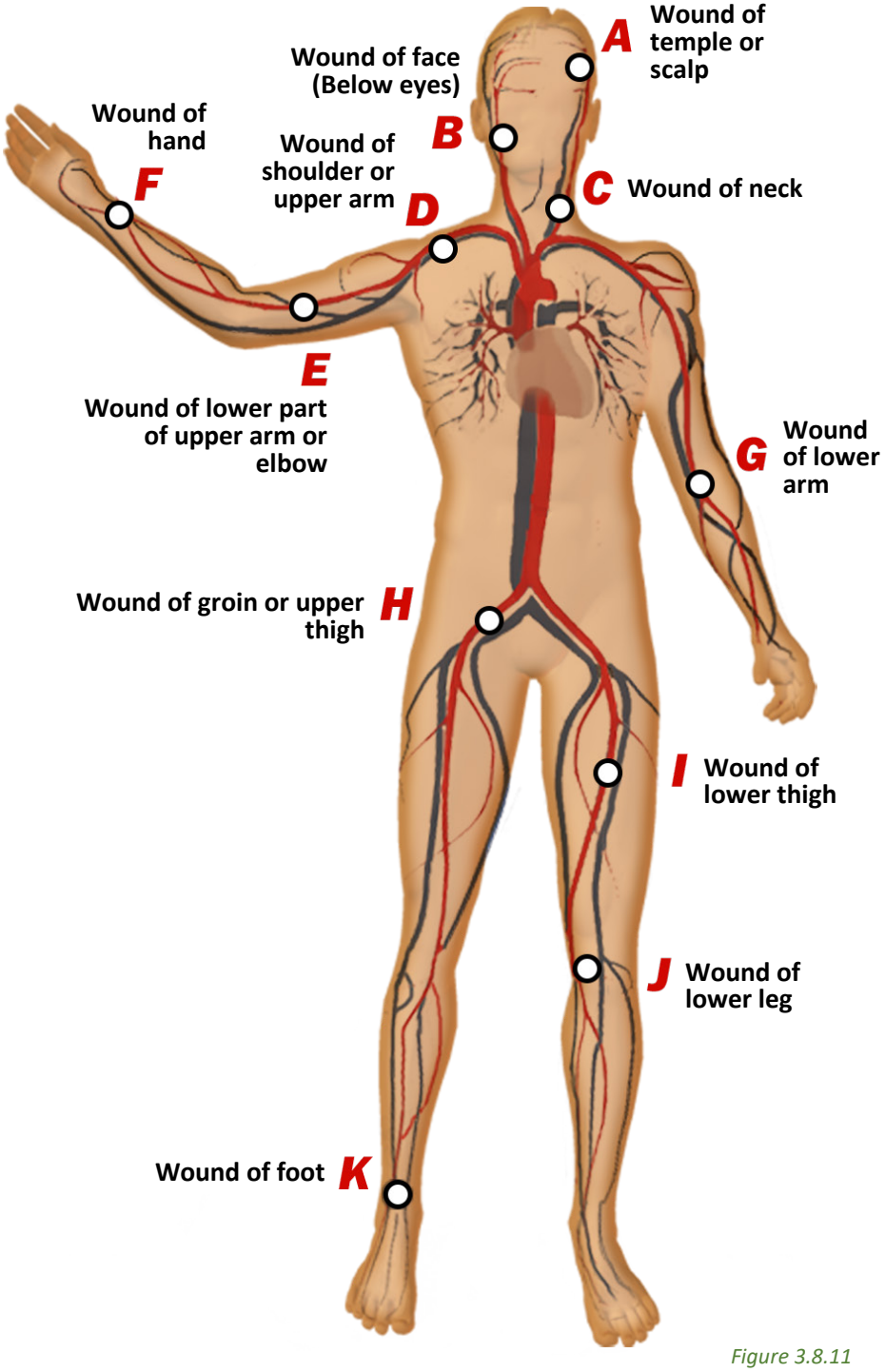



*Figure 3.8.11*

## Indirect Pressure

When using indirect pressure, squeeze the main artery in these areas against the bone. Keep your fingers flat. With your other hand, continue to exert pressure on the wound itself. To check if bleeding has stopped, release your fingers slowly from the pressure point, but do not release pressure at the bleeding site. If the bleeding continues, continue to apply pressure to the artery until the bleeding stops or help arrives. After bleeding stops, do not continue to apply pressure to an artery for longer than five minutes.

**NOTE:** The use of indirect pressure should not be used unless the technique is absolutely necessary to help stop severe bleeding, as it may result in in adequate flow of blood to the limb.



*Figure 3.8.12*

### Content Highlight:
### WHEN TO USE A TOURNIQUET

If heavy blood loss continues, as from an amputation, it may be necessary to use a tourniquet. **CAUTION:** Since a tourniquet is a constricting band that ***stops*** the flow of blood below it, it can kill the limb to which it is applied. Therefore, ***ONLY use a tourniquet if no other method works to stop the bleeding and you believe the injured person's life is in danger.*** To apply a tourniquet:

1. Fold a cloth until it is approximately two inches wide and long enough to go around the injured limb.
2. Tie the material in a loop and position it two to four inches above the wound, but not over a joint.
3. Pass a rigid object, such as a stick, under the tourniquet loop and twist it until it the bleeding stops.
4. Tie off the end of the stick with another piece of cloth or string to prevent it from unwinding.
5. Mark the victim's forehead with a "T" to alert medical personnel that you have applied a tourniquet.

It is necessary to cover the victim with a blanket, but do not cover the tourniquet so it may be easily spotted by medical personnel. Once you apply a tourniquet, do not loosen or remove it. As with a pressure dressing, only qualified medical personnel should remove a tourniquet. Remember, ***use a tourniquet only as a last resort*** when all other attempts to stop the bleeding fail.

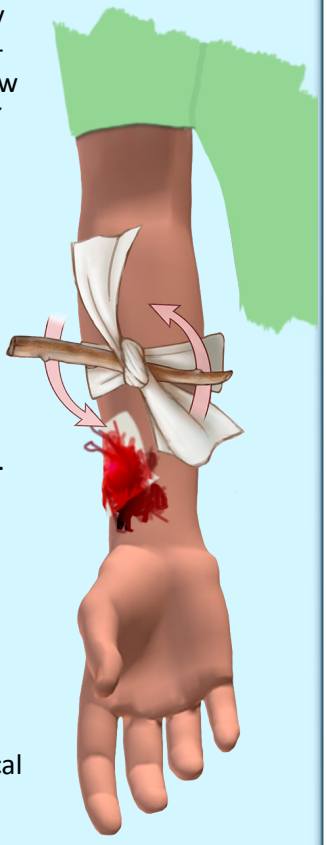


*Figure 3.8.13*

## Controlling Bleeding to the Head and Torso



Figure 3.8.14

### SCALP INJURIES

For wounds to the scalp, use a pressure dressing. If brain tissue is exposed, tie the dressing loosely over the wound. Do not press the brain tissue back into the open wound. *(See Figure 3.8.14)*

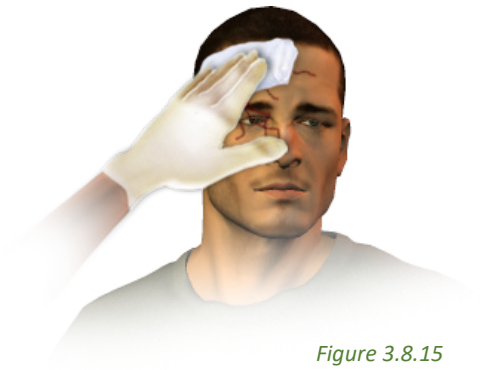


Figure 3.8.15

### FACIAL INJURIES

Control bleeding from facial wounds by using a pressure bandage. Position the victim to prevent them from breathing blood. Victims who have sustained a severe blow to the head should be kept under close observation as they may have brain damage and could require rescue breathing. *(See Figure 3.8.15)*

### CHEST INJURIES

A chest injury may result in an open chest wound, which could lead to air leaking from a lung and the collapse of a lung. If conscious, have the victim breathe out and apply some material such as plastic wrap or foil to the wound. Bind a pressure bandage tightly to the wound to prevent leakage of air and slow down blood loss. Have the victim sit up, if possible, or lay that person on the injured side. *(See Figure 3.8.16)*



Figure 3.8.16



Figure 3.8.17

### ABDOMINAL INJURIES

When an open abdominal wound has exposed visceral (internal) organs, cover the abdomen loosely with dressings. Do not force the organs back into the body cavity and do not give victims with abdominal wounds any food or water. *(See Figure 3.8.17)*

## Conclusion

Severe bleeding from wounds in which arteries or veins are cut can be life threatening to an injured person. Therefore, controlling the loss of blood is second in importance only to restoring breathing and circulation. In most cases, applying direct pressure to a wound is the best way to control bleeding. Cleaning a wound to stop infection is also extremely important. If you know these two facts, and the other details on controlling bleeding to the extremities, head, and torso, you can successfully accomplish the second life-saving step in an emergency situation.

## Lesson Check-up



- **Describe how to treat arterial bleeding.**
- **When should a tourniquet be applied?**
- **Detail the five steps for tending to a bleeding person.**
- **Describe the proper way to clean a wound and why it is important.**

# CHAPTER 4




*Figure 4.0*



# GEOGRAPHY



## Chapter Outline


**LESSON 1:** **Introduction to Maps** (p.122)
*How can you use a road map to determine locations, directions, and distances?*

**LESSON 2:** **Using Topographic Maps** (p.136)
*How can you use a contour map to find your location and elevation?*

**LESSON 3:** **Grid Reference Systems** (p.150)
*How can you use a grid reference system to determine location?*

**LESSON 4:** **Determining Direction** (p.162)
*How can you determine direction with and without a compass, map, and protractor?*

**LESSON 5:** **The Grid-Magnetic Angle** (p.172)
*How can you use the G-M angle to obtain an accurate measurement of direction?*

**LESSON 6:** **Determining Location** (p.178)
*How can you locate and plot points on a map to within 10 meters of accuracy?*

**LESSON 7:** **Orienteering** (p.188)
*How can you complete an orienteering course?*

LESSON 1

# Introduction to Maps



## Key words

- bar scale
- elevation
- GPS
- latitude
- legend
- longitude
- marginal information
- orient
- terrain
- thematic map

## What You Will Learn to Do

Demonstrate basic map reading skills

## Linked Core Abilities

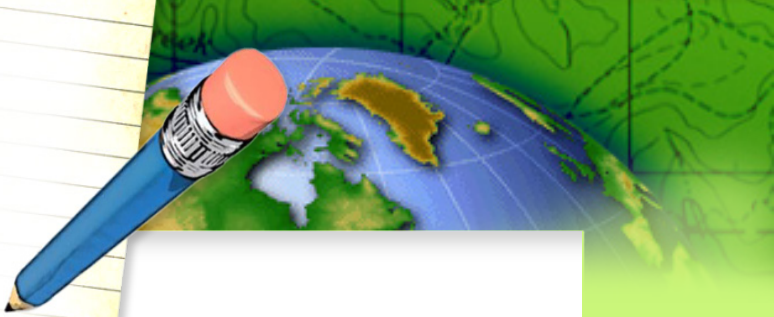
- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques

## Learning Objectives

- **Compare** the features of a globe to those of a map
- **Compare** properties and purposes of road, topographic, and thematic maps
- **Describe** applications of the Global Positioning System
- **Determine** locations based on map features
- **Communicate** directions to a location
- **Identify** general direction traveled on the Interstate Highway System

## Essential Question

**How can you use a road map to determine locations, directions, and distances?**



## Learning Objectives (cont'd)

- **Orient** a map without using a compass
- **Estimate** distance with and without a map
- **Define** key words: bar scale, elevation, GPS, latitude, legend, longitude, marginal information, orient, terrain, thematic map, topographic map, USGS



## Key words (cont'd)

- **topographic map**
- **USGS**

## Introduction

Have you ever gotten lost while visiting a new neighborhood or city? If so, you may have had to ask for directions or use a map to figure out your location and how to get to your destination.

Knowing how to read and understand maps are valuable skills that can strengthen awareness of the world around you. Your effective use of maps requires a basic understanding of map scales, symbols, and colors. This lesson introduces you to this information and explains how to **orient** a map and how to estimate distances.

## Types of Maps

Maps are everywhere. They are in car navigation systems and on cell phones. Airline pilots and ship captains would be lost without maps.

One of the first maps of Earth was a globe created by ancient Greeks. They knew our planet was a sphere and guessed at the oceans and continents. Today, globes represent an accurate view of Earth with mappings of all land and water. Globes and maps are based on a global coordinate system that uses imaginary lines of **latitude**, lines running from west to east (horizontal lines), and **longitude**, lines running from north to south (vertical lines). This coordinate system of latitude and longitude allows map applications on computers and phones to create very accurate maps and pinpoint your location.

## Key words

**orient:**
To align or position oneself (or a map) in relationship to one's surroundings

**latitude:**
Imaginary horizontal lines around a globe of Earth

**longitude:**
Imaginary vertical lines that cut through polar regions on a globe of Earth



*Figure 4.1.1*

## Key words

**bar scale:**
A scale line on a map used to measure actual ground distances by converting distances on a map

While a globe shows all of the Earth, a map is a drawing showing just a portion of the Earth. Both globes and maps are usually displayed with the cardinal direction north at the top and west at the left.

Maps are drawn to scale with each set measurement on the scale representing a set amount of distance on land. Maps indicate their scale so you can determine distances between points. Some maps indicate the scale in inches—for example, one inch on the map equals 10 miles on the ground. Other maps show a **bar scale**, a line that indicates how its length relates to distance on a map. In *Figure 4.1.2*, the neighborhood map on the right has a bar scale showing 50 meters and 200 feet. The regional map on the left has a larger scale—the lengths of the bar scale represent 10 kilometers and 5 miles.

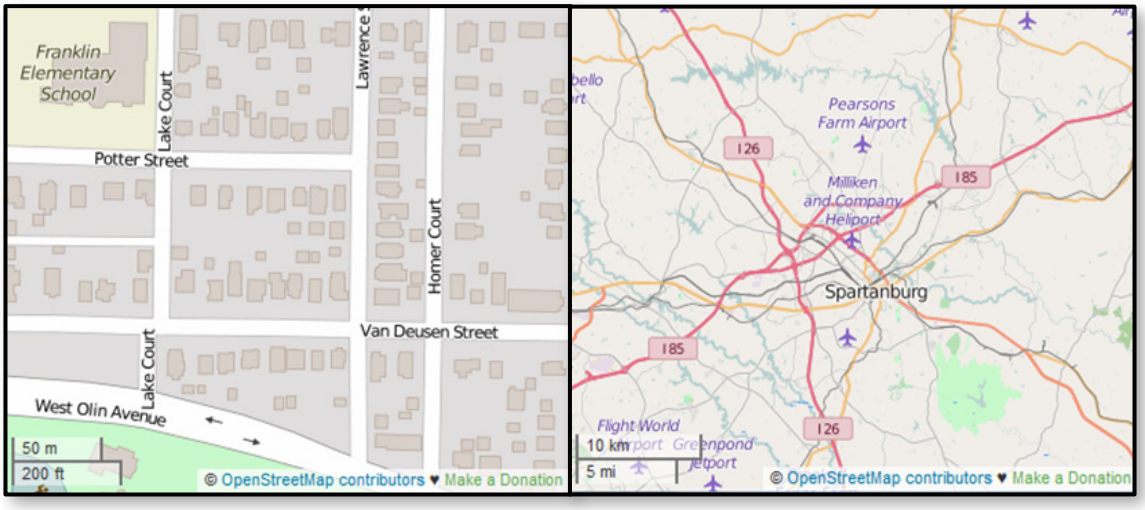



*Figure 4.1.2*

Maps give us a way to communicate directions—to others and ourselves. For example, looking at the neighborhood map in *Figure 4.1.2*, you can give the following directions from the school to Homer Court:

> *"Exit the school on Potter Street and turn left. Walk one block then turn right on Lawrence. Walk one block south and turn left on Van Deusen Street. The first intersection on Van Deusen is Homer Court."*

But that's not the only way to get there. What directions would you give?

Maps are a wealth of information about a location—a state, a city, or even a park. They can show:

- Distance
- **Terrain**
- Man-made and natural features

There are many different types of maps. Road maps provide information on street names, important buildings, route numbers, distance, and transportation centers. They may also include locations of businesses, bike or hiking trails, airports, and other man-made features. When you search for directions on your computer or phone, a road map is probably the first thing you will see. Political maps show the boundaries of nations, states, or cities. Weather maps show where it's sunny and where it's raining.

### Topographic Maps

**Topographic map**s show terrain and landforms. They give you a way to measure **elevation** with the use of lines around landforms. In *Figure 4.1.3*, the lines show the peak of a small mountain and the gradual elevation leading up to it. The numbers on the lines show the number of feet or meters above sea level. Military personnel, hikers, and explorers use topographic maps because they are travelling off-road and need accurate information about terrain and distance. You'll learn more about topographic maps later in this chapter.

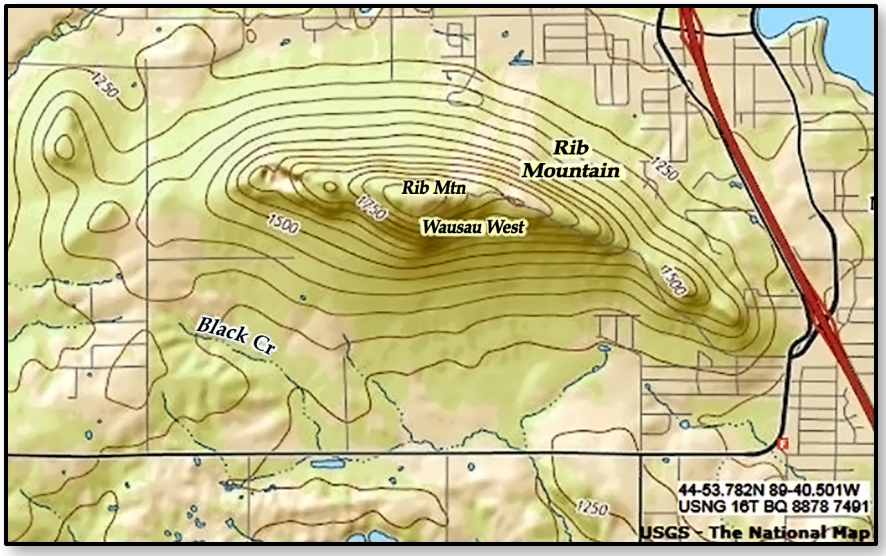


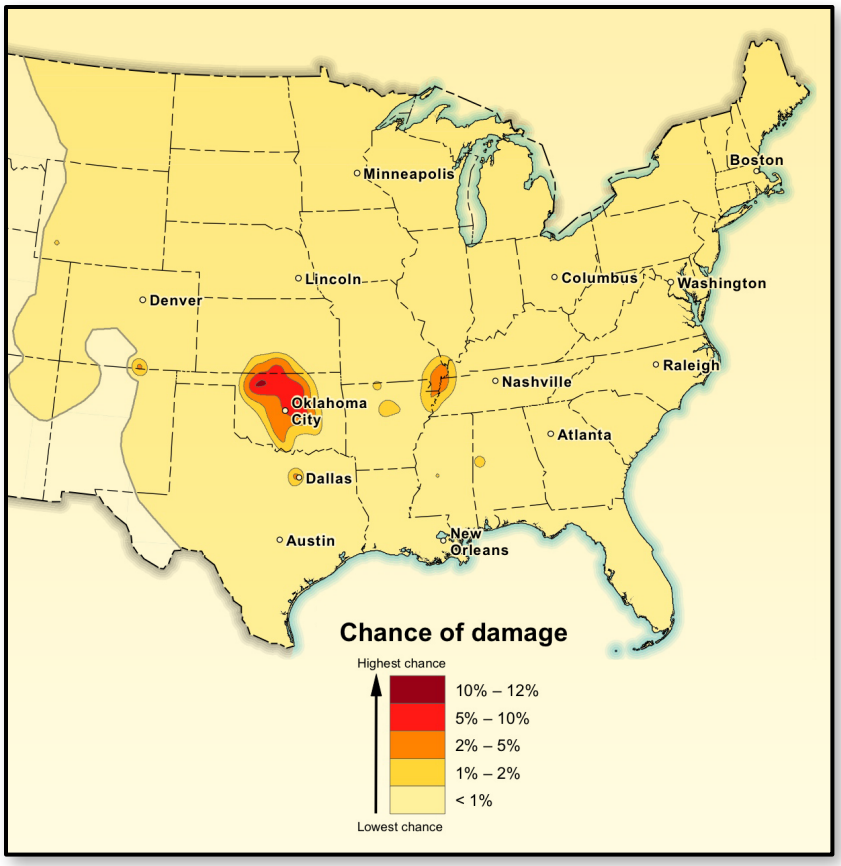

*Figure 4.1.3*

## Key words

**terrain:**
An area of land with particular natural features

**topographic map:**
A map that shows elevation, terrain, and landforms

**elevation:**
Height above sea level or the earth's surface




*USGS Forecasted Damage from Earthquakes in 2016* *Figure 4.1.4*

## Thematic Maps

**Thematic map**s show an overall view of the mapped area in relation to a particular type of information, such as population, terrain, and/or vegetation. For example, a thematic map can show population density, the range of a particular bird or plant species, or the likelihood of an earthquake. The map in *Figure 4.1.4* from the United States Geological Survey (**USGS**) shows at a glance where earthquakes – natural or manmade – are expected to cause damage in 2016. Maps like this give people a way to generalize information quickly.

Many maps combine different types of information. For example, a road map might show terrain and landforms. Weather maps show state boundaries along with locations of major cities.

Maps that combine different kinds of information have become more common with digital technologies. Think about the digital maps you see on your computer or phone. You can hide or show satellite views, bike routes, businesses, and more. Digital maps use a technology called the Global Positioning System (**GPS**) to map Earth's coordinates. GPS is based on a network of satellites and ground stations. GPS is also used to create very accurate printed maps.

Digital maps have not made printed maps obsolete. While printed maps don't track your location like GPS-based technologies, they never run low on battery power or have dropped signals. In this lesson, we'll look at some of the information you may find on a printed map. This same information may or may not be available on a digital map.

## Key words

**thematic map:**
A map that shows an area in relation to a particular type of information

**USGS:**
A government scientific agency which creates maps and collects data on natural sciences, including earth science and biology; United States Geological Survey

**GPS:**
A network of satellites and ground stations used to determine locations by coordinates; Global Positioning System

## Road Map Information

You can compare a map to any piece of equipment—before you use it, you must first read the instructions. Most mapmakers place the instructions on a map (known as the **marginal information**) around the outer edge of a map. Not all maps are the same, so it is necessary to read the marginal information carefully every time you use a different map.

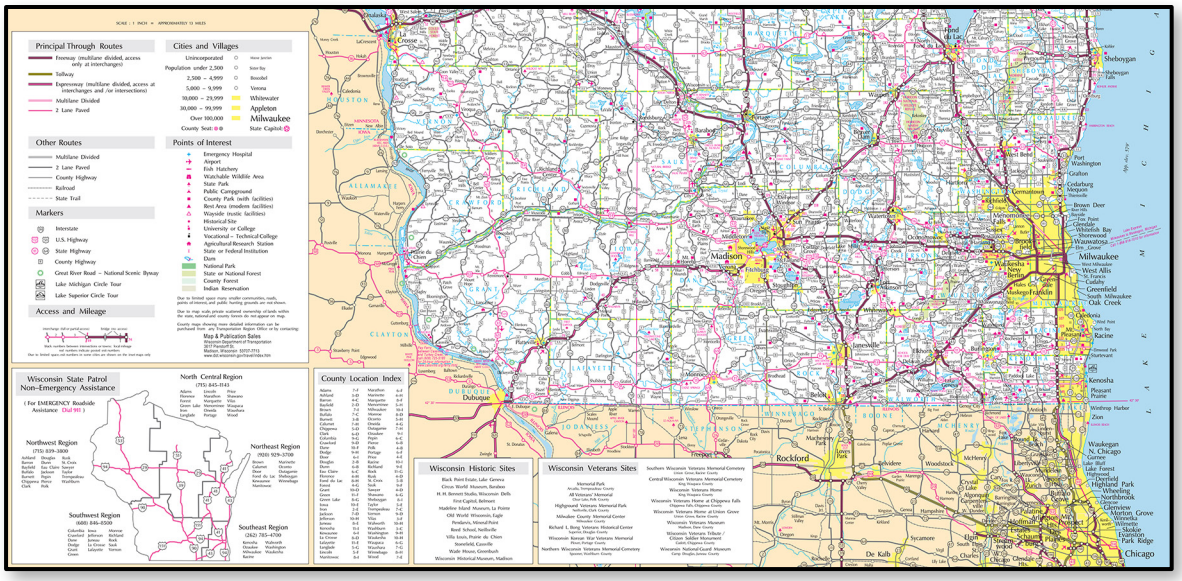



*Figure 4.1.5*

The following information describes the most commonly used elements of marginal information found on printed road maps.

***Sheet or Map Name.*** Whenever possible, a map is named after the most prominent cultural or geographic feature in that area. Although the most prominent feature on the map may be a state or other large geographical region (for example the Mid-Atlantic States), the map sheet normally contains numerous inserts of smaller sections in order to show them in more detail. These inserts can be found around the margin or on the reverse side of the map sheet.

***Bar Scale.*** A bar scale is a special ruler used to measure ground distance on a map. Although these scales vary with each road map, the most common units of measurement are miles and kilometers.

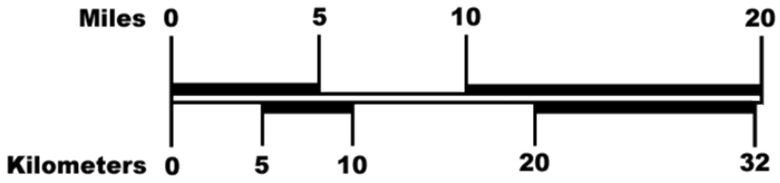



*Figure 4.1.6*

***Legend.*** The **legend** is part of the mapmaker's dictionary. It is a shorthand method of illustrating and identifying mapped features using symbols to show some of the more prominent features on the map. These symbols are not the same on every road map. *(See Figure 4.1.7)*

### Key words

**marginal information**
Instructions placed around the outer edge of a map

**legend:**
An explanatory description on a chart, map, or other illustration

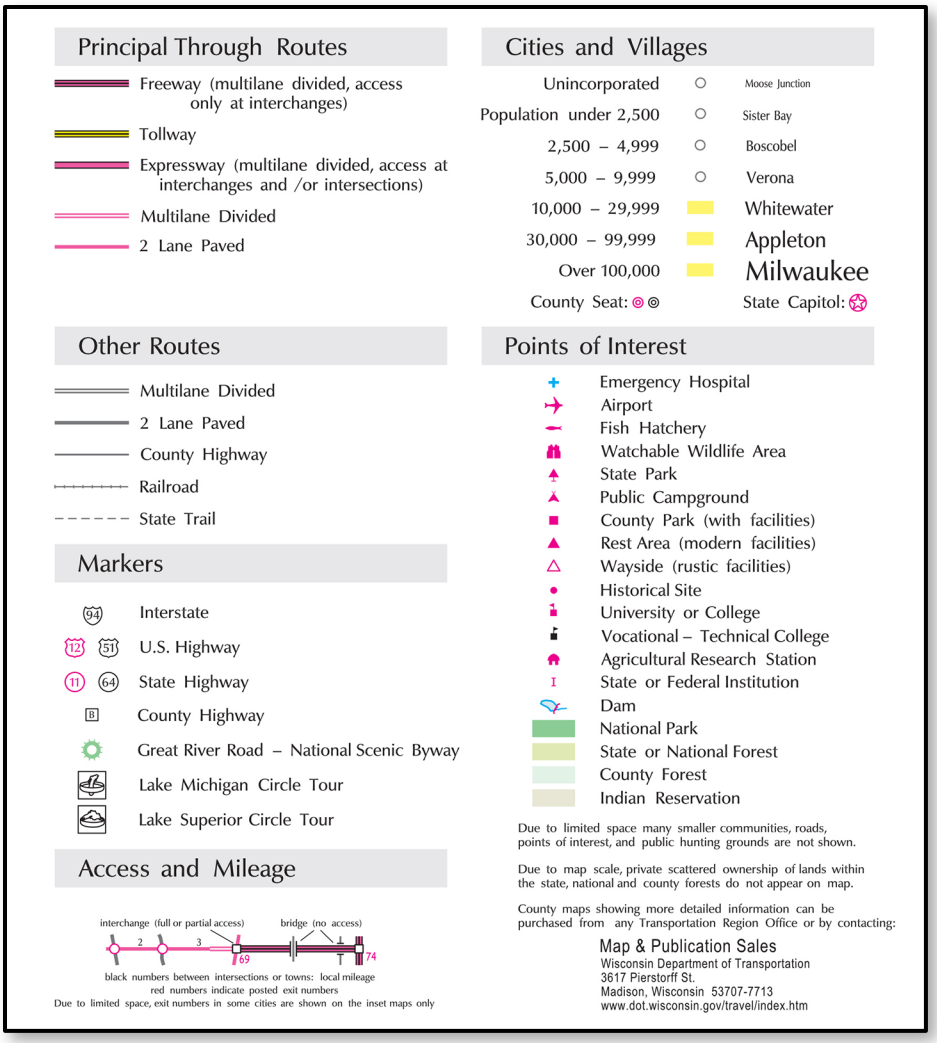



*Figure 4.1.7*

## MAP SYMBOLS

Because all features on a map cannot represent their true position and shape, mapmakers must use symbols to represent these features. The map legend indicates the meanings of the symbols. Some of the commonly used symbols are:

- ***Roads.*** Indicated by parallel or solid lines; thickness and color of these symbols indicate the road size
- ***Interchanges.*** Indicated by a heavy solid line for major access roads and parallel lines for intersecting secondary roads; legends also illustrate full, partial, and no access at these interchanges
- ***Railroads.*** Commonly shown by single or parallel lines with horizontal tick marks
- ***Buildings.*** Symbols for buildings may vary from map to map according to the purpose of the map or building; schools and churches are commonly represented by a solid square with a flag or cross affixed; hospitals may be shown by a cross; universities and colleges may sometimes have a special symbol as a point of interest
- ***Points of Interest.*** Indicated by a special marking and its name; for example, a historical marker
- ***Airports.*** Normally shown by a picture of an airplane

Map Symbols *(cont'd):*

- ***Water Features.*** Normally shown in blue and take the approximate shape of the feature
- ***Special Features.*** Significant natural features (forests, recreational areas, national monuments, and so on), military reservations, or Indian reservations are normally highlighted with a specific color and do not have a standard shape; many road maps also have a chart indicating the services that are available at the recreational areas and parks shown on the map

You may also find the following symbols on road maps that can provide helpful information to you when using the map.

- ***Route Markers.*** Represented by a shield or some other shape containing the number of the road in its center
- ***Interstate Highways.*** There are a number of interstate highway types, and these are generally shown as:
  - ***Principle Routes.*** Red, white, and blue signs with one- or two-digit numbers
  - ***Loop Routes and Spur Routes.*** Red, white, and blue signs with three-digit numbers
  - ***Business Routes.*** Green signs marking routes from principal, loop, or belt highways that go to or through cities

## Content Highlight:
### UNLOCKING INTERSTATE NUMBERS

Have you ever noticed anything special about the way interstate highways are numbered? East-west routes have even numbers (I-4 or I-70), whereas north-south routes have odd numbers (I-5 or I-95).

In addition, the odd numbered interstates increase from west to east. That's why the west coast interstate is I-5 while the one on the east coast is I-95. A similar pattern follows even numbered interstates. Their numbers increase from south to north. I-10 goes through many southern states while I-90 is in the northern half of our states.

If you parachuted from a plane and landed at the intersection of I-5 and I-90, you'd know you were in the northwest corner of the United States.

But it gets even more interesting. Loop routes that bypass major cities are always three-digit numbers and the first number is always even. For example, I-294 is an east-west route that goes around Chicago.

Spur routes are three-digit numbers that begin with an odd number. These routes lead into major cities. I-794 is a spur from I-94 that goes along Milwaukee's lakefront.

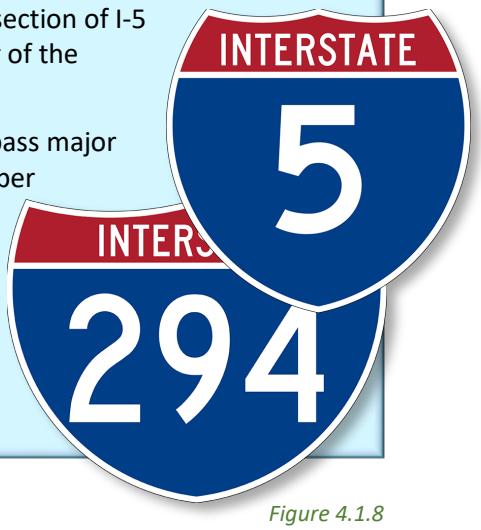



*Figure 4.1.8*

Road Map Symbols *(cont'd):*

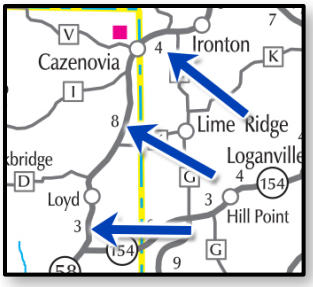



*Figure 4.1.9*

- ***Boundary Symbols.*** Shown as broken or intermittent lines that vary in pattern to denote different boundaries, such as state or county borders
- ***Mileage Markers.*** Shown between towns and road junctions, or between dots with the mileage indicated in red or black *(See Figure 4.1.9)*; this information is often shown on printed state maps
- ***Official Highway Mileages.*** Usually displayed in a table on the backside of a printed map; shows the actual ground mileage between the major cities that are located on the map (See *Figure 4.1.10)*

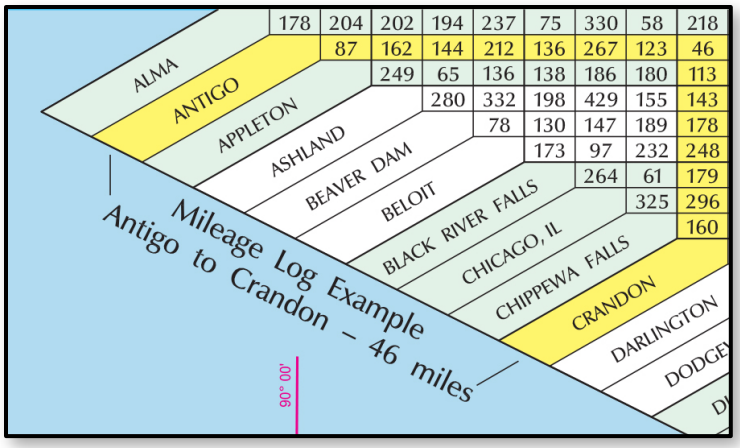



*Figure 4.1.10*

- ***City/Street Names Index.*** This information lists alphabetically the names of cities on state and regional maps, and the names of streets on city maps. Beside each city or street listing is a letter/number code. This is usually displayed wherever space permits on the map—including on the reverse side of it—and printed adjacent to its corresponding feature

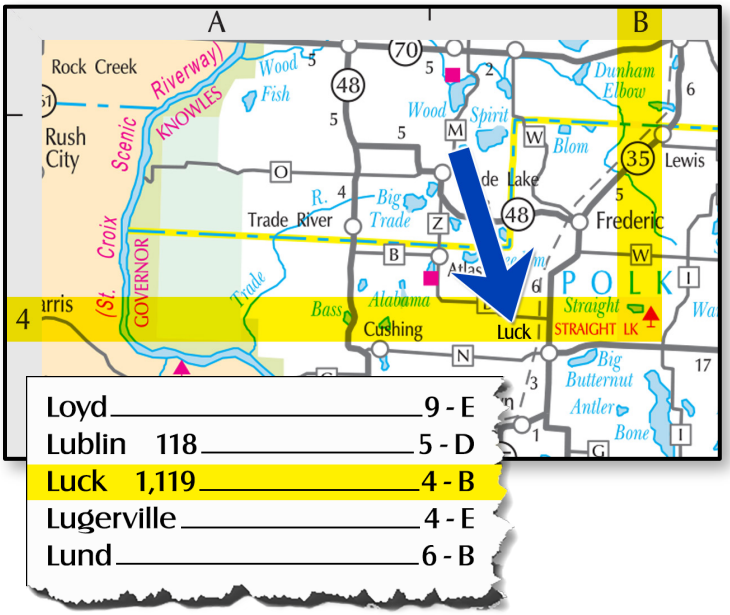



*Figure 4.1.11*

In the example shown here in *Figure 4.1.11*, the town of Luck is at 4-B. The letter/ code number refers to markings at the edges of the map. The top and bottom of the map marks a lettered grid (A, B, C, D, and so on). The left and right edge of the map mark numbers (1, 2, 3, and so on).

To find the town of Luck, follow the "4" from the left margin and the "B" from the top margin. You'll notice Luck is not exactly at 4-B, but is in the general area.

On city maps, you can use a street name index the same way to locate a street.

### Map Colors

Colors on a road map provide contrast to map features, making them easier to identify. Map symbols are usually printed in different colors with each color identifying a class of features. However, colors may vary from one map to another. Mapmakers indicate these colors and their uses in the marginal information.

Some common indicators by color are:

- ***Black.*** Indicates the majority of man-made features—buildings or roads
- ***Blue.*** Identifies water features—lakes, swamps, or rivers
- ***Brown.*** Identifies elevation and relief features—mountain ranges
- ***Green.*** Identifies vegetation—woods, grasslands, brush, orchards, or vineyards
- ***Red.*** Classifies man-made features—populated areas, main roads, special features, or boundaries on older maps

## Orienting a Map

Finding your way requires the ability to read and interpret a map, compare it to the features on the ground, and move to the desired location. One method of comparing your map to the ground is to orient it so that the map symbols fit the location of the features as they appear on the ground.

The following situation shows you how to orient a map without using a compass.



### Content Enhancement:

#### HOW TO ORIENT A MAP WITHOUT USING A COMPASS

While participating in a bike rally, Barry traveled off the main road and became lost. He knew for certain he was lost when he came upon the main entrance to North Fork State Park on his right. Across from this entrance was a small bridge which crossed the North Fork River. Because Barry had a route map for this bike rally, he took the following steps to orient it:

1. Barry determined his location using two known points. He chose to use the bridge by the river and the park entrance.
2. Next, he located these same features on his map. With the map in a horizontal position, he rotated it until the symbol for the bridge on the river was pointed in the same direction as (or aligned with) the bridge in front of him.
3. Barry then checked to ensure that the park entrance was correctly aligned with its actual location. From where he was located, the park entrance was on the right side of the road. He checked to see if the map symbol for the park entrance was also on the right side of the road.

With his map properly oriented, he realized what direction he had to take to rejoin the bike rally.

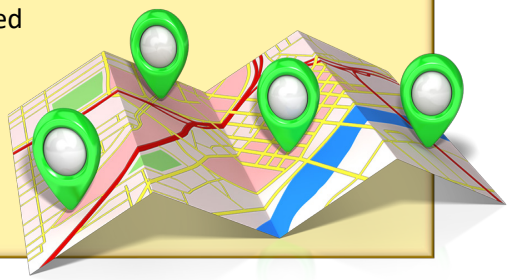


*Figure 4.1.12*

In many cases, orienting a map may mean turning it upside down or holding it with one of its edges pointing toward you. Holding a map like this may make it harder for you to read street names or other symbols, but it properly aligns the features on the ground with those on the map. After you know where you are (by using the two or more known points), keep the map oriented until you are at your destination or in an area familiar to you. And don't forget about using natural features like the sun to help you orient. If it's morning, the sun is in the east; in the evening the sun is in the west.

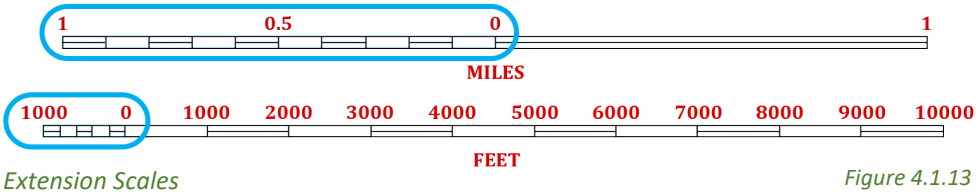
The next time you are on a trip to a place where you have never been before, try this method. It works! You will be able to navigate your way to your destination much more easily.

## Determining Distance

The ability to determine the distance between two points on a map is an important skill. You may not have access to a digital map or you may have a map without mile markers. What if you need to find the distance between two points and the points are not on a road?

When you determine distance, it's important to know the scale of the map. Some maps show scale as a representative fraction, which gives the ratio of map distance to ground distance. For example, the scale 1:50,000 indicates that one unit of measure on the map equals 50,000 units of the same measure on the ground.

Most maps use a bar scale to indicate distances. In some cases, the scale will have two parts: an extension scale and a primary scale. Use the primary scale, located to the right of the zero, to measure full units; use the extension scale, located to the left of the zero, to measure smaller units.




*Extension Scales* *Figure 4.1.13*

### Measuring Straight Lines

Measuring distances involves using a straightedge piece of paper lined up with your starting and ending points. Mark the paper where it lines up with the two points. In *Figure 4.1.14*, we'll be measuring the straight-line distance between Clanton and Prattville, Alabama.




*Figure 4.1.14*

Move your straight edge paper to the map's bar scale. *Now* you can convert the distance on your paper to the actual distance on the ground. In this case, it's about 30 miles.

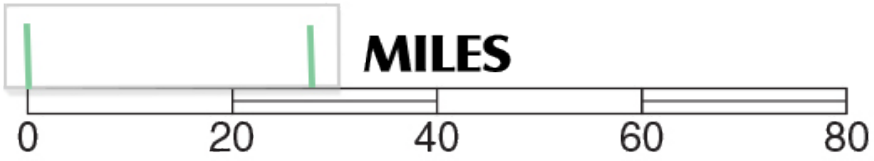



*Figure 4.1.15*

### Measuring Curved Lines

Suppose you want to take a winding trail or hike along a meandering stream. The trail and the stream will not be straight lines on the map. But you can use a similar method for finding the distance of your route.

As before, start by making a mark on the straightedge paper at your starting point. You'll also mark the map with a pencil. Now pivot the paper and mark the next point on the route that is straight in line with your first marking. The third marking is where the fun begins. Pivot the paper again, but keep the second points aligned on the map and the paper. Pivot until the paper aligns with a point on the route. Now you've got your third point.




*Figure 4.1.16*

Keep pivoting and marking points until you reach your destination on the map. To find the distance, line up your marked straightedge paper with the map bar scale. Now you can measure the distance between your first and last marks to find the distance of the curved route.

## Use Pace Count to Determine Distance

Sometimes you may find yourself in a situation where you are not able to determine distance with a map or an electronic device. Imagine you are on a hiking trail. You know you need to cut off about a half mile from your starting point to a spur trail at the left. You've been warned that the spur trail is not marked and might be hard to find because of heavy forest growth. How can you estimate when you've walked a half mile? One way to accomplish this is to count your paces.

A pace is one step. To determine your personal pace count, you'll want to know how many paces it takes you to walk a defined distance. Typically, the distance of 100 meters is used for gauging personal pace counts.

### Content Highlight:
**DETERMINING YOUR PERSONAL PACE COUNT**

If you have a football field at your school, you'll have easy access to measure your pace count with one modification. A football field is 100 yards, which is about 91 meters. To reach 100 meters, you'll want to add 9 yards to the length of the football field when you make your pace count.

To convert meters to miles, divide the number of meters by 1609. For example, if you walked 900 meters, you will have travelled more than half a mile. So, if you are looking for the half-mile spur trail, you may have just passed it!

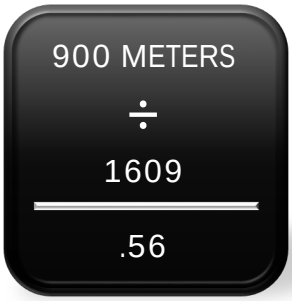



*Figure 4.1.17*

Once you know your pace count, you can keep track of the distance you've travelled. Ideally, you want to restart your count when you've reached 100 meters. That way you don't have to keep counting into the hundreds and thousands. To keep track of every 100 meters you've travelled, you can:

- Put a pebble in your pocket
- Tie knots in a string for each 100 meters
- Put marks in a notebook

Pace count is not an accurate measure of distance, but you'll find that it's better than guessing! Some things that will affect the accuracy of your pace count include:

- ***Slopes.*** Your pace will lengthen on a down-slope and shorten on an upgrade.
- ***Wind.*** A head wind shortens the pace and a tail wind increases it.
- ***Surfaces.*** Sand, gravel, mud, snow, and similar surfaces tend to shorten your pace. Shoes with poor traction can also affect pace length.
- ***Visibility.*** Poor visibility, such as fog, rain, or darkness, can shorten your pace.

## Conclusion

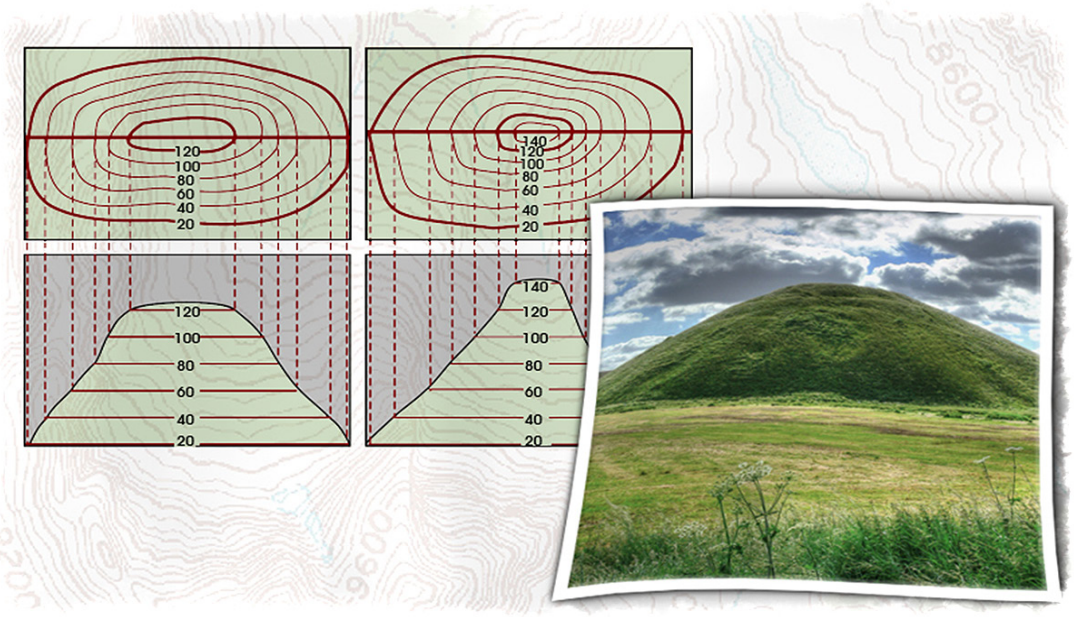
In this lesson, you learned some basic map reading skills. You also learned how to orient a map if you are lost and how to estimate distances with and without a map. These skills can help you prevent wasted time and effort when you are travelling in an unfamiliar area.

## Lesson Check-up



- **What can you learn by reading the marginal information of a map?**
- **Why do people use topographical maps instead of road maps?**
- **How can you orient a map when you are lost?**
- **Describe how to estimate distance when do you not have a map or an electronic device.**

# Using Topographic Maps




## Key words

- concave
- concentric
- contour interval
- contour line
- convex
- depression
- draw
- mean sea level
- relief
- saddle
- spur

## What You Will Learn to Do

Determine location and elevation using a topographic map

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Take responsibility for your actions and choices

## Learning Objectives

- **Differentiate** between elevation and relief
- **Calculate** elevation on a topographic map
- **Recognize** terrain features on a topographic map
- **Identify** marginal information on a topographic map
- **Define** key words: concave, concentric, contour interval, contour line, convex, depression, draw, mean sea level, relief, saddle, spur

## Essential Question

**How can you use a contour map to find your location and elevation?**

## Introduction

Have you ever taken a hike where you were surprised by the terrain? Maybe the trail was flatter or hillier than you expected. Using a topographic map is the key to knowing the terrain before you head out. Topographic maps can make you better prepared for what lies ahead. This lesson describes topographic maps. You'll learn about using this type of map to find elevations and recognize where you are based on landforms.

## Topographic Maps

Compared to road maps, topographic maps show more detail of an area's natural features. They show terrain, elevation, and **relief** as well as lakes, rivers, and canyons. Whether you are practicing basic land navigation techniques, participating in orienteering, or performing land navigation at summer camp, knowing how to use topographic maps can help you in the following ways:

- Finding your way if you become separated from a group
- Successfully and safely navigating a group, especially during cross-country movements
- Determining distances from one location to another
- Pinpointing locations in a given area
- Determining the type of terrain in which you or your unit must operate
- Planning trips or operations

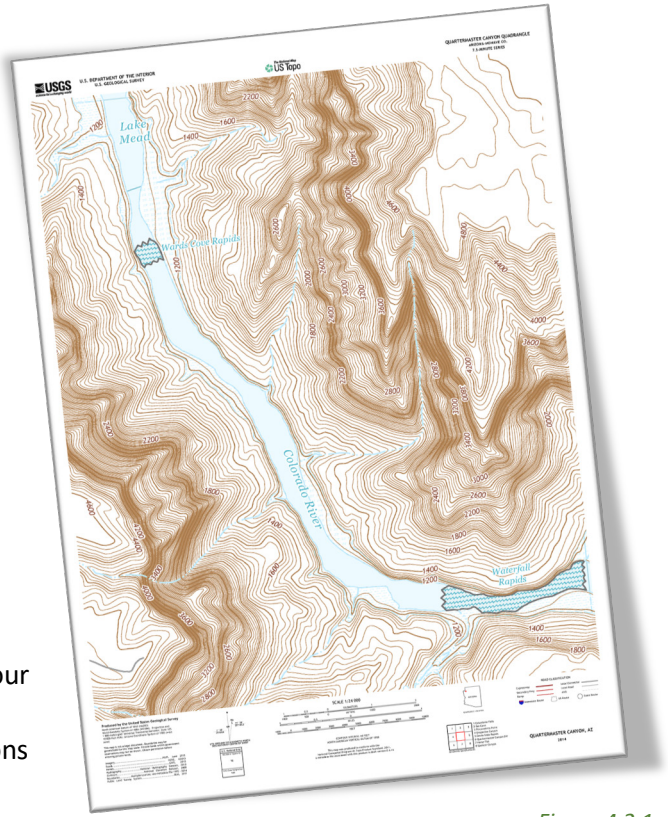



*Figure 4.2.1*

### Key words

**relief:**
The shape of landforms

## Content Highlight:

### INTERPRETING A TOPOGRAPHIC MAP

A hiker poised at the start of an unfamiliar trail needs a special kind of map: a topographic, or contour, map. This kind of map shows the changes in elevation that lie ahead—and how quickly these changes take place. Does the trail climb steeply for the next mile, or is the grade a slow and steady rise? Will there be serious climbing involved, or can the hiker cover the distance at an easy pace? How far can the hiker expect to go in a single afternoon? A good topographic map can be used to answer all these questions and help ensure the success and safety of a hike.

Many people use topographic maps. Backpackers take them along when they set out on hiking, rock climbing, and camping trips. Engineers use them when deciding where to build highways and dams. Police and emergency medical personnel often consult topographic maps during search and rescue operations for people who are lost in a park or another undeveloped area.

The two images below show the same area. The top image is a 3-D view of the land; the bottom is a topographic map of the same area. Once you know how to read a topographic map, you'll be able to interpret mountains, cliffs, valleys, and more—just by looking at the **contour line**s on the map.

## Key words

**contour line:**
A line indicating elevation and relief

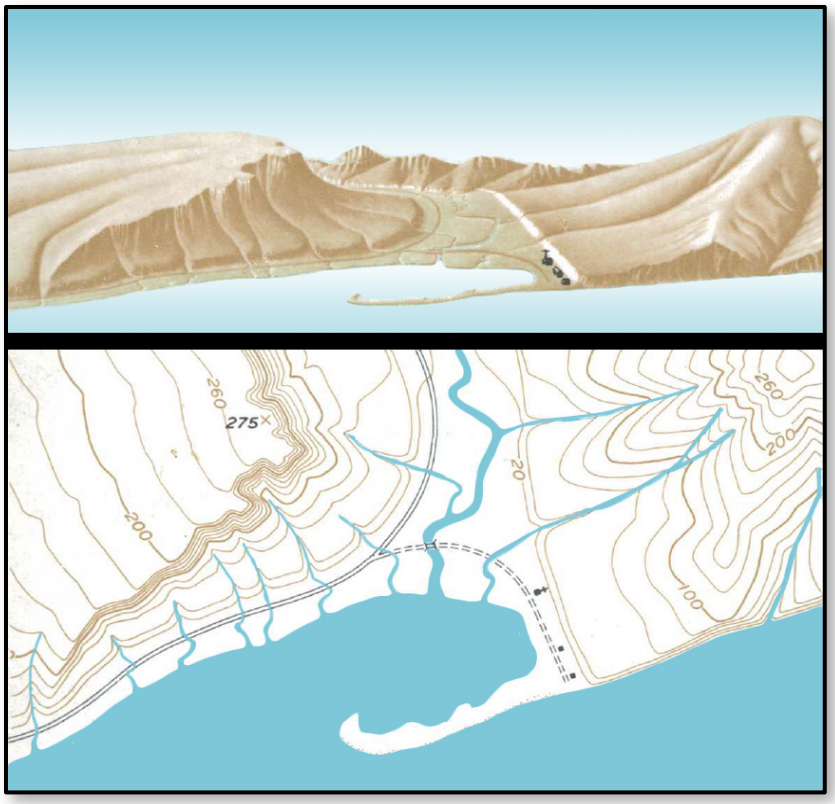



*Figure 4.2.2*

## Understanding Contour Lines

A contour line connects all points where elevation is equal. *Figure 4.2.3* shows a portion of the Grand Canyon. Wavy contour lines indicate elevation and relief – the shape of landforms.

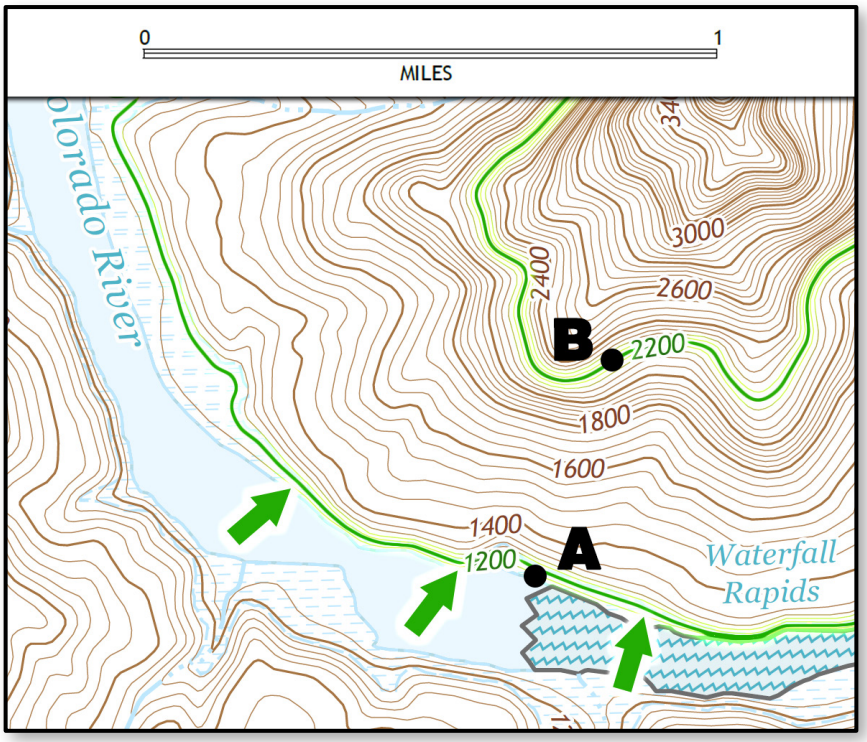



*Figure 4.2.3*

The contour lines are labeled with numbers showing their elevation. If you were to hike along the contour line at Point A, adjacent to the river, you would always be at the same height above **mean sea level**—1200 feet. The mean sea level is the level of the surface of the sea between high and low tides.

### INTERPRETING THE RELATIONSHIPS AMONG CONTOUR LINES

When a series of contour lines is close together, it means that the elevation of the land is changing rapidly—in other words, the terrain is steep. On the topographic map of the Grand Canyon, you can see from the bar scale that the straight line distance between Points A and B (2200 feet) is less than half a mile. But from the contour lines we know that the vertical change in height is 1000 feet! That's pretty steep. The closer the contour lines are, the steeper the terrain. Conversely, when the contour lines are far apart, the land is flatter.

In the Grand Canyon, there are no easy routes. But in many cases, reading the contour lines can help you find an easier route to a hiking destination. For example, you can choose a route that is longer but easier—perhaps one that goes around a large hill or cliff.

Many topographic maps have three types of contour lines: index, intermediate, and supplementary.

**Key words**

**mean sea level:**
The level of the surface of the sea between high and low tides

### Index

Every fifth contour line is an index contour line. Maps may show index contour lines with a thicker line. Topographic maps may also label the elevation on the index lines.

### Intermediate

The contour lines that fall between the index lines are the intermediate contour lines. These lines are more finely drawn and they do not show the elevation number. However, when you look at the marginal information, you'll see that it indicates the **contour interval**s—the vertical distance between the contour lines.

### Supplementary

These contour lines resemble dashes. They show sudden changes in elevation.

**Key words**

**contour interval**
The vertical distance between contour lines

## DETERMINING ELEVATION

By using the interval information, you can figure out the elevation of any point on the map, even if the point is not on an index line.

1. First find the contour interval and the unit of measurement.
2. Next, find the numbered index line closest to your point on the map.
3. Now you can count the number of intermediate contour lines to your point. If you are increasing elevation, add the contour interval to the nearest numbered line. If you are decreasing elevation, subtract the contour interval from the nearest numbered line.

For example, on the map of a hill in *Figure 4.2.4,* the contour interval is 20 meters. What is the elevation of Point A? Since your point is closer to the 300-meter index contour line, start there and add 20 meters for each intermediate contour line. You pass two contour lines, so the elevation of Point A is 340 meters. Notice that your elevation has increased.

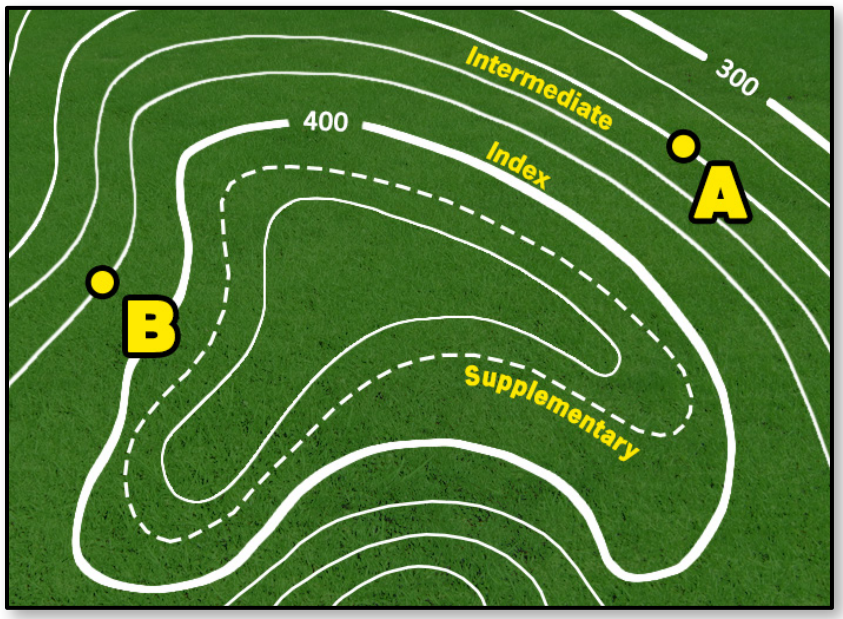



*Figure 4.2.4*

However, if you want to know the elevation of Point B, the closest index line is at 400 meters. It's below the index line, which means the point is downhill one contour line. Subtract 20 meters from the index line to find the elevation. The elevation of Point B is 380 meters.

There may be times when your point is not on any contour line. Then you'll need to estimate. For example, in *Figure 4.2.5* the contour lines are 20 meters apart. Therefore, a point half-way between two contour lines would be half of the interval or 10 meters.

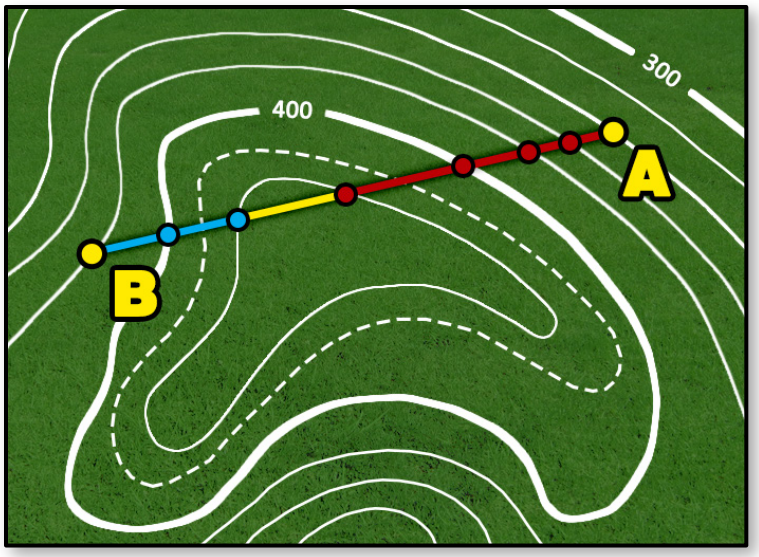



*Figure 4.2.5*

Using contour lines will also give you a better sense of distance. Suppose the straight-line distance between Points A and B is 1000 meters. If you travelled the straight line, you'd cross eight contour lines: five from Point A to the top contour line and three contour lines on the way down. You'll have an upward climb of 100 meters, crossing five contour lines to the crest of the hill. To get to Point B, you'll cross three contour lines, descending 60 meters. That means you'll be adding 160 meters of vertical distance to your overall distance of 1000 meters. Your actual on-foot travel distance would be 1160 meters.

You can also determine elevation for valleys, pits, gullies, or low places on the terrain. These **depression**s are usually marked on topographical maps with tick marks pointing to lower elevations. On the map below, the north side of the depression is 300 meters; the south side is 200 meters. So the depression is located on the side of a hill. And because there is no depth noted inside the depression, you know that it is no deeper than 20 meters. It could be a sinkhole or a quarry.

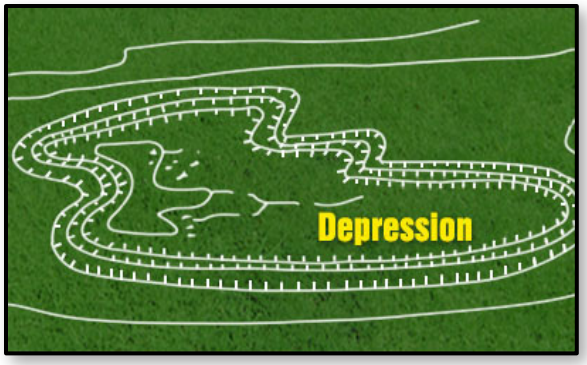



*Figure 4.2.6*

## Key words

**depression:**
A low area on the ground surrounded by higher land on all sides

In addition to contour lines, mapmakers use bench marks and spot elevations to indicate points of known elevation on a map. Bench marks (abbreviated BM) are the more accurate of the two. Mapmakers show a bench mark with a black "X" and the center of its elevation given in feet, meters, or yards above sea level. Mapmakers show spot elevations with a brown "X" to mark road junctions, hilltops, or other prominent terrain features.

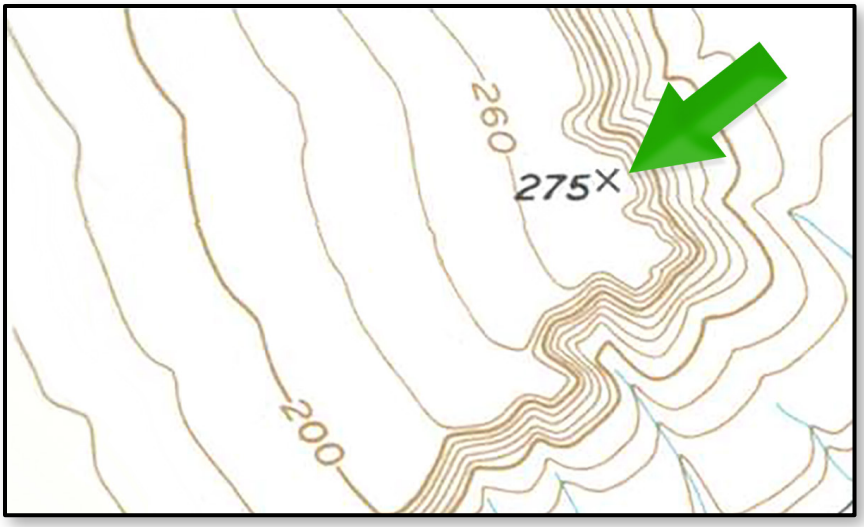



*Figure 4.2.7*

## Topographical Marginal Information

The marginal information for topographic maps is more standardized than that on other maps, such as road maps. However, all topographic maps are not the same. Following are ten common items of marginal information.

- ***Sheet Name.*** You can locate the sheet name at the center of the top margin. As with road maps, mapmakers generally title a map after its prominent cultural or geographic feature.
- ***Sheet Number.*** You can find the sheet number located in either the upper right or the lower left corners. Use it as a reference number for the map sheet.
- ***Adjoining Map Sheets Diagram.*** Locate the adjoining (or adjacent) map sheets diagram in the right corner of the lower margin. This diagram contains nine squares; the center square is the map sheet at which you are looking. The remaining squares show the sheet numbers for those maps at the same scale that surround the area covered by the center square.
- ***Special Notes.*** Special notes are statements of general information that relate to the mapped area. For example, a note might indicate a map is red-light readable. Maps like this can be read at night using a red light. These maps combine red and brown to identify various features.
- ***Declination Diagram.*** Another item of information located in the lower right margin is the declination diagram. All you need to know at this time is that it indicates the direction and relationship of true, magnetic, and grid north.
- ***Scales.*** Locate the graphic (bar) scales in the center of the lower margin of the map. Many topographic maps have more than one scale, each using a different unit of measurement, such as miles and kilometers or feet and meters.

Ten common items of marginal information *(cont'd):*

- ***Contour Interval Note.*** The contour interval note also appears in the center of the lower margin. It represents the vertical distance between contour lines on the map.
- ***Grid Reference Box.*** Located at the bottom center of the lower margin, the grid reference box contains information for identifying the grid zone and the 100,000-meter square representing the area. It also provides instructions for giving grid references on the map. You'll learn more about using referencing systems in later lessons. For now, just know that topographical maps include information about the grid reference.
- ***Unit Imprint.*** You can find the unit imprint below the left corner of the mapped area. It identifies the agency that prepared and printed the map.
- ***Legend.*** The legend appears below the unit imprint. It states the effective date of the road and other data and illustrates the symbols used on the map.

## Slopes

Contour maps define slopes—the rise or fall of the ground. The four types of slopes are gentle, steep, **concave**, and **convex**. The contour lines tell you which type of slope you are looking at on a topographic map.

- ***Gentle Slope.*** On a gentle slope, the contour lines are farther apart. *(See Figure 4.2.8)* The elevation of the slope decreases slowly as you move from the top of the slope to the bottom. It's not steep.



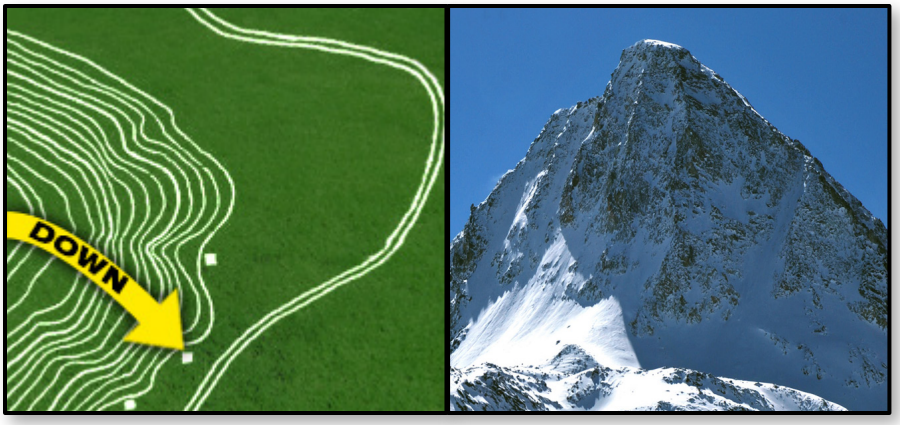

***Gentle Slope*** *Figure 4.2.8*

- ***Steep Slope.*** On a steep slope, the contour lines are close together. *(See Figure 4.2.9)* The elevation increases rapidly as you walk down from the top to the bottom.

### Key words

**concave:**
Curving inward

**convex:**
Curving outward




*Steep Slope* *Figure 4.2.9*

- ***Concave Slope.*** When you look at the profile of a concave slope, it curves inward. *(See Figure 4.2.10)* On a map, the *contour* lines are closely spaced at the top of the feature and widely spaced at the bottom.




*Concave Slope* *Figure 4.2.10*

- ***Convex Slope.*** Convex slopes are the opposite. The profile of a convex slope bulges outward. *(See Figure 4.2.11)* The contour lines are widely spaced at the top and closely spaced at the bottom.




*Convex Slope* *Figure 4.2.11*

## Terrain Features

No matter where you live, there are hills, valleys, streams, or other landforms in your area. Mapmakers use symbols to represent these natural land formations. They position them on a map so that the center of the symbol remains in its true location. These symbols closely resemble the actual features when viewed from above.

Maps may show as many as 10 different terrain features. All terrain features are based on various elevations or reliefs of the land. The 10 natural or man-made terrain features fall into three categories—major features, minor features, and supplementary features. There are five major features, two minor features, and three supplementary features.

### MAJOR TERRAIN FEATURES

The five major terrain features are hill, **saddle**, valley, ridge, and depression.

- ***Hill.*** A hill is an area of high ground. *(See Figure 4.2.12)* When you are located on a hilltop, the ground slopes down in all directions. Maps will show a hill with a regular closed contour line, or a series of **concentric** closed contour lines. The inside of the smallest closed circle is the hilltop. The more contour lines, the higher the hill.




*Hill* *Figure 4.2.12*

- ***Saddle.*** A saddle is a dip or low point between two areas of higher ground. *(See Figure 4.2.13)* It is not necessarily the lower ground between two hilltops; it may simply be a dip or break along a level ridge or crest. If you were in a saddle, there would be high ground in two opposite directions and lower ground in the other two directions. Maps will show a saddle with the contour lines forming an hourglass or a figure-eight-shaped feature.



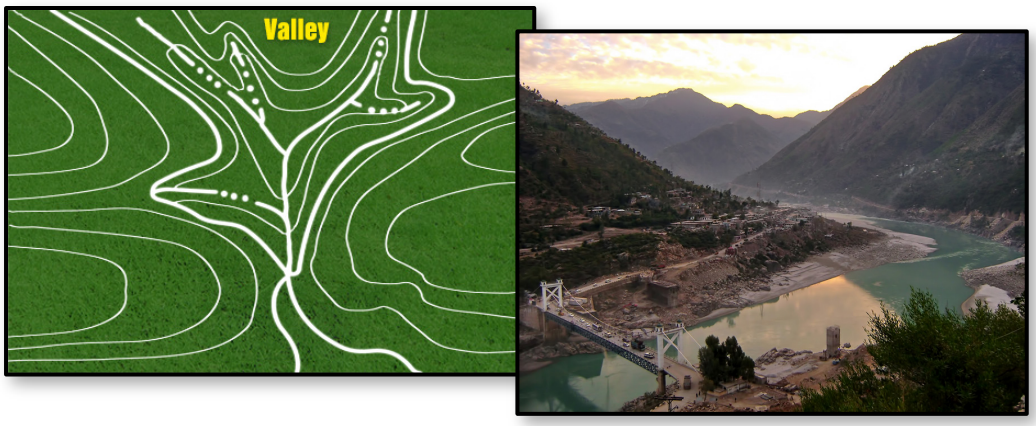

*Saddle* *Figure 4.2.13*

### Key words

**saddle:**
A lower area between two hills or mountains

**concentric:**
A group of circles having a common center

- ***Valley.*** A valley is a stretched-out groove in the land, usually formed by streams or rivers. *(See Figure 4.2.14)* A valley begins with high ground on three sides, and usually has a course of running water through it, which always flows from higher to lower ground. If you were standing in a valley, there would be high ground in two opposite directions and a gradual slope in the other two directions. Contour lines forming a valley are either "U-shaped" or "V-shaped." To determine the direction water is flowing, look at the contour lines. The closed end of the "U" or "V" always points upstream or toward the high ground.



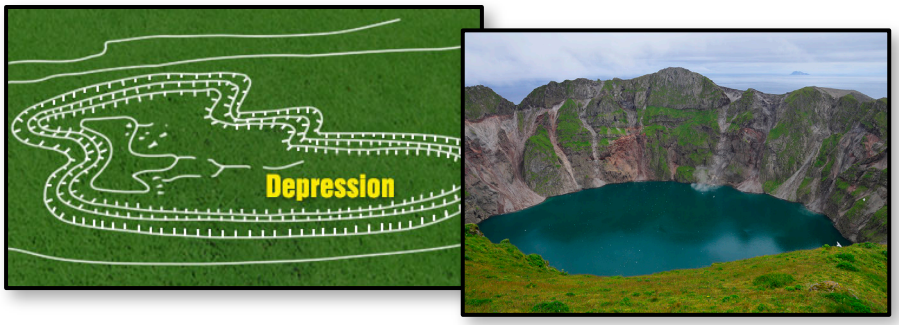

***Valley*** *Figure 4.2.14*

- ***Ridge.*** A ridge is a sloping line of high ground. *(See Figure 4.2.15)* If you were standing in the center of a ridge, you would normally have low ground in three directions and high ground in one direction. Ridges are often shown as dashed lines on a topographic map. If you cross a ridge at right angles, you climb steeply to the crest, and then descend steeply to the base. When you move along the path of the ridge, depending on your location, there may be either a barely noticeable slope or a very obvious incline. Contour lines forming a ridge tend to be "U-shaped" or "V-shaped."




***Ridge*** *Figure 4.2.15*

- ***Depression.*** A depression is a low point in the ground, or a sinkhole, surrounded by higher ground in all directions. *(See Figure 4.2.16)* Maps will show depressions by closed contour lines that have tick marks pointing toward the low ground. The closer the contour lines, the deeper the depression.




*Depression* *Figure 4.2.16*

## MINOR TERRAIN FEATURES

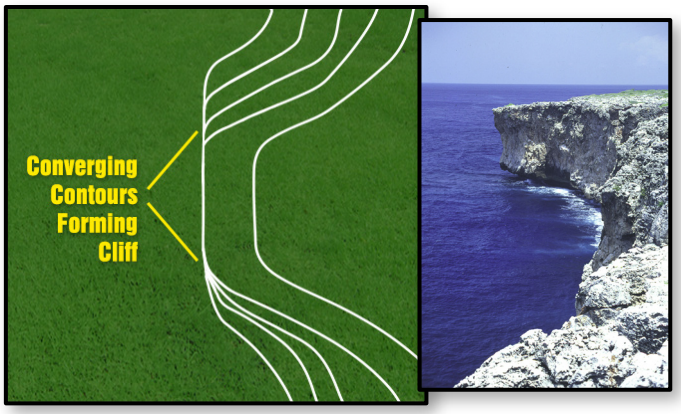
Along with the major terrain features, there are three minor terrain features. These are **draw**, **spur**, and cliff.

- ***Draw.*** A draw is a stream course that is less developed than a valley. There is no level ground. *(See Figure 4.2.17)* If you were standing in a draw, the ground would slope up in three directions and down in the other. A draw is sometimes considered to be the initial formation of a valley. Maps will show a draw as a series of successive "U-shaped" or "V-shaped" contour lines that point uphill or upstream.




*Draw* *Figure 4.2.17*

- ***Cliff.*** A cliff is a vertical or near vertical slope that is an abrupt change of the land formation. *(See Figure 4.2.18)* Maps show the contour lines for cliffs as being very close together, and in some cases, touching each other.



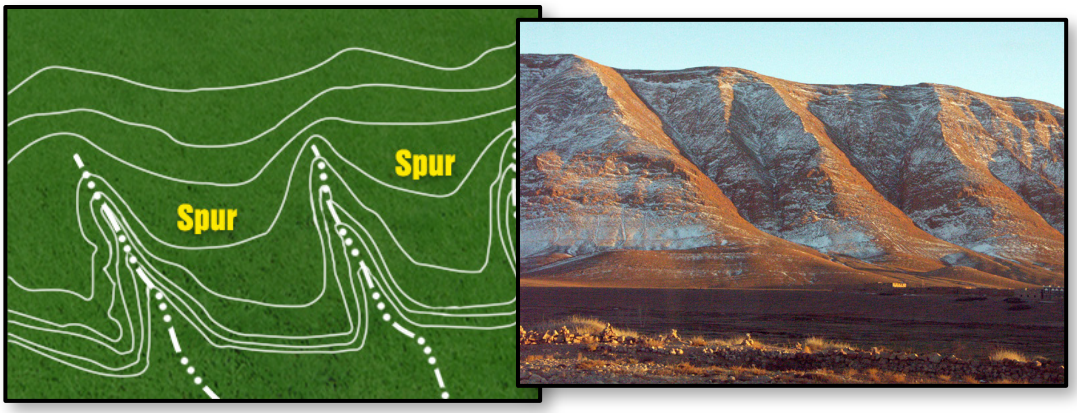

*Cliff* *Figure 4.2.18*

## Key words

**draw:**
A stream course that is less developed than a valley

**spur:**
A short sloping narrow area cutting through the side of a slope

- ***Spur.*** A spur is a short, continuous sloping line of high ground, normally jutting out from the side of a ridge. *(See Figure 4.2.19)* It is often formed by two parallel streams cutting draws down the side of a ridge. The ground will slope down in three directions and up in one. Maps will show a spur as a series of successive "U-shaped" or "V-shaped" contour lines that point in a downhill direction.

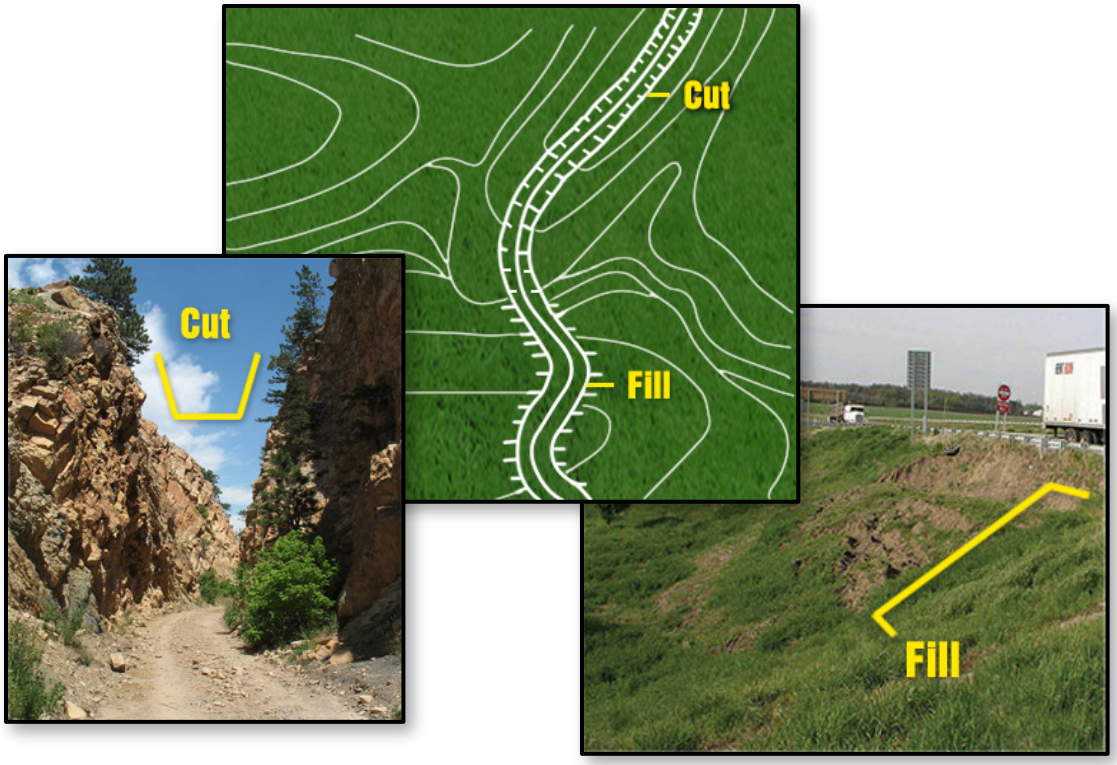



*Spur* *Figure 4.2.19*

## SUPPLEMENTARY TERRAIN FEATURES

The two supplementary terrain features are cut and fill. *(See Figure 4.2.20)*

Cuts and fills are man-made features resulting from the cutting through of high areas and the filling in of low areas to form a level bed for a road or railroad track. Maps will show cuts when they are at least 10 feet high. Mapmakers draw the contour lines along the length of the cut. They also use tick marks to extend from the cut line to the roadbed, if the map scale permits this level of detail.




*Cut and Fill* *Figure 4.2.20*

## Conclusion

In this lesson, you learned two fundamental concepts of land navigation—understanding elevation and recognizing terrain features. Practice using these concepts. Study the contours and landforms within your region. When traveling, look for differences in terrain and elevation. Become successful in applying your map reading skills so that you will always be able to answer the question, "Where am I?"

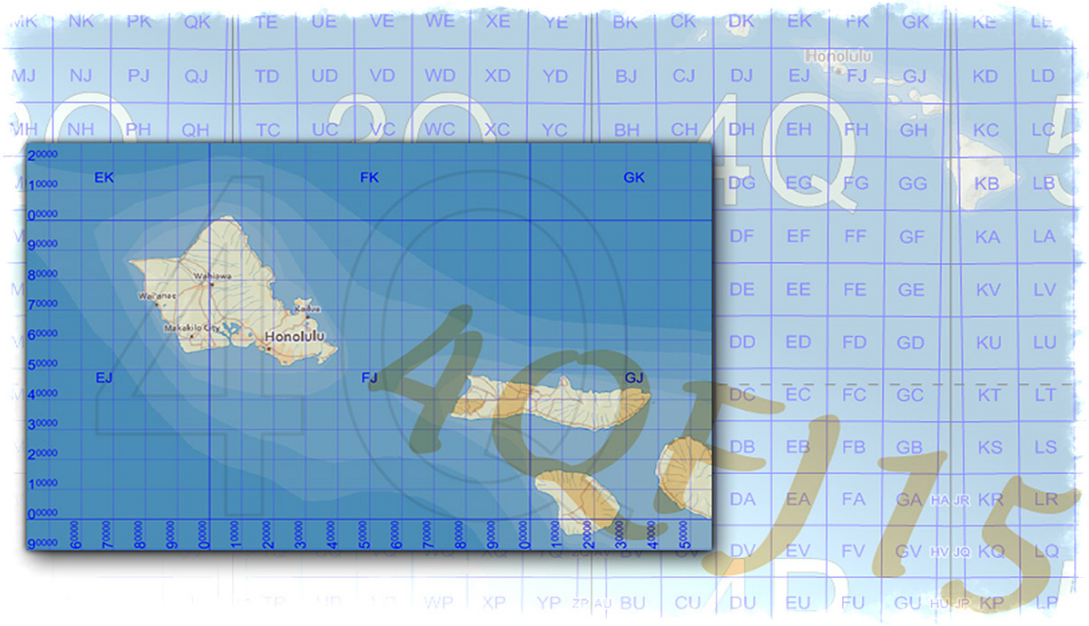
## Lesson Check-up



- **What are some professional and recreational uses of topographical maps?**
- **Explain how to use contour intervals to determine elevation gain or loss.**
- **What are the five land formations found in or near your city?**

LESSON 3

# Grid Reference Systems




## What You Will Learn to Do

Use a grid reference system to find locations

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Take responsibility for your actions and choices

## Learning Objectives

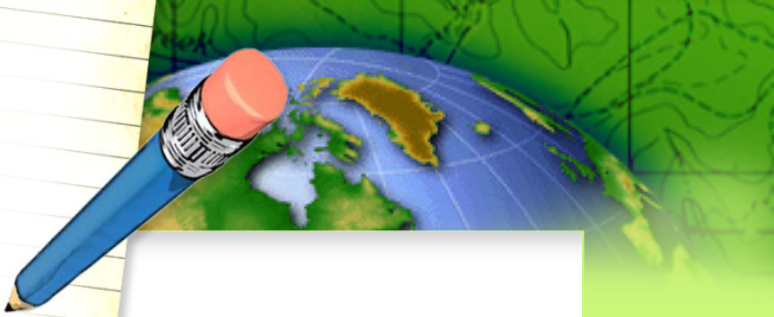
- **Describe** how latitude and longitude are used in the global coordinate system
- **Locate** grid zones and grid segments using the UTM and MGRS grid reference systems
- **Determine** the six-digit MGRS coordinates of a known location on a map
- **Use** the six-digit MGRS coordinates to locate a point on a map

## Key words

- **antimeridian**
- **eastern hemisphere**
- **eastings**
- **grid coordinate**
- **meridians**
- **MGRS**
- **northings**
- **parallels**
- **prime meridian**

## Essential Question

**How can you use a grid reference system to determine location?**



## Learning Objectives (cont'd)

- **Use** a coordinate scale tool to determine MGRS locations
- **Define** key words: antimeridian, eastern hemisphere, eastings, grid coordinate, meridians, MGRS, northings, parallels, prime meridian, UTM, western hemisphere

## Key words (cont'd)

- **UTM**
- **western hemisphere**

## Introduction

This lesson introduces you to map coordinate systems and grid referencing systems. After you are familiar with these systems, you can better understand how to locate and identify points anywhere in the world. This lesson will show you how to locate a point on a topographic map to within 100 meters using a six-digit **grid coordinate**.

## The Latitude and Longitude Coordinate System

To keep from getting lost, you must know how to find your location. Electronic mapping devices may not always be available to you. Learning to use grid referencing systems in conjunction with maps will help you quickly and accurately pinpoint your location.

All grid reference systems are based on the coordinate system of latitude and longitude. Chances are your electronic mapping applications are also using latitude and longitude. The **UTM** and **MGRS** grid systems we'll look at later in this lesson use this part of the coordinate system, so it's important to understand how it works.

By now you know that latitude is the group of parallel lines that circle the globe from east to west. Sometimes these lines are just called **parallels**. These east-west lines measure north and south distances from the equator—the latitude that shows the widest part of the globe.

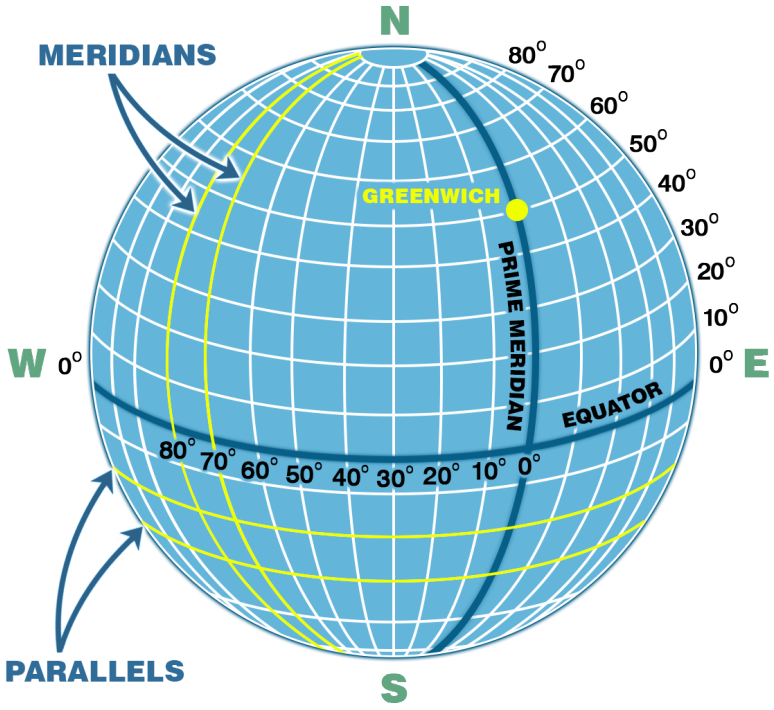
## Key words

**grid coordinate:**
A set of letters and numbers specifying the location of a point to the desired position within a 100,000-meter square

**UTM:**
A global grid system that divides the Earth into 60 numbered grid zones and 20 lettered segments

**MGRS:**
A grid system used by the military to determine precise location

**parallels:**
Lines of latitude




*Meridians and Parallels* *Figure 4.3.1*

The equator is at zero degrees latitude. From the equator, the parallels increase in both directions, from zero to 90. The latitude of the North Pole is 90°N. The South Pole is 90°S.

In the image above, the lines of latitude are shown in degrees. For more precise measurements between parallels, latitude can also be shown in minutes and seconds. Sometimes, these measurements are shown as a decimal.

In the table below, you can tell that Chicago is in the northern hemisphere and Rio is in the south, indicated by the "N" and "S" before the latitude numbers. Notice that the decimal notation for Rio uses a negative number to indicate that it is south of the equator.

| | Degrees, Minutes, Seconds | Decimal |
|---|---|---|
| **Chicago, IL** | | |
| Latitude | N 41° 52' 41.2104" | 41.878114 |
| Longitude | W 87° 37' 47.2735" | -87.62979819999998 |
| **Rio de Janeiro, Brazil** | | |
| Latitude | S 22° 54' 24.6481" | -22.906847 |
| Longitude | W 43° 10' 22.4256" | -43.172896 |

*Figure 4.3.2*

The vertical rings around the globe that pass through the poles are called longitude or **meridians**. An important meridian to know is the **prime meridian**, which runs through Greenwich in the United Kingdom. Starting

## Key words

**meridians:**
Imaginary circles on the earth's surface passing through the North and South poles; a line of longitude

**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

at the prime meridian, mapmakers number meridians from zero to 180 degrees both east and west.

In the table above, we can see that both Chicago and Rio are west of the prime meridian by the "W" before the longitude in degrees. The negative numbers for the decimal longitude also indicates locations west of the prime meridian.

### THE OTHER SIDE OF THE PRIME MERIDIAN

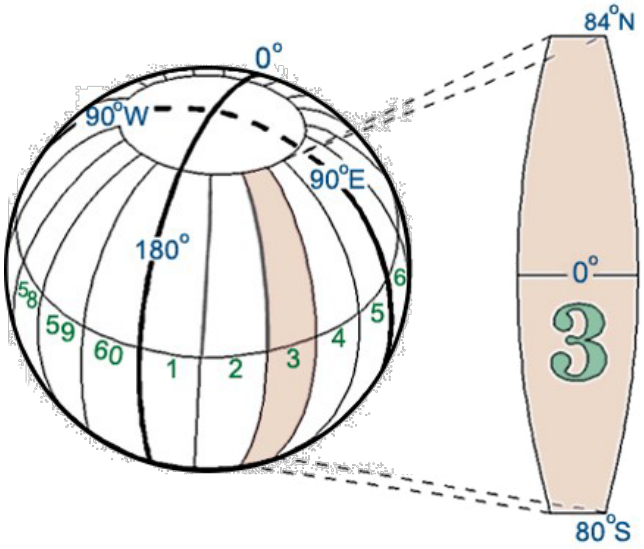
The line opposite the prime meridian in Greenwich is the meridian at 180 degrees. These two imaginary lines form a great circle that divides the earth into the eastern and **western hemisphere**s. The meridian at 180 degrees is sometimes called the **antimeridian**. In addition to being used in the global coordinate system, it's also the basis for the International Date Line (IDL). IDL is used to mark the change of one calendar day to the next.

## UTM Grid System

The Universal Transverse Mercator (UTM) system divides the globe into a flat grid. It was developed to translate the sphere of the globe into a flat map scale with minimal distortion. The UTM is also the basis of the Military Grid Reference System (MGRS), which gives you a way to find precise locations without the use of an electronic device.

### EAST-WEST MERIDIANS

The UTM grid system divides the surface of the earth into 60 equal north-south grid zone numbers. Each of these zones are 6 degrees of longitude across.




*Grid Zones of the UTM Grid System* *Figure 4.3.3*

Grid zones 1 through 30 cover the western hemisphere. They begin with grid zone 1 at the 180 degree antimeridian line. As the zone numbers increase, the longitude changes by 6 degrees.

### Key words

**western hemisphere:** The portion of the globe that is west of the prime meridian

**antimeridian:** The line of longitude at 180 degrees

For example:

- Grid zone 1 is from 180°W to 174°W
- Grid zone 2 is from 174°W to 168°W
- Grid zone 3 is from 168°W to 162°W *(highlighted in Figure 4.3.3)*

These measurements and coordinates are sometimes called **eastings** because they measure east and west meridians.

The grid zone numbers for the western hemisphere proceed half way around the earth until grid 30 ends at the 0-degree prime meridian line.

Grid zone numbers 31 through 60 cover the 180-degree **eastern hemisphere**. They begin with grid 31 at the 0-degree prime meridian line and proceed across the second half of the earth by 6 degrees of longitude.

For example:

- Grid zone 31 is from 0°E to 6°E
- Grid zone 32 is from 6°E to 12°E
- Grid zone 33 is from 12°E to 18°E

Grid zone 60 ends at the 180-degree antimeridian line. This system ensures a complete circular coverage of the Earth's surface with grid zones.

## Key words

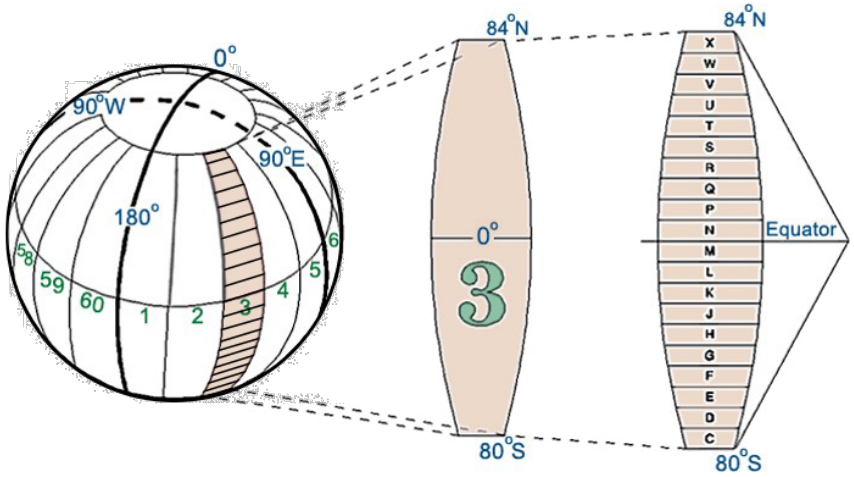
**eastings:**
Coordinates that measure location based on east-west meridians

**eastern hemisphere:**
The portion of the globe that is east of the prime meridian between zero and 180 degrees

**northings:**
Coordinates that measure location based on parallels north and south of the equator

## NORTH-SOUTH PARALLELS

UTM further divides each number zone into 20 north-south segments. These are called **northings** because they measure areas north and south of the equator. Each grid segment has a letter for identification. Mapmakers use the letters "C" through "X" (omitting the letters "I" and "O") to identify these 20 grid segments. They do not use "I" and "O" because those letters can easily be mistaken for the numbers "1" and "0," respectively. The equator is the line between N and M.




*Grid Segments of the UTM Grid System* *Figure 4.3.4*

Nineteen of these grid segments are eight degrees high and the one row at the extreme north is 12 degrees high. This combination of zone number and row letter constitutes the grid zone designation.

With this designator, you are now able to identify specific grids. For example, if you wanted to locate the first segment north of the equator in the numbered zone 3, its UTM grid zone designation would be 3N (3 is the zone number and N is the lettered zone). *(See Figure 4.3.5)*

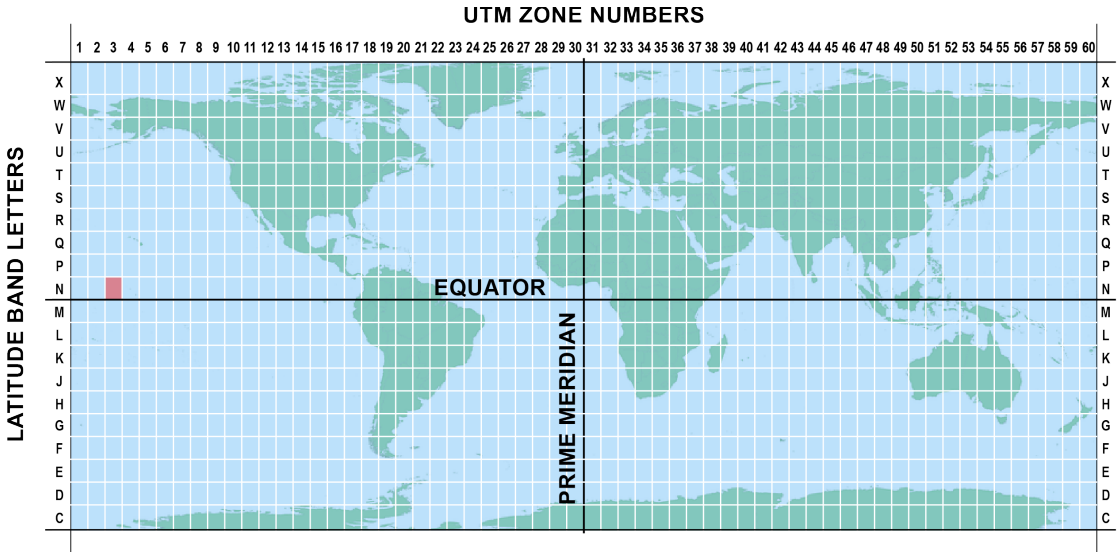
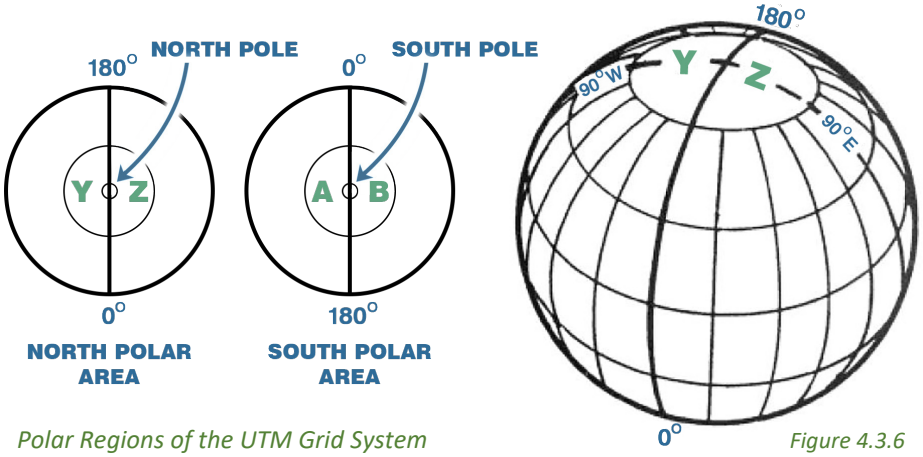



*Figure 4.3.5*

One thing missing from the UTM figures of the globe that you've seen so far is the polar regions. Therefore, to complete the globe, mapmakers extend these grid lines to 90 degrees in both directions: 90 degrees north latitude is the North Pole and 90 degrees south latitude is the South Pole. Mapmakers use the remaining four letters, "A," "B," "Y," and "Z" to identify the polar regions as shown in *Figure 4.3.6*.




*Polar Regions of the UTM Grid System*

*Figure 4.3.6*

Topographic maps indicate the UTM grid zone in the map's marginal information section. The maps will also have grid lines for northings and eastings. *Figure 4.3.7* is an example of Grid Zone Designation on a map.

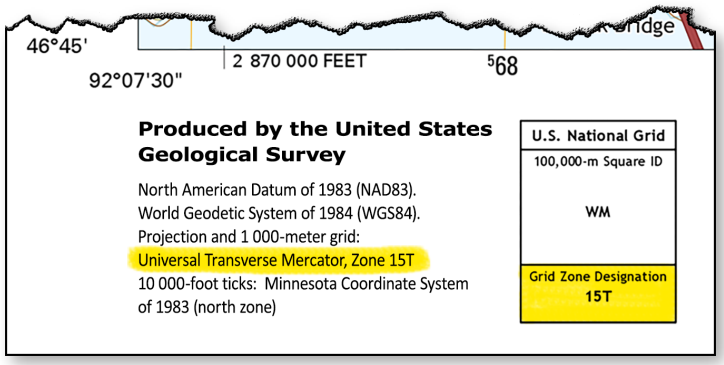



*Figure 4.3.7*

## Military Grid Reference System

Although the UTM is a good system for locating a position anywhere around the globe, sometimes a more precise method is required. This is why the Military Grid Reference System (MGRS) was developed. It meets the military's need to be precise with reporting exact locations for enemies or the requirement to fire an artillery projectile to a precise location. To accomplish this, the MGRS sub-divides each UTM grid into much smaller grids. This ultimately allows you to determine any location to within one meter!

For example, if you had the 10-digit MGRS grid coordinate to a cell phone dropped in the middle of the Amazon forest in South America, you could follow those coordinates until you are within one meter—two steps—of that cell phone.

MGRS is based on UTM grid squares, which measure 100,000 meters. MGRS divides those squares into smaller squares that are 1,000 or 10,000 meters in width and length (depending on the scale of the map). Those smaller squares are assigned two letters. In the example in *Figure 4.3.8*, the circled area shows the MGRS location of **15SWC:**

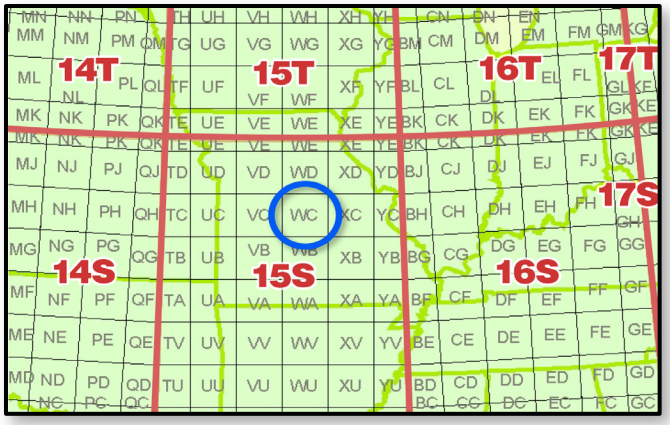



*Figure 4.3.8*

- **15S** is the UTM grid designation
- **WC** is the MGRS 100,000-meter grid square identifiers

To further pinpoint a location with MGRS, you need to see the northings and eastings value of the squares within the WC area. These are highlighted on the map in *Figure 4.3.9*.

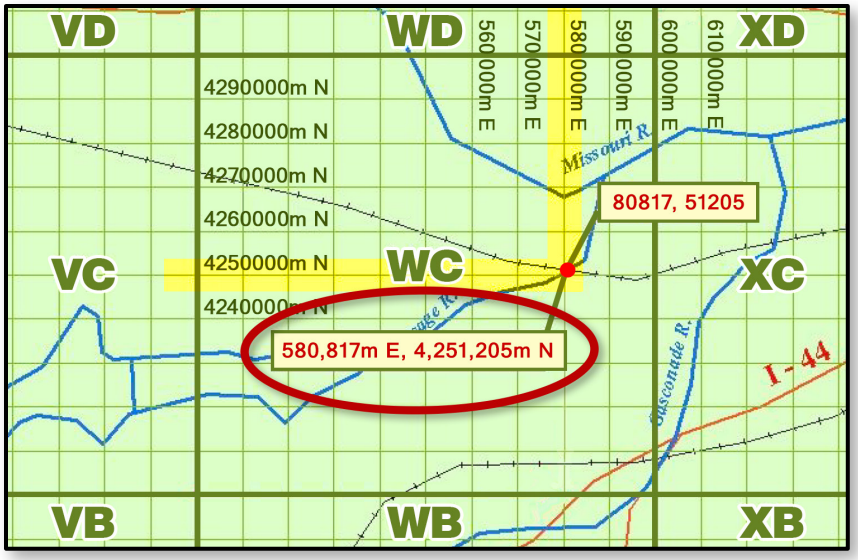



*Figure 4.3.9*

The map marks a location along the 425,000-meter northings line and the 580,000-meter eastings line in yellow. The circled numbers show the MGRS location at a one-meter refinement. To actually get those numbers, you'd use a map with more grid

lines. In practice, the MGRS locations are used at several refinements in addition to the one-meter designation.

In the table below, notice that the longer the coordinates are, the more precise the location will be. Also, notice that the first five characters **15SWC** are the UTM and MGRS identifiers. The numbers that follow show the northings and eastings locations.

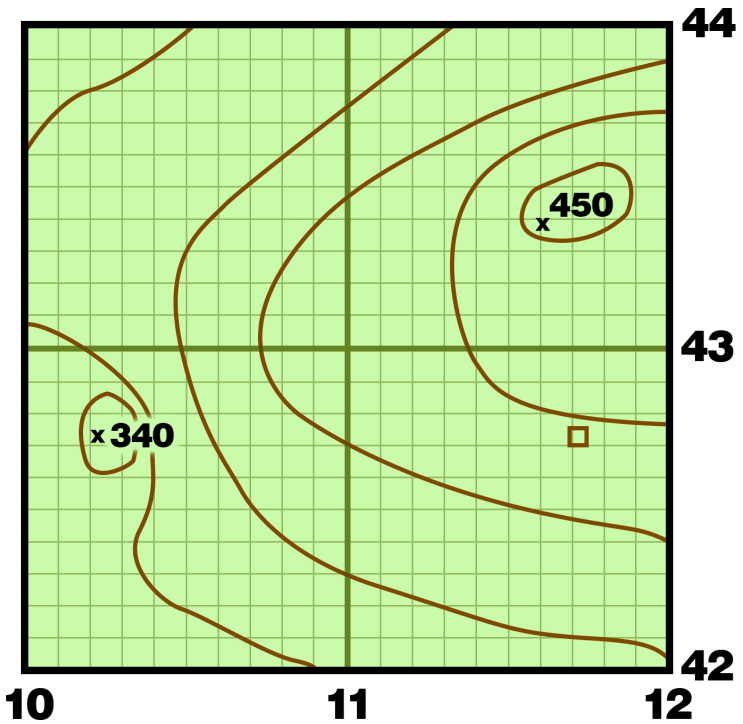
| Refinement | MGRS Location | Description |
|---|---|---|
| one-meter | 15SWC**8081751205** | ten-digit |
| 10-meter | 15SWC**80825121** | eight-digit |
| 100-meter | 15SWC**808512** | six-digit |
| 1000-meter | 15SWC**8151** | four-digit |

*Figure 4.3.10*

In this lesson, you'll be using the 100-meter refinement. One hundred meters is about the length of a football field. The 100-meter refinement is often called the six-digit grid coordinate because it uses three digits for northings and three for eastings.

## FINDING A SIX-DIGIT MGRS LOCATION

Here are the steps for finding a six-digit MGRS location on a topographic map. In this example, we'll determine the location of the 450-foot spot elevation in the map in *Figure 4.3.11*.




*Determining a Six-Digit Grid Coordinate* *Figure 4.3.11*

1. Identify the UTM grid designation and 100,000-meter square identification letters for the map you are using. You can find this in the marginal information of your map. For this example, we'll use **15S** for the UTM and **YF** for the MRGS identification letters.
2. Identify the 1,000-meter grid square in which the 450-foot spot elevation is located. To do this, remember the first cardinal rule of map reading: read right, and then up. When reading a map right and up, each north-south grid line increases in value from west to east, and each east-west grid line increases in value from south to north. You will see that the last north-south grid line before reaching the grid square containing the spot elevation is **11**. Still reading right, count the smaller lines until you reach your location. It's about **6** lines. Your northings reading is **116**.

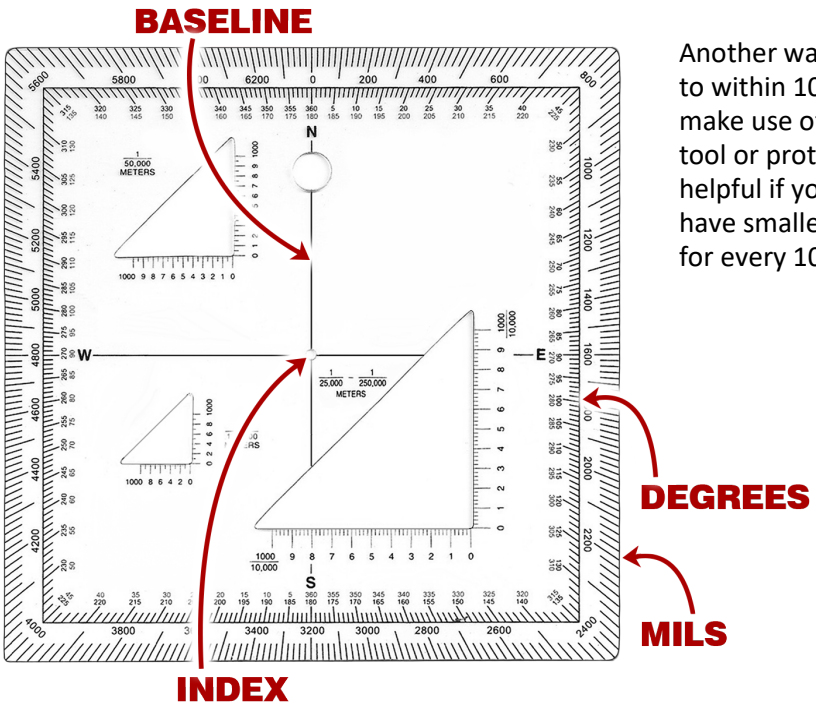
3. Next, read up for the eastings. Note that the last east-west grid line before reaching the grid square containing the spot elevation is **43**. It's also about **4** lines up. The eastings value is **434**.
4. Combine the northings and eastings values with the UTM and MRGS identifiers to get the six-digit location. The spot elevation is **15SYF116434**.

## FINDING A LOCATION GIVEN GRID COORDINATES

You can also use this method in reverse. When you know the six-digit location, you can find the point on the map. For example, try to find the location of **15SYF102427** on the map in *Figure 4.3.11* on the previous page. Even without additional grid squares you can use what you know to estimate.

1. You know that the UTM and MGRS Identifiers are the first five characters of the location description: **15SYF**102427. The remaining numbers are the actual grid coordinates. Remember that the coordinates will always be an even number of digits. In this case, there are six digits: 15SYF**102427**.
2. Now, split the number of digits into two groups of three digits: **102** and **427**. The first two digits of both groups will identify which grid square we are using. In this case, we are using the "**10** – **42**" grid box.
3. Find the intersection of the east-west **10** line, with the north-south **42** line. Remember the cardinal rule of map reading: always read right, then up. The grid square we want is in the lower left corner of the image.
4. Now you've found all of the digits except **2** and **7**: **15SYF10-42-**. On the map, go right **2**, and up **7**. A good estimate of this location is the spot elevation hilltop marked at 340 feet.

## Using a Coordinate Scale Tool

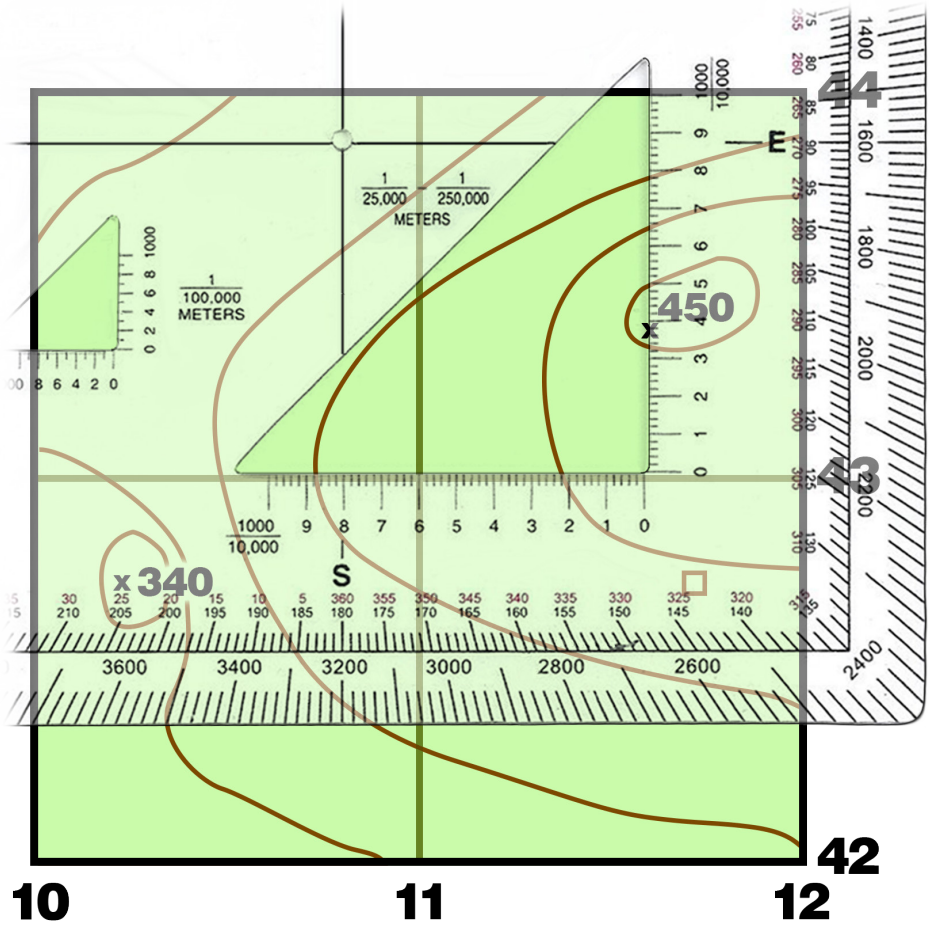



Another way to locate a point to within 100 meters is to make use of a coordinate scale tool or protractor. This is helpful if your map does not have smaller squares marked for every 100 meters.

*The Army Coordinate Scale* *Figure 4.3.12*

## Content Highlight:
### ROUNDING NUMBERS

When you have to round off numbers using a coordinate scale for a six-digit coordinate, apply the following rule: round down for numbers that are four or less; round up for numbers that are five and above.




*Using a Coordinate Scale* *Figure 4.3.13*

The following is the correct way to use a coordinate scale. To explain this procedure, we'll again find the six-digit grid coordinate for spot elevation 450. *(See Figure 4.3.13)*

1. First, check to ensure that you are using the correct scale. If you obtained a paper coordinate scale from your JROTC instructor, use the 1:25,000 scale.
2. Place the horizontal scale parallel to and directly on top of grid line 43 with the "0 mark" at the lower left corner of grid square YF1143.
3. Keeping the horizontal scale on top of grid line 43, slide the scale to the right into the grid square until the vertical scale intersects the center of mass of spot elevation 450.
4. Now, reading left from the "0 mark," you can see that spot elevation 450 lies almost directly on the six-tenths indicator. Therefore, you would read this number as **116**.

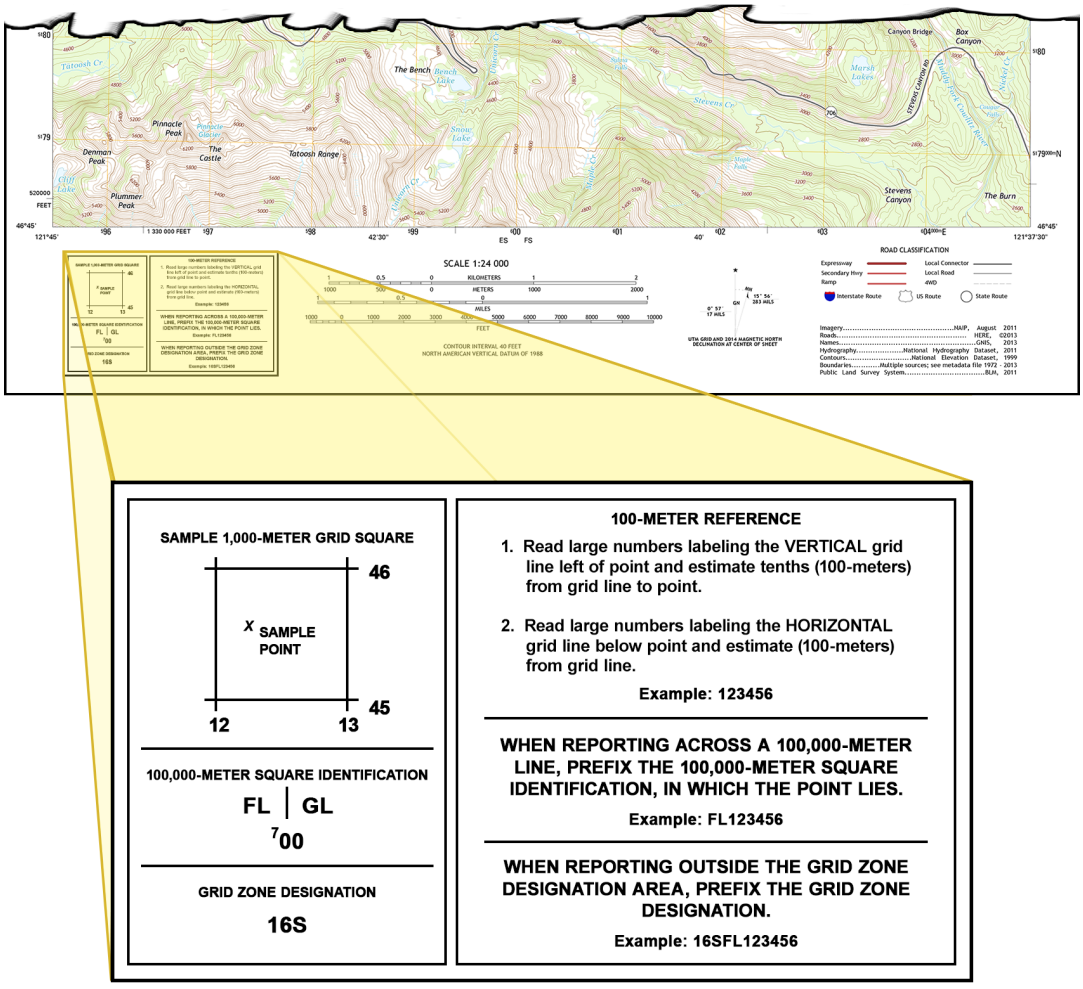
5. Reading up, you can see that spot elevation 450 lies midway between the three and four mark on the coordinate scale. By applying the rounding-off rule, round up to read this number as **434**.

As before, the MGRS for the spot elevation is **15SYF116434**.

## Grid Reference Box

As you begin to use your topographic map for land navigation, you'll want to pay attention to the grid reference box. Some topographic map sheets will have step-by-step instructions for using the grid and military grid reference systems. Mapmakers divide the grid reference box into two parts, as shown below.

The left portion identifies the grid zone designation and the 100,000-meter square identifier. If the map sheet falls in more than one 100,000-meter square, the number of the grid line that separates these squares and the 100,000-meter square identifications are given. The right portion briefly explains how to find and write a six-digit coordinate.




*A Grid Reference Box* *Figure 4.3.14*

## Conclusion

Being successful at map reading requires a thorough understanding of many basic concepts. This lesson has presented several precise systems of finding locations on maps. Your ability to use these systems and locate six-digit grid coordinates can increase your confidence in identifying your location.

## Lesson Check-up



- **How are latitude and longitude used in grid reference systems?**
- **Explain why northings is an east-west measurement.**
- **When would you use a grid scale? If a friend told you to meet him at 29SMS123789 for an orienteering exercise, would you know how to find the location?**

# Determining Direction




## Key words

- azimuth
- back azimuth
- field-expedient
- grid azimuth
- grid north
- magnetic azimuth
- magnetic north
- Polaris
- true north

## What You Will Learn to Do

Determine direction with angle measurement tools and field expedient methods

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Communicate using verbal, non-verbal, visual, and written techniques
- Take responsibility for your actions and choices

## Learning Objectives

- **Define** the three base directions found on a topographic map
- **Describe** the key features of a compass
- **Demonstrate** how to determine and measure a magnetic azimuth
- **Demonstrate** how to determine, measure, and plot a grid azimuth

## Essential Question

**How can you determine direction with and without a compass, map, and protractor?**

## Learning Objectives (cont'd)

- **Calculate** a back azimuth
- **Explain** how to determine direction using field-expedient methods
- **Define** key words: azimuth, back azimuth, field-expedient, grid azimuth, grid north, magnetic azimuth, magnetic north, Polaris, true north

## Introduction

Directions play an important role in everyday life. People often express them as right, left, straight ahead, and so forth; but then the question arises, "to the right of what?" To answer that question, this lesson looks at ways to define direction in relation to north. You'll also learn how to use a compass and a protractor to determine direction in degrees on a topographic map.

## Describing Direction

You've already seen that maps have a consistent way of showing direction. North is at the top of the map, south is at the bottom, east is to the right, and west is to the left. But how would you describe the direction between two points on a map? You might say that the first point is slightly northeast of the second point. But that's not very precise. If you were out in the field without an electronic device, you'd need a better way to describe the direction.

Precise measurement of direction is done in degrees, similar to what you might have learned about measuring circles and arcs in geometry class. Due north is 360° (or 0°), east is 90°, south is 180°, and west is 270°.

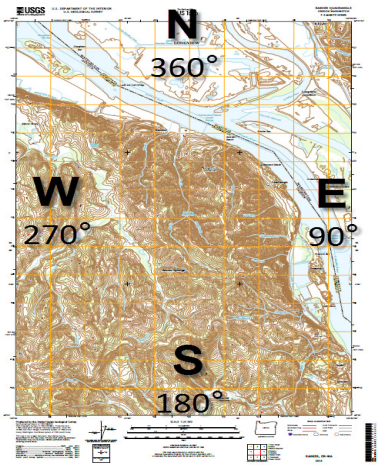



*Figure 4.4.1*

## Key words

**azimuth:**
A horizontal angle usually measured clockwise in degrees from a north base line

**true north:**
A line from any position on the earth's surface to the geographic north pole

**magnetic north:**
The direction to the north magnetic pole, as indicated by the north-seeking needle of a magnetic instrument

**grid north:**
The direction of north that is established by using the vertical grid lines on a map

**grid azimuth:**
The angle measured between grid north and a straight line plotted between two points on a map

**magnetic azimuth:**
A direction that is expressed as the angular difference between magnetic north and a line of direction

The angle in degrees between two points is called an **azimuth**. Azimuths are based on the starting point of north. North is always the base direction when finding azimuths.

By now you may have noticed that topographic maps show different ways of describing north: **true north**, **magnetic north**, and **grid north**.

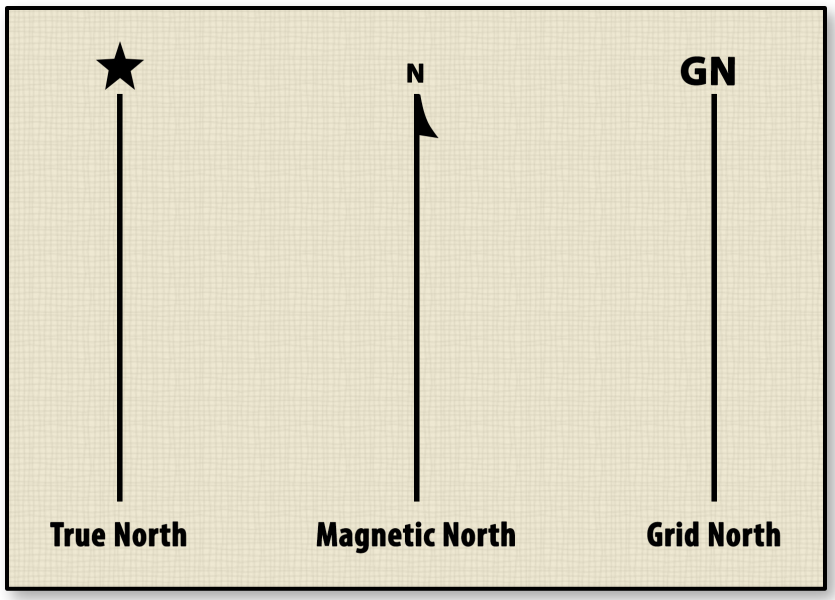



*Figure 4.4.2*

### True North

True north is an imaginary line from any point on the earth's surface to the north pole. All lines of longitude are true north lines. Mapmakers normally represent true north in the marginal information with a star.

### Magnetic North

Magnetic north is the direction to the north magnetic pole. A compass shows magnetic north. Mapmakers usually illustrate magnetic north in the marginal information by a line ending with a half arrow-head.

### Grid North

Grid north is the north that mapmakers establish with the vertical grid lines on a map. They usually illustrate it by placing the letters "GN" on a vertical line in the marginal information.

## Azimuths

To describe a precise direction with an azimuth, you'll use either grid north or magnetic north. A **grid azimuth** uses grid north and a **magnetic azimuth** uses magnetic north. When you are finding an azimuth, the distance between two points has no effect on your measurement. You are measuring the angle between the two points, not the distance.

### Grid Azimuth

A grid azimuth is the angle measured between grid north and a straight line plotted between two points on a grid map. You would use a protractor to measure this angle.

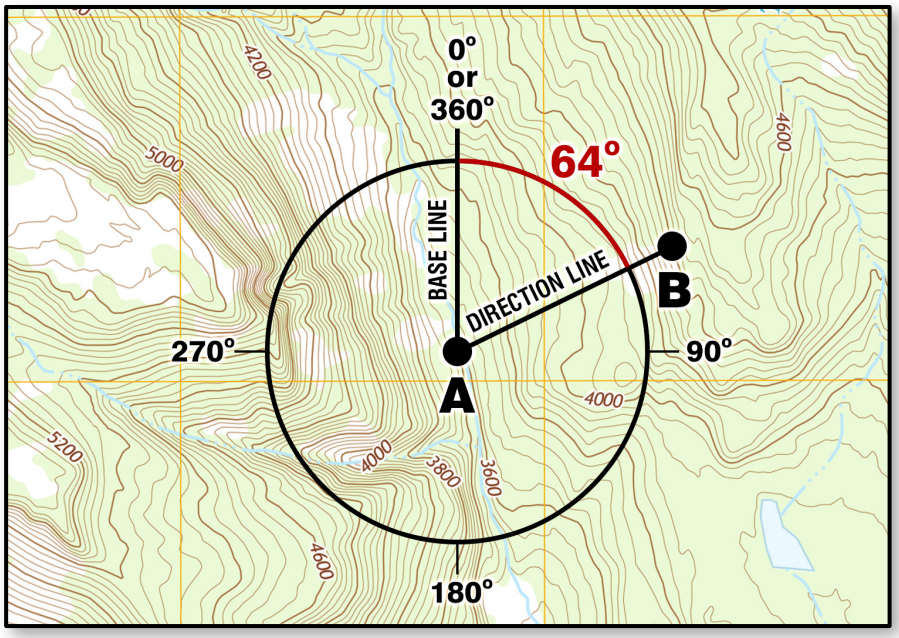



*Figure 4.4.3*

In the example in *Figure 4.4.3*, you are traveling from point A to point B. The line between points A and B shows your "direction line", and the line from point A to grid north shows your "base line". Use a protractor to measure the angle between those two lines, and that will give you your grid azimuth, 64°.

### Magnetic Azimuth

A magnetic azimuth is a direction expressed as the angular difference between magnetic north and the direction line. You can determine a magnetic azimuth using a compass or other magnetic instrument (such as surveying equipment).

### Back Azimuth

A **back azimuth** is the opposite direction of an azimuth—either grid or magnetic. It is just like doing an "about face." If you traveled from point A to point B, you'd use a back azimuth if you wanted to return to point A. To obtain a back azimuth from either a grid or magnetic azimuth, add 180° if the azimuth is 180° or less; or subtract 180° if the azimuth is 180° or more. In the earlier example, if the azimuth is 64°, the back azimuth is 64° + 180° or 244°. **NOTE**: The back azimuth of 180° may be stated as 0°or as 360°.

## Magnetic Declination

An important thing to know about azimuths is that when you take measurements, the magnetic azimuths will almost always be different than the grid azimuth. The grid azimuth is drawn on paper. Regardless of where you are physically located around the world, the map doesn't change.

However, the magnetic azimuth from a compass will change ever so slightly as you move around the earth's surface. The Earth's magnetic

**Key words**

**back azimuth:**
The opposite direction of an azimuth obtained by adding 180 degrees to or subtracting 180 degrees from an azimuth

field will "pull" the needle of the compass toward one side or the other. That effect is known as the magnetic declination.

Constant changes in the core of the Earth, along with deposits of iron ore or magnetite in the Earth's crust may strongly affect the declination and the compass needles. Each year the effects change in intensity. Because of these yearly changes, you should always use the most current topographical map for land navigation.

## The Silva Compass

The Silva **Polaris** (Type 7) precision compass *(see Figure 4.4.4)* is one of the most accurate compasses on the market today. The Silva compass is affordable and easy to use, especially with its hand-contoured base plate. The image below shows the Silva Polaris (Type 7) compass along with its eight features.

**Key words**

**Polaris:**
Another name for the North Star

The floating needle is mounted on a pivot so that it can rotate freely when you hold the compass level. It settles within four seconds, always pointing to magnetic north. Printed distinctly on the rotating dial are the letters N and S, to represent 0/360° and 180°, respectively. The dial is graduated at two-degree intervals, marked at 20-degree intervals, and contains the letters E (at 90°) and W (at 270°).

The base plate contains two rulers (one measured in inches and the other in millimeters). It also has a 40-degree east and west declination scale inside the area of the floating dial.

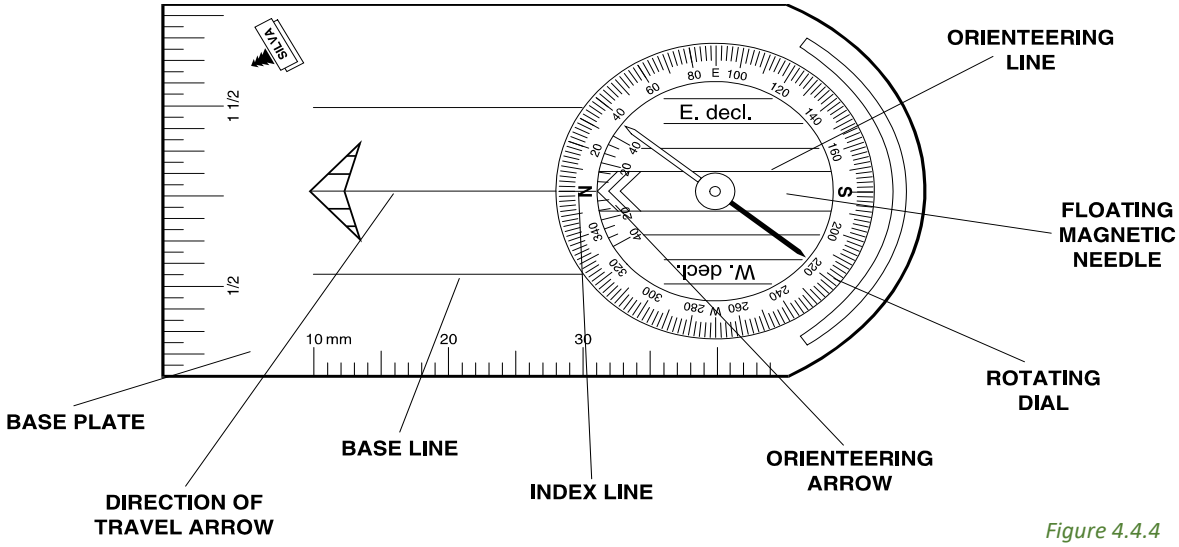



*Figure 4.4.4*

## USING A COMPASS WITH A MAP

Suppose you have a map with your starting point and destination marked. You can't see your destination on the ground, but you know where it is on the map. You can use three simple steps to "lock in" your azimuth to your compass.

1. Put your compass on your map. The base plate edge should form a line connecting your current position and your destination.

2. Set the compass by turning the dial until the "N" is aligned with the red compass needle on your compass.
3. Hold the compass level and in front of you. The direction of travel arrow should point straight ahead. Now turn your body until the red compass needle points to "N" on the dial. The direction of travel arrow is now correct for travelling to your destination. Visually sight a landmark, walk to it, and repeat these three steps.



Figure 4.4.5

This method allows you to quickly verify your azimuth while you are walking toward your destination. If the floating needle is NOT under the "N" on your compass after going through the three steps, just turn your body until the needle lines up with the "N". Then you can continue walking toward your destination.

## Measuring a Magnetic Azimuth

The following steps explain how to determine a magnetic azimuth using the center-hold technique. The center-hold method ensures that the compass is level and readable. This method is the fastest and easiest way to measure a magnetic azimuth. It is not used with a map.



Figure 4.4.6

1. Hold the compass either completely in one hand (with the curved end toward the back palm) or with both hands.
2. Pull your elbows firmly into your sides. This action places the compass against your body between your chin and waist (the direction of travel arrow will point directly away from your body to the front).
3. Keep the compass level, to allow the free-floating dial to rotate freely.
4. To measure a magnetic azimuth, simply turn your entire body toward the object, so that the direction of travel arrow is pointing in the direction you wish to measure.
5. Once the floating dial stops moving, read the azimuth from beneath the fixed black index line (located at the base of the direction of travel arrow).

### Content Highlight:

**ENSURE ACCURACY**

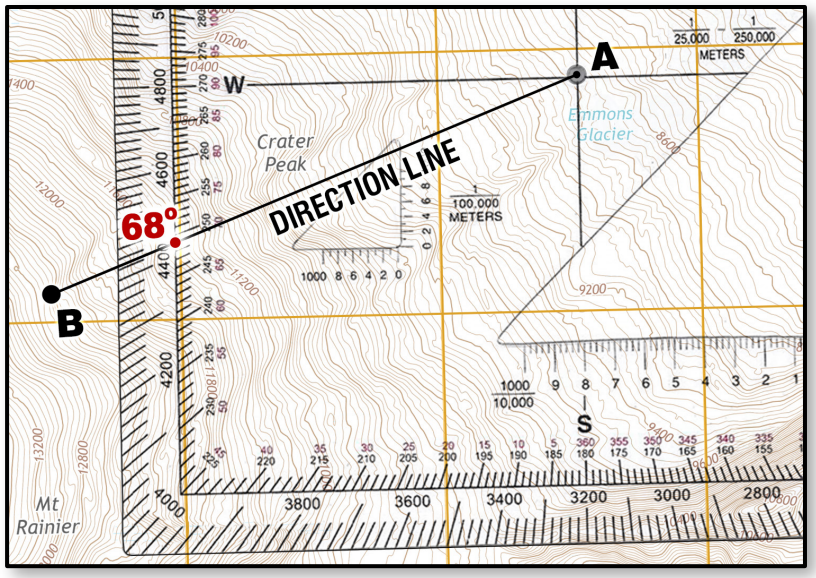
Ensure that you are away from power lines, vehicles, or other metal objects when using a compass, because these objects will affect its accuracy.

Some compasses may have a 1:25,000 scale; you can still use this scale with a 1:50,000 scale map, but you must halve the values read.

## Measuring a Grid Azimuth

The following steps explain how to measure a grid azimuth using a map and protractor.

1. Draw a line connecting the two points (A and B in *Figure 4.4.7*).
2. Place the index of the protractor at the point where the drawn line crosses a vertical (north-south) grid line.
3. Keep the index at that point and align the 0–180° line of the protractor on the vertical grid line.
4. Read the value of the angle from the scale. This value is the grid azimuth from point A to point B, or 68° in our example.




*Using a Protractor to Measure a Grid Azimuth* *Figure 4.4.7*

### Content Highlight:
### USING PROTRACTORS

You determine a grid azimuth with the use of a protractor. There are several types of protractors: full circle, half circle, square, or rectangular. All of them divide the circle into units of angular measure, and each has a scale around the outer edge and an index mark. The index is the center of the protractor circle from which you measure all directions.

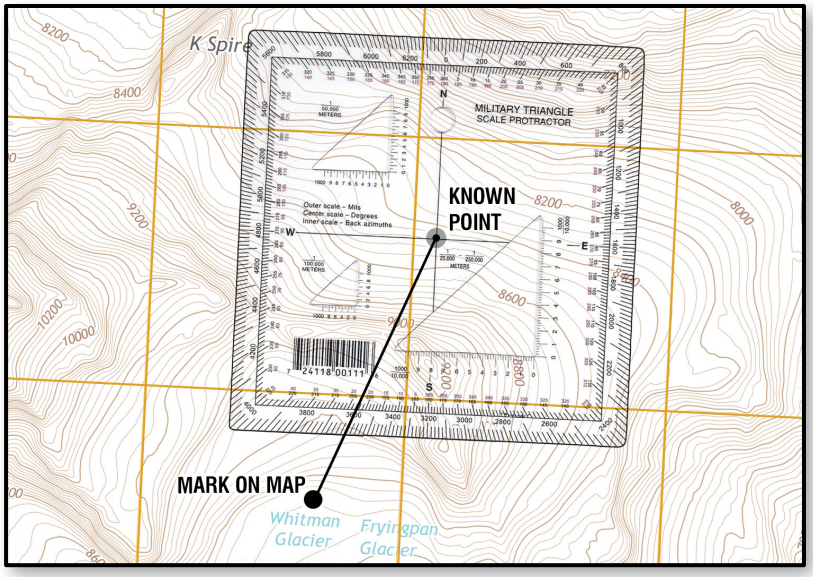
On the military protractor, you read the inner of two scales because it is graduated into degrees—from 0 to 360°. Each tick mark on the degree scale represents one degree. The base line of this protractor is a line from 0° to 180°. Where the base line intersects the horizontal line, between 90° and 270°, is the index or center of the protractor.

When using the protractor, the base line is always oriented parallel to a north-south grid line. The 0- or 360° mark is toward the top or north on the map, and the 90° mark is to the right.

## Plotting a Grid Azimuth

Use the following steps to plot an azimuth from a known point on a map. *(See Figure 4.4.8)*

1. Place the protractor on the map with the index mark at the center of mass of the known point and the 0–180° base line parallel to a north-south grid line.
2. Make a mark on the map at the desired azimuth.
3. Remove the protractor and draw a line connecting the known point and the mark on the map. This is the grid direction line or grid azimuth.




*Using a Protractor to Plot a Grid Azimuth* *Figure 4.4.8*

When measuring azimuths on a map, remember that you are measuring from a starting point to an ending point. If you make a mistake and you take the reading from the ending point, the grid azimuth will be opposite, thus causing you to go in the wrong direction.

## Determining Direction with Field-Expedient Methods

How would you find direction if you lost your compass? How would you orient your map? You might think you're lost with no hope of easily determining direction. However, that is not the case. Even without a compass, you can easily determine direction by using what's available to you in the field. These are called **field-expedient** methods.

### SHADOW-TIP METHOD

The following steps show you how to use the shadow-tip method to determine direction and/or orient a map without a compass.

1. Find a fairly straight stick or branch. Place it into the ground so that the portion above ground is at least 12 inches. You'll want to place it at a fairly level spot where the sun will cast a distinct

**Key words**

**field-expedient:** A method of accomplishing a task that relies on using available resources instead of additional tools

shadow. Make sure the stick is not leaning at an angle. Get it into the ground as straight as possible. Mark the shadow tip on the ground with a small stone, twig, or other means. *(See Figure 4.4.9)* This point is west. **NOTE**: If the tip of the shadow is difficult to find, tap the end of the stick; the movement of the shadow will help you locate it.

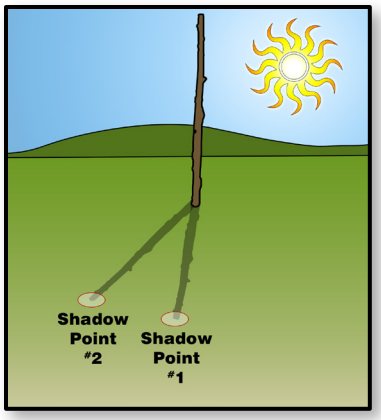



*Figure 4.4.9*

2. Wait 10 to 15 minutes until the shadow moves a few inches. Mark the new position of the shadow-tip in the same way as the first. *(See Figure 4.4.10)* This point is east. Draw a straight line through the two marks to obtain an east-west line. Extend this line past the second mark.
3. To find north and south, draw a line at a right angle to the east-west line at any point. From this north-south line, you can now orient your map and determine the direction you want.

This method works because the sun rises in the east and sets in the west. The shadow-tip of your stick moves in the opposite direction. So the first shadow-tip mark is always west, and the second mark is always east.

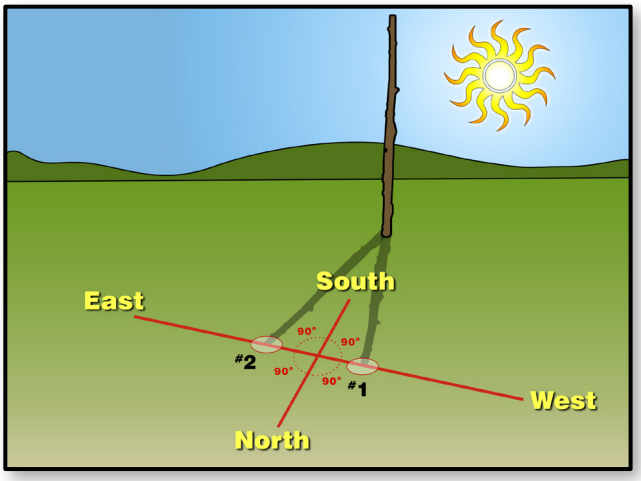



*Figure 4.4.10*

## STAR METHOD

At night, you can locate north by finding the North Star, which is also called Polaris. First, find the Big Dipper. The last two stars of the dipper's cup point directly at Polaris. It is about five times as far out as the distance between those two stars. Polaris is also the last star in the "handle" of the Little Dipper.

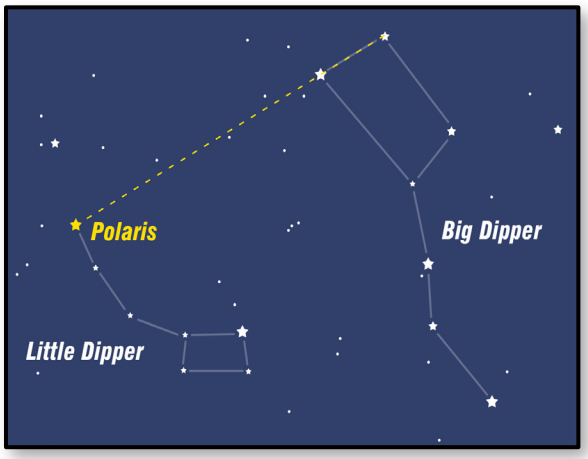



*Figure 4.4.11*

Using the Big Dipper to find the North Star is reliable about 60 percent of the time. The rest of the time, the Big Dipper is too low in the sky in the northern hemisphere. Navigators use another constellation called Cassiopeia to find Polaris. It is on the opposite side of Polaris and is usually visible when the Big Dipper can't be found.

## WATCH METHOD

You can also use a non-digital watch (a watch with hands for hours and minutes) to determine the approximate true north or true south.

Be careful using this method. In lower latitudes near the equator, this method is not reliable and can lead you to go in circles!

In the northern hemisphere, point the hour hand toward the sun. Find a north-south line midway between the hour hand and 12:00, standard time. If on daylight saving time, find the line between the hour hand and 1:00. If you have any doubt as to which end of the line is north, remember that the sun is in the east before noon and is in the west after noon.

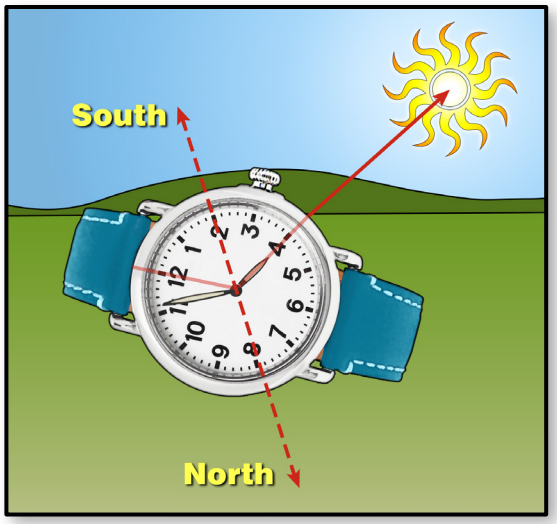



*Figure 4.4.12*

In the southern hemisphere, point the 12:00 dial toward the sun, and halfway between 12:00 and the hour hand will be a north-south line. If on daylight saving time, the line will lie midway between the hour hand and 1:00.

## Conclusion

Once you are able to find north using your compass, the sun, your watch, or the stars, you are ready to locate your position on the map. There are many good ways to locate your position on the map. Orient your map. Your map must be oriented so that north, south, east, and west on the map point the same way as they do on the ground.

Regardless of where you live, you need a way of expressing direction that is accurate and has a common unit of measure. Simply expressing, "to the right of that _____," may not be sufficient. The use of azimuths, compasses, protractors, and maps, will improve the accuracy of your directions.

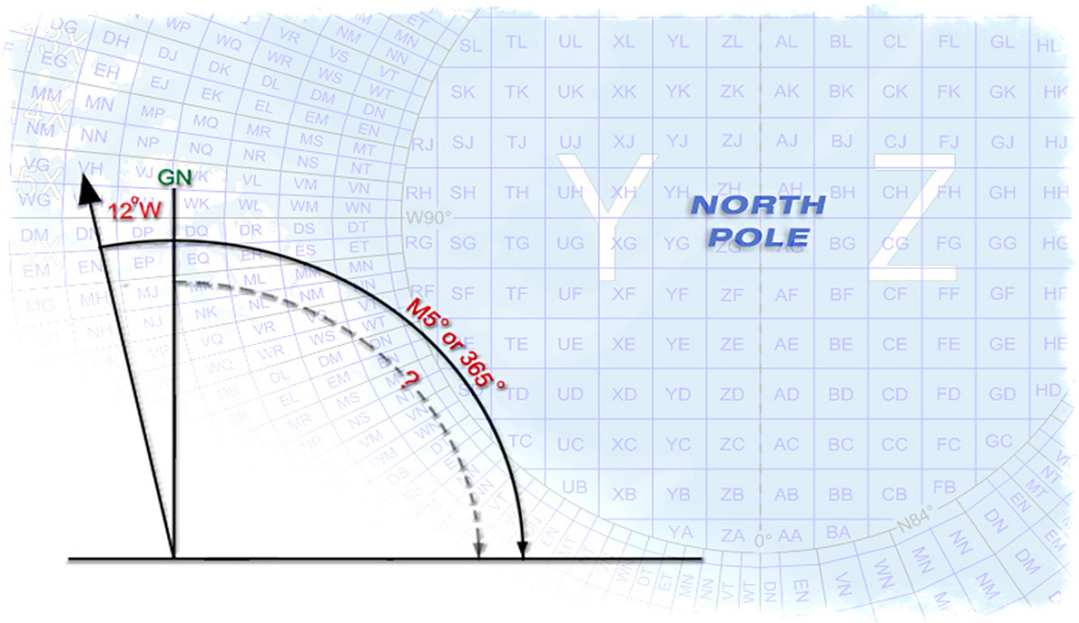
## Lesson Check-up



- **Define and describe the three base directions.**
- **Describe how to determine and measure a magnetic azimuth.**
- **Describe how to determine, measure, and plot a grid azimuth.**
- **How can you find north with some sticks and stones?**

LESSON 5

# The Grid-Magnetic Angle




## Key words

- agonic line
- declination diagram
- grid-magnetic angle
- isogonic lines

## What You Will Learn to Do

Use the grid-magnetic angle to accurately measure direction

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Take responsibility for your actions and choices

## Learning Objectives

- **Explain** why it is necessary to convert magnetic azimuths to grid azimuths
- **Calculate** a grid azimuth from a magnetic azimuth
- **Calculate** a magnetic azimuth from a grid azimuth
- **Define** key words: agonic line, declination diagram, grid-magnetic angle, isogonic lines

## Essential Question

**How can you use the G-M angle to obtain an accurate measurement of direction?**

## Introduction

In this lesson, you'll use what you learned about magnetic and grid azimuths to reconcile a precise direction. The steps for converting magnetic angles to grid angles rely on your map reading skills and some simple math.

## Earth's Magnetism and Your Compass

You may not have thought much about Earth's magnetism, but it actually has something to do with finding direction. Earth itself is a magnet and can interact with other magnets, such as the magnetic pointer on your compass. Your compass points at the magnetic North Pole, which is about 1000 miles south of the geographic North Pole, or true north.

However, your compass does not give you a completely accurate reading. The Earth's magnetic field changes and so does the magnetic North Pole. In the last 100 years, the magnetic North Pole has shifted more than 600 miles! Likewise, the difference between true north and magnetic north changes.

There is a pattern to the magnetic fields. In *Figure 4.5.1*, they are shown as magnetic contour lines, or **isogonic lines**. They trace the variation in magnetic and true north. Where there is no variation between true north and magnetic north, the isogonic lines show zero degrees—the **agonic line**.

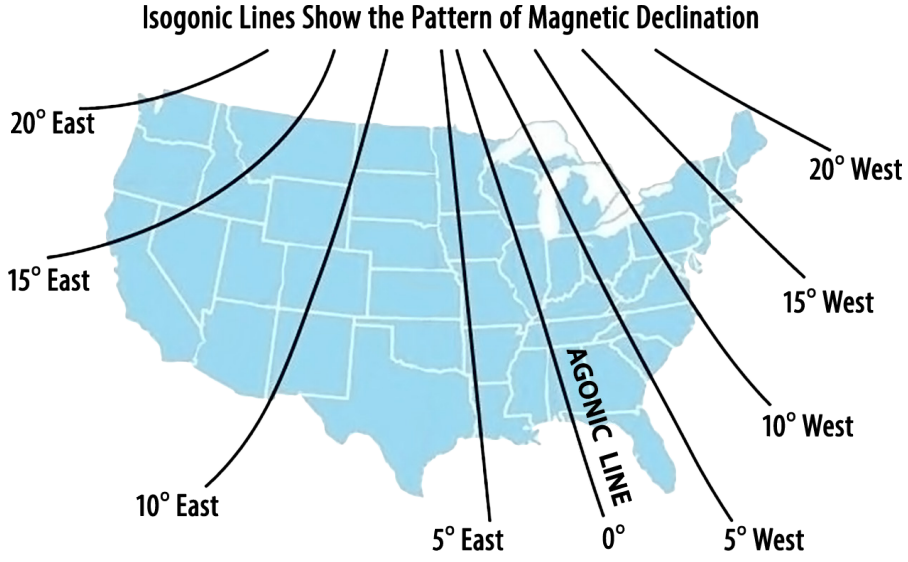



*Figure 4.5.1*

## Key words

**isogonic lines:**
The imaginary lines on a map that show the magnetic contour lines and the variation of magnetic and true north

**agonic line:**
A map line that indicates no variation between true north and magnetic north

You don't need to know where these lines are or memorize them. However, understanding that they exist will help you know why it is important to use some simple math to adjust grid and magnetic azimuths to measure the correct direction. The changing nature of magnetic north is also why you need to use the most recent map possible for land navigation.

## The Grid-Magnetic Angle

Topographic maps show north in three different ways: true north, grid north and magnetic north. This part of a map, usually found in the marginal area, is called the **declination diagram**.

Declination is the angular difference between true north and either magnetic or grid north. The declination diagram below shows the angular relationship, represented by prongs, between the three norths. However, the position of the three prongs in relation to each other varies according to the declination data for each map.

### Key words

**declination diagram:** The information on a topographical map that shows the angular differences between grid north, magnetic north, and true north

**grid-magnetic angle:** The angle between grid north and magnetic north

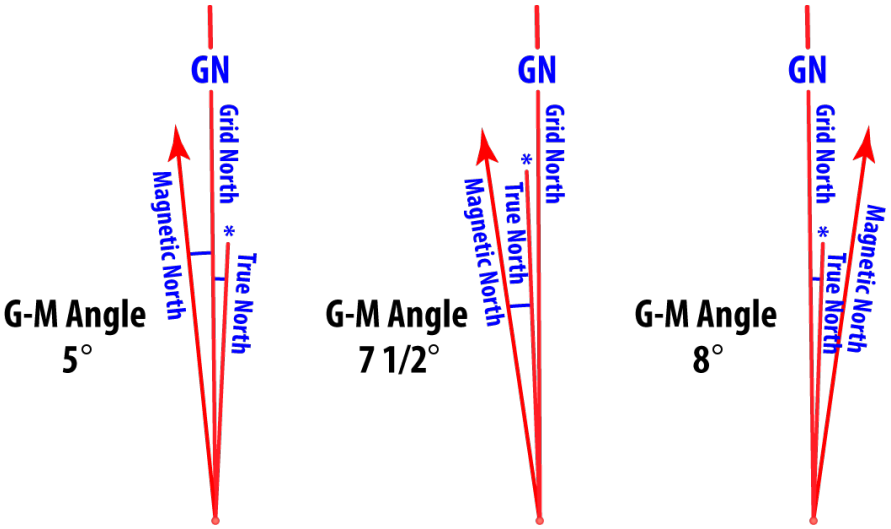



*Figure 4.5.2*

### Content Highlight:
**USING A DECLINATION DIAGRAM**

The diagram is a rough visual guide for declinations. It is not to scale. When you work with the **grid-magnetic angle** (G-M angle) always use the numbers listed, not the visual representation of the angle in the diagram.

The G-M angle is the angle between grid north and magnetic north in the year that mapmakers prepared the angular size. It is an arc that connects the grid north and magnetic north prongs. Maps express this value to the nearest one-half degree. The G-M angle is important in map reading because it helps a user apply direction to a known location on a map

(water tower, bridge, intersection, etc.) with its actual direction on the ground and vice versa. If you don't adjust for the G-M angle, you'll be heading in the wrong direction. The exception is if the G-M angle on your map is zero degrees—then the grid and magnetic azimuths will be the same.

## G-M Angle Conversion

The difference between the grid north and the magnetic north is caused by the attraction of the earth's magnetic field (found in Northern Canada). Because all compasses point toward magnetic north, the location of this magnetic field does not match exactly with the grid-north lines on the maps. Therefore, navigators need a conversion from magnetic to grid, or vice versa.



*Figure 4.5.3*

Converting the grid-magnetic angle will prevent you from getting lost. Suppose you are in a northeastern state where the declination is 15° W. You want to travel due north on your map (the map bearing is zero degrees). You ignore the G-M angle, set your compass dial to zero, turn your body to align the magnetic needle over the direction of travel, and start walking in that direction. By ignoring the G-M angle, for each 60 feet you travel, you will be 15 feet to the west of your course. After traveling one mile, you'll be one-quarter of a mile off course. In two miles, you'll be a half-mile off course to the west. The further you travel, the more you'll be off course.

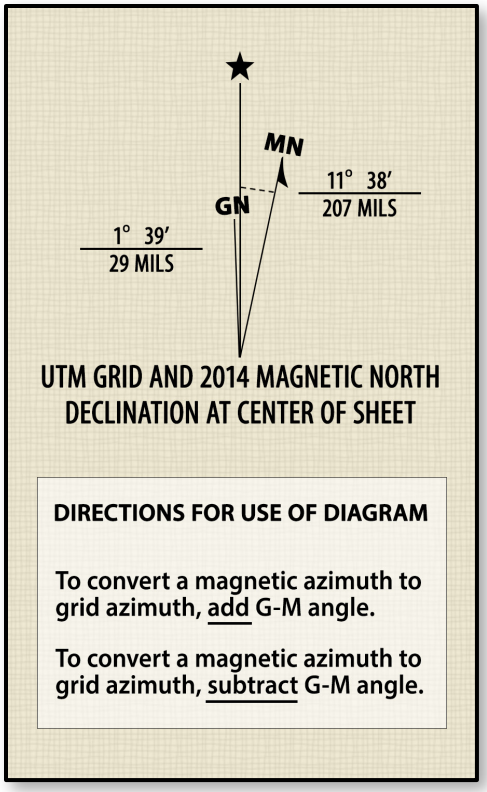



*Figure 4.5.4*

Anytime you switch between a map azimuth and a magnetic azimuth, or vice versa, you MUST remember to factor in the G-M angle in order to stay on course.

On some topographic maps, the G-M angle will not be listed. For example, many USGS maps show a declination diagram without the G-M angle spelled out.

Other maps show the G-M angle in the declination diagram, *(Figure 4.5.4)* along with directions on how to use the angle in conversions. The directions give instructions for converting a magnetic azimuth to a grid azimuth and vice versa. The conversion (to add or subtract) depends on the direction of the magnetic-north prong relative to the grid-north prong.

## Converting Grid Azimuth to Magnetic Azimuths

Suppose you are out hiking. You can see a water tower in the distance, and you can also see it marked on your topographic map. Once you use your map to determine the grid azimuth, you'll need to use your compass to navigate on the ground.

This is just one example where using the G-M angle to convert to a magnetic angle is important. You'll also want to pay attention to the declination diagrams and notice if the magnetic north is to the east or west of grid north. This east or west orientation determines how you will convert the grid azimuth to a magnetic azimuth.

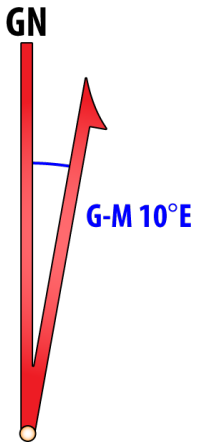



*Figure 4.5.5*

### EAST G-M ANGLES

The declination diagram on your map shows that the G-M angle is 10° *(Figure 4.5.5).* Your grid azimuth is 110°. Subtract the G-M angle from the grid azimuth: 110° – 10° = 100°. Your magnetic azimuth is 100°.

Here's another example. Using the same G-M angle, suppose your grid azimuth is 7°. You can't subtract 10° from 7°—you'll get a negative number and there are no negative azimuths. So we'll add 360° to 7° to get 367°. This works because 367° is at the same point as 7° on the azimuth circle. Now we can subtract the G-M angle: 367° - 10° = 357°. Your magnetic azimuth is 357°.

### WEST G-M ANGLES

Another map shows that the magnetic north is to the west of grid north, and the G-M angle is 8° *(Figure 4.5.6).* Suppose your grid azimuth is 125°. Add the G-M angle: 125° + 8° = 133°. Your magnetic azimuth is 133°.

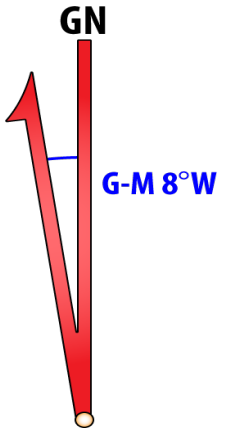



*Figure 4.5.6*

### CONVERSIONS

In summary, for grid to magnetic east G-M angle conversion:

- Subtract the G-M angle from the grid azimuth to find the magnetic azimuth.
- If the grid azimuth is smaller than the G-M angle, first add 360° to the grid angle, and then subtract the G-M angle to find the magnetic angle.

For grid to magnetic west G-M angles conversion:

- Add the G-M angle to the grid azimuth.

## Converting Magnetic to Grid Azimuth

It's also important to use the G-M angle the other way around—to convert magnetic to grid azimuths.

Imagine a situation where you are hiking and see a major storm approaching. While on a hilltop, you see a cabin at a lower elevation that you can use for shelter. The cabin is over a

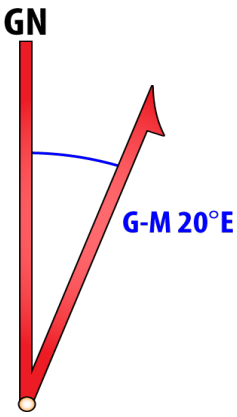



*Figure 4.5.7*

mile away and you will lose sight of it when you descend from the hilltop. You determine a magnetic azimuth to the cabin and want to check the map for the easiest path to the cabin. If you don't convert the magnetic azimuth to a grid azimuth, you may not find the cabin on the map. You'd get stuck in the storm with no shelter.

## EAST G-M ANGLES

When the magnetic angle is to the east of the grid angle, add the G-M angle to the magnetic azimuth.

Suppose you've measured a magnetic azimuth of 100°. Using the declination diagram, you see that the G-M angle is 20° *(Figure 4.5.7)*. You calculate 100° + 20° = 120°. Therefore, the grid angle is 120°. Now you can use this to keep your direction oriented on your topographic map.

## WEST G-M ANGLES

When the magnetic angle is to the west of the grid angle, subtract the G-M angle from the magnetic angle. Suppose your magnetic azimuth is 160° *(Figure 4.5.8)*. The declination diagram shows that the G-M angle is 15°. You calculate 160° - 15° = 145°. Your grid angle is 145°.

Converting the G-M angle requires practice. Become familiar with the proper procedures to follow whether there is an east or west G-M angle, or the G-M angle is greater than your grid or magnetic azimuth.

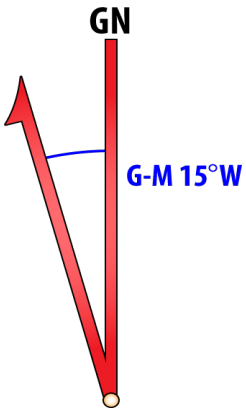



*Figure 4.5.8*

## Conclusion

This lesson presented map reading skills that you can use not only in later map reading instruction, but also in many practical ways. Mastering these skills will help you to navigate more effectively when the challenge arises.

## Lesson Check-up



- **What does the declination diagram on a map indicate?**
- **Explain how to convert grid azimuths to magnetic azimuths.**
- **Explain how to convert magnetic azimuths to grid azimuths.**

LESSON 6

# Determining Location



## What You Will Learn to Do

Apply map reading and land navigation skills to determine location

## Linked Core Abilities

- Apply critical thinking techniques
- Build your capacity for life-long learning
- Take responsibility for your actions and choices

## Learning Objectives

- **Determine** how to locate and read an eight-digit coordinate on a grid map
- **Describe** the procedure for locating an unknown point on a topographic map by intersection
- **Describe** the procedure for locating an unknown position on a topographic map by resection
- **Identify** procedures for locating or plotting an unknown point on a topographic map using polar coordinates
- **Define** key words: intersection, polar coordinates, resection

## Key words

- **intersection**
- **polar coordinates**
- **resection**

## Essential Question

**How can you locate and plot points on a map to within 10 meters of accuracy?**

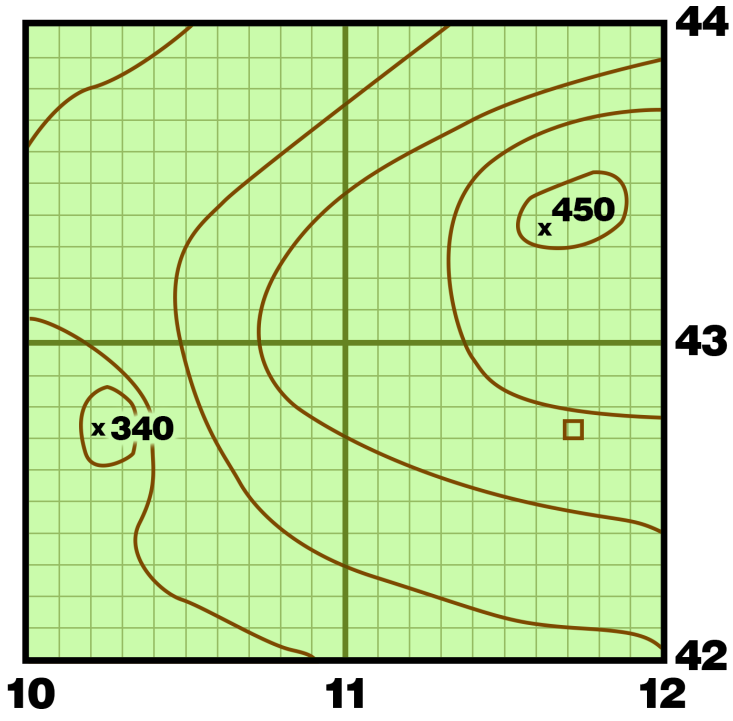
## Introduction

Sometimes it is not enough to know how to locate a point to within 1,000 or 100 meters, or to estimate the location of a distant point on the ground. There may be times when you have to determine your location, or a distant point, even more accurately. Or, perhaps you will need to use certain known locations as reference points. This lesson will help you to accomplish these tasks.

In this lesson, you'll learn about locating points to within 10 meters. You'll also learn how to locate points using **polar coordinates**, **intersection**, and **resection**.

## Determining an Eight-Digit Grid Coordinate

In an earlier lesson, you worked with six-digit coordinates on the MGRS system. Those coordinates locate points to within 100 meters. If you want to locate a point to within 10 meters, you need to work with eight-digit coordinates.




*Determining an Eight-Digit Grid Coordinate* *Figure 4.6.1*

## Key words

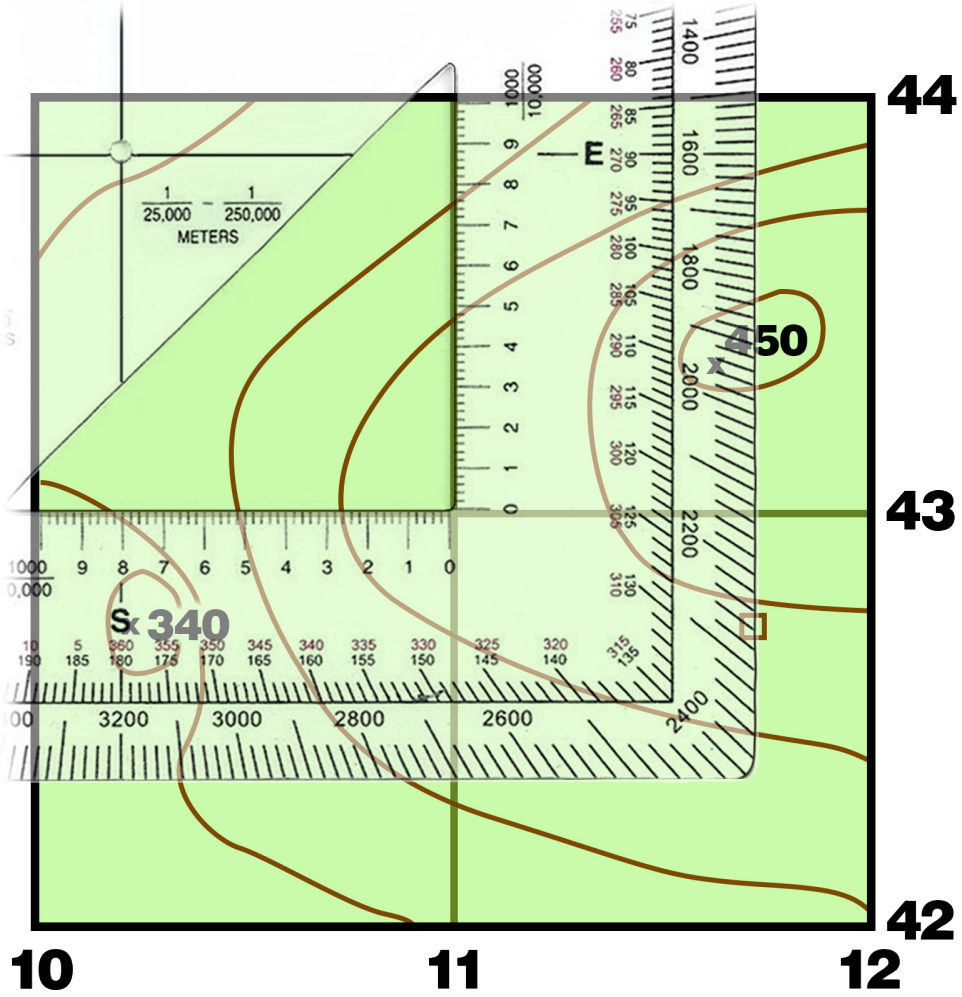
**polar coordinates:**
A method used to locate or plot an unknown position from a known point by direction and distance along that direction line

**intersection:**
A method of locating an unknown point by determining where the azimuths from at least two known points meet

**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

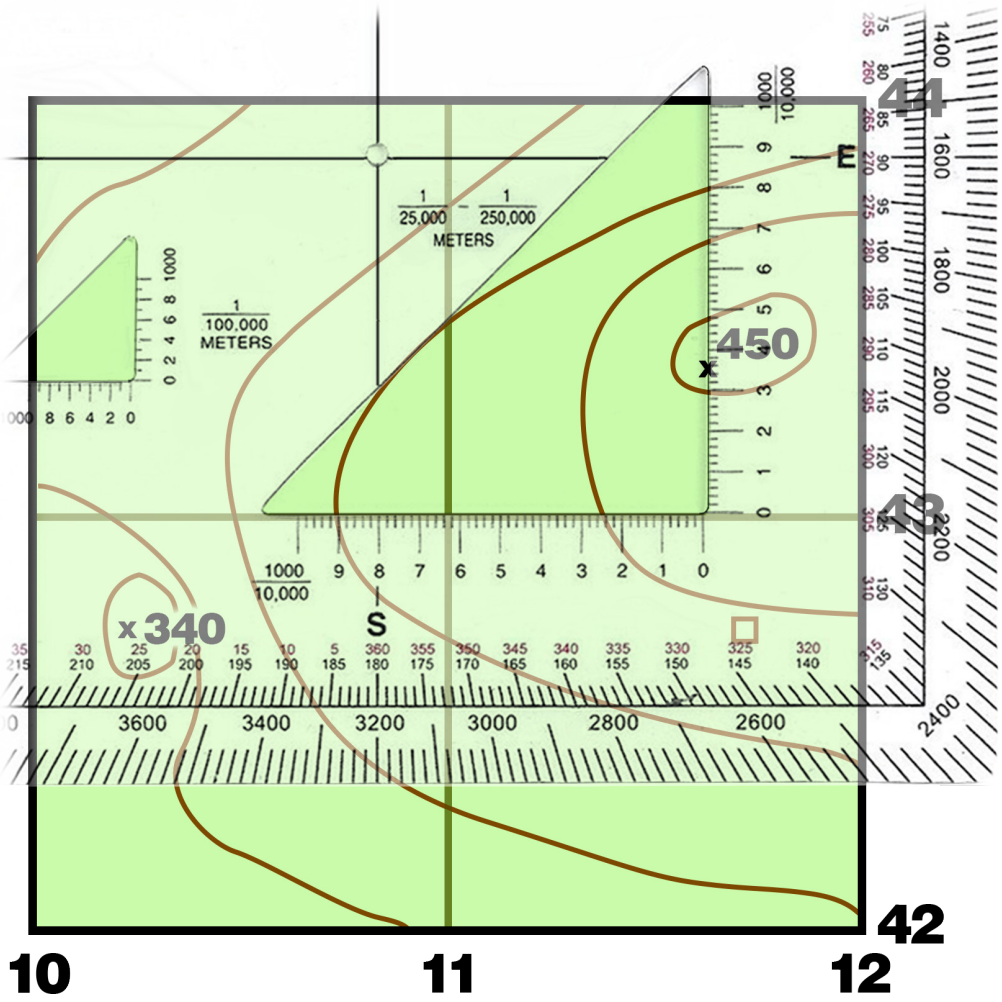
As before, you'll use a coordinate scale. Keep in mind that there are 100 meters between each 100-meter mark (number) on the coordinate scale, with a short tick mark to indicate 50 meters between each 100-meter mark. To locate the spot elevation 450 in *Figure 4.6.1* to within 10 meters, use the following procedures:

1. First identify the 1,000-meter grid square where spot elevation is located. To do this, read right, then up. When reading a map right and up, each north-south grid line increases in value from west to east, and each east-west grid line increases in value from south to north.
   - By reading right, the last north-south grid line before reaching the grid square containing spot elevation 450 is **11**.
   - By reading up, the last east-west grid line before reaching the grid square containing spot elevation 450 is **43**.
   - By adding the 100,000-meter square identifier (**YF**), **YF1143** locates the spot elevation to the nearest 1,000 meters.
2. Place the coordinate scale parallel to and directly on top of grid line **43** with the "0 mark" at the lower left corner of grid square **YF1143**. (*See Figure 4.6.2*) Be sure you are using the correct scale.




*Placing the Coordinate Scale* *Figure 4.6.2*

3. Keeping the horizontal scale on top of the **43** grid line, slide the scale to the right into the grid square until the vertical scale intersects the center of mass of the spot elevation. *(See Figure 4.6.3)*




*Slide the Scale to the Right* *Figure 4.6.3*

4. Reading from the "0 mark," the reading shows that spot elevation 450 lies between the 600 and 650-meter mark by approximately 30 meters. You determine that it is approximately 30 meters by estimating how many 10s the spot elevation is beyond the 600-meter mark. In this case, there are **3**, which gives you the third and fourth digits of the coordinate. Thus, the center of mass of spot elevation 450 is **630** meters into the grid square. You read this number as **1163**.
5. Reading up, you can see that spot elevation 450 lies exactly midway between the three and four mark on grid square 43. You read this number as **4335**.
6. By combining both sets of numbers and adding the 100,000-meter square identifier, the location of spot elevation 450 is **YF11634335**. You have now correctly located a point to the nearest 10 meters.

   To trace the degree of accuracy of an eight-digit grid coordinate from 1,000 to 10 meters, you can break it down as follows:

   - The underlined numbers in YF**11**63**43**35 represent the 1,000-meter grid square and they locate the point to within 1,000 meters (the "**11** – **43**" grid square).
   - The third and seventh digits of YF11**6**343**3**5 denote 600 and 300 meters and locate the point to within 100 meters.
   - The fourth and eighth digits of YF116**3**4335 denote 30 and 50 meters and locate the point to within 10 meters.

## Intersection

You can use intersection to locate an *unknown* point by determining where the azimuths from two (preferably three) *known* positions on the ground intersect.

Suppose you and a friend want to go for a hike. You'll each start at a different trailhead and meet at a cell tower you both can see. You can use the intersection method to find the eight-digit grid location of the cell tower. The intersection method also has military applications—for example, if two soldiers see an enemy in the distance.

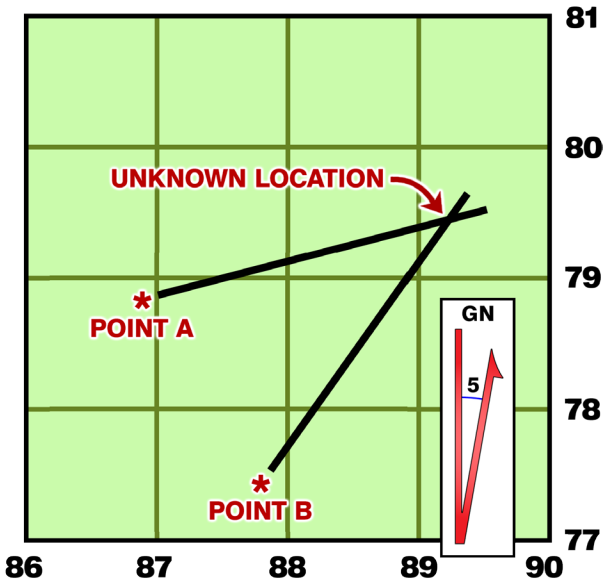
The intersection method answers the question: *What is the location of something I can see from two or more known locations?*

There are two ways to determine intersection—the map and compass method, and the straightedge method.

### MAP AND COMPASS METHOD

The first way to find an unknown point by intersection is with a map and compass. Follow these steps and examine *Figure 4.6.4*.

1. Orient the map using the compass. (Note: The best way to orient a map is to use a compass.)
2. Determine the grid-magnetic angle (G-M angle) of your map by reading the declination diagram. In this example, the G-M angle is **5° E**.
3. Locate and mark your first known position (Point A) on the map.

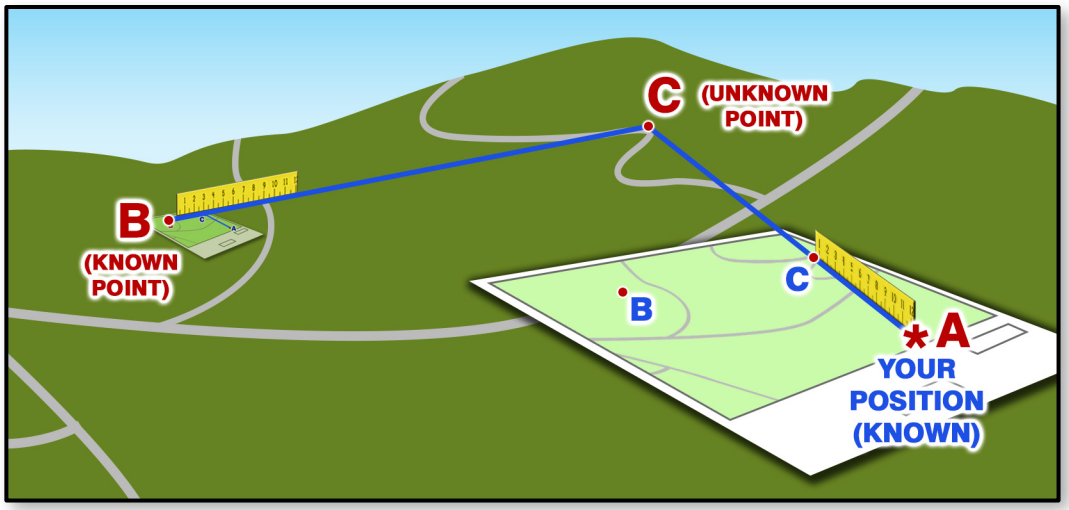



*Using Map and Compass: The Intersection Method* *Figure 4.6.4*

4. Measure the magnetic azimuth to the unknown point from Point A using a compass. In this example, the magnetic azimuth is **71°**.
5. Convert the magnetic azimuth to a grid azimuth. In this example, 71° + 5° = **76°** grid azimuth.
6. Place the coordinate scale on the map, ensuring that the 0° indicator is at the top and the index point is directly over the center of mass of Point A. Place a tick mark at **76°** on the map. Draw a line from Point A along this grid azimuth.
7. Move to Point B (the second known point) and locate it on the map. Then repeat steps 4, 5, and 6. For this example:
   - The magnetic azimuth in step 4 from Point B to the unknown point is 35°.
   - Convert this to a grid azimuth by adding the G-M angle to the magnetic azimuth: 35° + 5° = 40°.
   - Place a tick mark at **40°** on the map and draw a line along that grid azimuth.
8. The location of the unknown position is where the lines cross on the map. Determine the eight-digit grid coordinate for this position.

## STRAIGHTEDGE METHOD

The second way to locate an unknown point by intersection is by using a straightedge. Examine *Figure 4.6.5*, and follow these steps to find an unknown distant location.




*Using Intersection: The Straightedge Method* *Figure 4.6.5*

1. Orient the map (on a flat surface) to the ground by terrain association.
2. Locate and mark your *known* position on the map (Point A).
3. Place a straightedge on the map with one end at your position (Point A) as a pivot point. Rotate the straightedge until the *unknown* point (C) is sighted along the edge.
4. Draw a line along the straightedge.
5. Move to the second *known* position (Point B), repeat steps 3 and 4, and check for accuracy.
6. The intersection of these lines on the map is the location of the unknown point (C).
7. Determine the six- or eight-digit grid coordinate (depending upon the desired degree of accuracy) for the unknown point.

# Resection

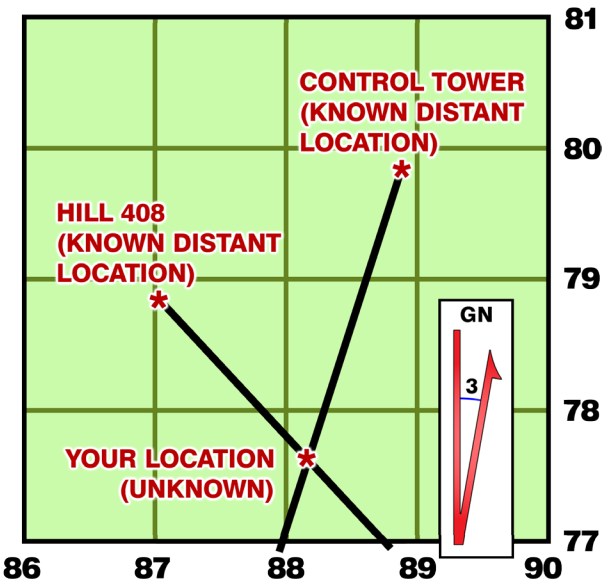
Suppose you are lost. You have a map and a compass or straightedge. You can use the resection method to locate your position on a map. The resection method answers the question: *Where am I on the map?*

To use resection you'll determine the grid azimuth to at least two well-defined locations on the map. For greater accuracy, the desired method of resection would be to use three well-defined locations. There are three ways you can use resection: the map and compass method, modified resection, and the straightedge method.

## MAP AND COMPASS METHOD

The first way to find your unknown location by resection is with a map and compass. Follow these steps and examine *Figure 4.6.6.*

1. Orient the map using the compass.
2. Determine the G-M angle of your map. In this example, the G-M angle is **3° E**.
3. Identify two or three known locations on the ground. Mark them on the map, such as Hilltop 408 and the Control Tower.
4. Measure the magnetic azimuth to one of the known positions from your location using a compass. In this example, the magnetic azimuth to Hilltop 408 is **312°**.




*Using Resection: The Map and Compass Method* *Figure 4.6.6*

5. Convert the magnetic azimuth to a grid azimuth by adding the G-M angle to the magnetic azimuth: 312° + 3° = 315°. The grid azimuth is **315°.**
6. Convert the grid azimuth to a back azimuth by adding or subtracting 180°. The back azimuth is: 315° – 180° = **135°.**
7. Place the coordinate scale on the map, ensuring that the 0° indicator is at the top and the index point is directly over the center of mass of the known point. Place a tick mark at 135°. Draw a line on the map from the known position back toward your unknown location.
8. Repeat steps 4, 5, 6, and 7 for the second known position (the control tower). For this example:
   - The magnetic azimuth to the control tower is 15°.
   - Convert this to a grid azimuth: 15° + 3° = 18°.
   - Convert this to a back azimuth: 18° + 180° = 198°.
   - Place a tick mark at **198°** on the map and draw a line back toward your unknown location.
9. The intersection of these two lines is your location. Determine the eight-digit grid coordinate for your position.

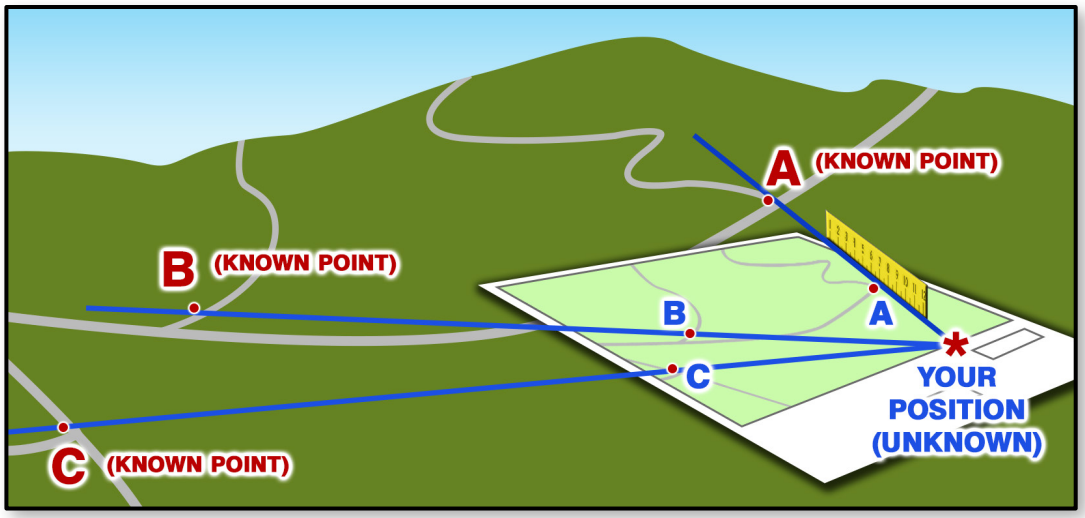
## Content Highlight:

### USE OF MODIFIED RESECTION

You can use modified resection to locate your position on the map when you are at a linear feature on the ground, such as a road, canal, stream, and so on. To do this, you need only one known location. Use the first seven steps; then where the drawn line (in step 7) crosses the linear feature is your location.

## STRAIGHTEDGE METHOD

Another way to locate your unknown position by resection is by using a straightedge. Examine *Figure 4.6.7*, and follow these steps to find your current unknown position.




*Using Resection: The Straightedge Method* *Figure 4.6.7*

1. Orient the map (on a flat surface) to the ground by terrain association.
2. Locate at least two *known* distant locations or prominent features on the ground and mark them on the map (Points A, B, and C).
3. Place a straightedge on the map pointing toward one of the *known* points (Point A). Rotate the straightedge until the known point on the map is aligned with the same known point on the ground.
4. Draw a line along the straightedge away from the known point on the ground toward your position.
5. Repeat steps 3 and 4 using the other *known* points (Points B and C).
6. The intersection of these lines on the map is your location.
7. Determine the six- or eight-digit grid coordinate (depending upon the desired degree of accuracy) for your location.

## Polar Coordinates

Polar coordinates answer the question: *Where will I be if I walk in a certain direction for x-number of meters?* Polar coordinates are a way to locate or plot an *unknown* point from a *known* location by giving a direction and a distance along the direction line.

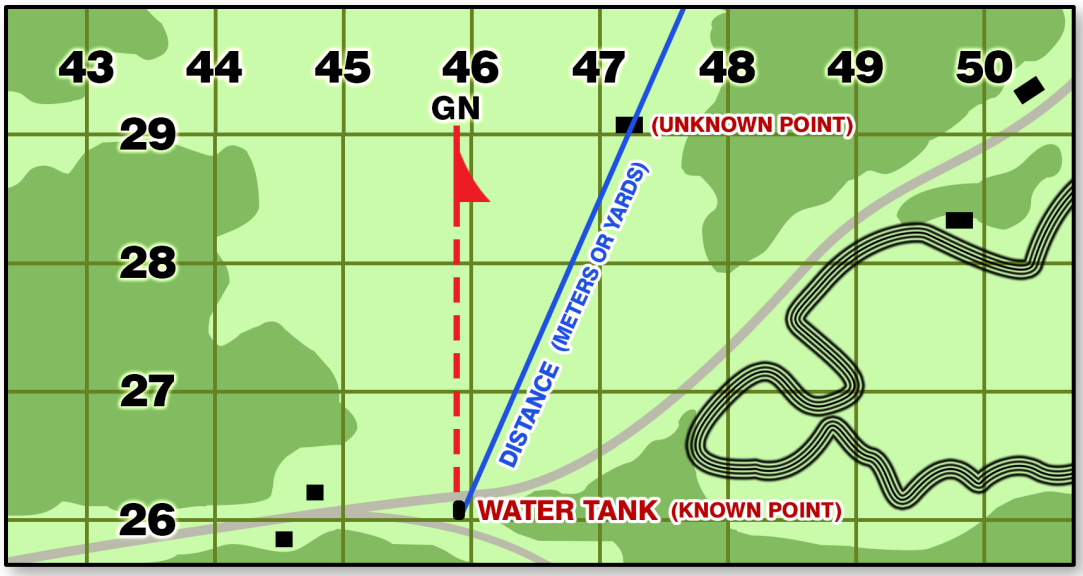
Three elements must be present to use polar coordinates:

- a known location on the map
- an azimuth (grid or magnetic)
- a distance (normally in meters)

There are two ways that you can use polar coordinates—the map and compass method, and the protractor method.

## MAP AND COMPASS METHOD

Use the following steps and examine *Figure 4.6.8* for the map and compass method.




*Using Polar Coordinates* *Figure 4.6.8*

1. Orient the map using a compass.
2. Determine the Grid-Magnetic Angle (G-M Angle) of the map you are using. In this example, the G-M Angle is **0°.**
3. Identify the *known* location on the ground and mark it on the map. In this example, the known location is the water tank in grid square **FL4526**.
4. Measure the magnetic azimuth to the *unknown* point (a building in grid square **FL4729**) from the known location using a compass. In this example, the magnetic azimuth to the building is **24°**.
5. Convert the magnetic azimuth to a grid azimuth. In this example, 24° + 0° = **24°** grid azimuth.
6. Place a coordinate scale on the map, ensuring that the 0° indicator is at the top and the index point is directly over the center of mass of the known point.
7. Place a tick mark at **24°**.
8. Draw a line on the map from the known location along this grid azimuth until it intersects the building.
9. Determine the distance to the unknown position. Using a straightedge and the procedure for measuring straight line distance, you determine the distance to the building in grid square **FL4729** to be 3,600 meters.

## PROTRACTOR METHOD

The second way to locate or plot an unknown point from a known location using polar coordinates is the protractor method. Follow these steps and examine *Figure 4.6.8*.

1. Determine the location of a *known* point on the map to within 100 or 10 meters. In this example, the known location is the water tank at grid coordinates **FL45952610**.
2. Measure a grid azimuth to the desired location or destination (the building in grid square **FL4729**). By using your protractor, you determine the grid azimuth to be **24°** to the building.
3. Determine the distance as you did in step 9 of the map and compass method.

## Conclusion

In this chapter, you discovered how to determine a point on a map to within 10 meters using an eight-digit coordinate. You also learned how to locate an unknown point using intersection, resection, and polar coordinates.

By using these skills in conjunction with the other map reading skills you should be capable of finding your way regardless of the situation. You may even have the opportunity to test your skills on an orienteering course or on another form of a land navigation course.

## Lesson Check-up



- **Describe the procedure for locating an unknown point on a topographic map by intersection.**
- **Describe the procedure for locating an unknown position on a topographic map by resection.**
- **How do you locate an unknown point on a topographic map using polar coordinates?**

LESSON 7

# Orienteering




## Key words

- aiming off
- attack point
- control points
- orienteering
- steering mark

## What You Will Learn to Do

Apply map reading skills to orienteering

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Differentiate** between six types of orienteering courses
- **Explain** the five-step process to determine direction of travel
- **Demonstrate** five movement techniques used in orienteering

## Essential Question

**How can you complete an orienteering course?**

## Learning Objectives (con't)

- **Identify** the control areas and safety aspects used in orienteering
- **Define** key words: aiming off, attack point, control points, orienteering, steering mark

## Introduction

This lesson introduces you to **orienteering**, its techniques and terminology, as well as the various types of orienteering courses. In addition, many of the map reading and land navigation skills practiced in previous lessons are applied.

## What is Orienteering?

Orienteering began in Scandinavia in the 1800s, primarily as a military event and as part of military training. By 1919, it had become a competitive sport in Sweden. In the early 1930s, the sport received a boost with the invention of an improved compass. Bjorn Kjellstrom, one of the inventors of that compass, introduced orienteering to the United States in 1946.

Orienteering is for all ages and degrees of fitness and skill. It provides the suspense and excitement of a treasure hunt. The object is to locate **control points** *(see Figure 4.7.1)* by using a map and compass to navigate the terrain.



*Figure 4.7.1*

## Key words

**orienteering:** A competitive form of land navigation in which each participant uses a map and compass to navigate between check points

**control points:** Trapezoid-shaped markers used on an orienteering course to show proof of arrival

Organizers of an orienteering event will give each participant a topographic map with various control points circled. *(See Figure 4.7.2)* Each control point has a corresponding flag marker on the ground and a special punch which organizers use to mark the scorecard. Competitive orienteering involves running from point to point. It is more demanding than road running, not only because of the terrain, but because the participant must make decisions, and keep track of the distances covered. Courses may be as long as 10 kilometers.



*Figure 4.7.2*

Although orienteering challenges both the mind and the body, the competitor's ability to think under pressure and make wise decisions is sometimes more important than speed or endurance. The person just starting out in orienteering should concentrate more on refining map reading and land navigation skills than on running between the control points.

## Types of Orienteering Courses

There are different types of orienteering events that range from individual courses, to a relay event, to night competition. All types of orienteering courses are interesting and challenging, but they vary in their degree of difficulty. The best location for an orienteering course is one that is easily identifiable on both a map and the actual terrain. It should also be accessible from several routes. Listed below are some of the most common orienteering events/courses.

### ROUTE ORIENTEERING

This form of orienteering can be used by beginners to the sport, as well as for advanced competition. In route orienteering, a master (or advanced competitor) walks a route while beginners trace the actual route walked on the ground using their maps. Beginners circle the location of the different control points found along the walked route. When they finish, organizers analyze and compare the maps. For beginners, time is not a factor in this event.

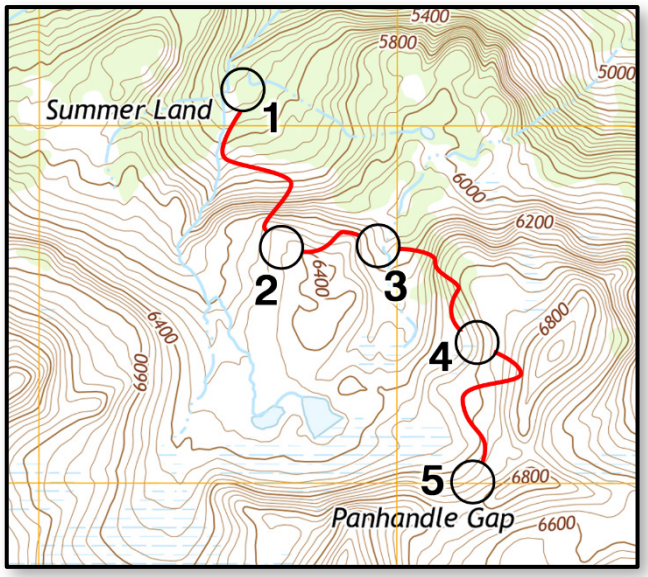


*Figure 4.7.3*

Another variation of route orienteering involves a course laid out with markers for the competitor to follow. Because the route is indicated with flags or markers, there is no master map. The winner of the event is the competitor who successfully traces the route and accurately plots the most control points.

## LINE ORIENTEERING

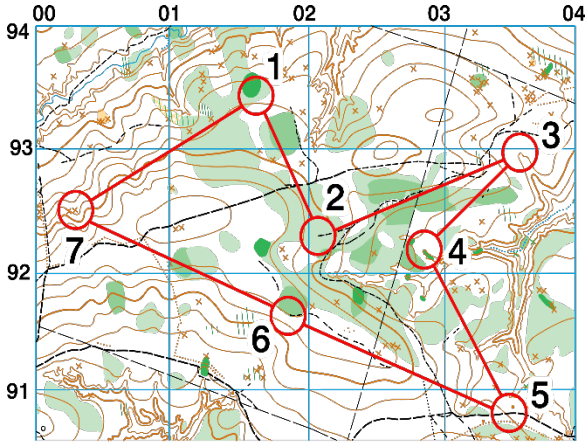
In line orienteering, competitors trace on their maps a pre-selected route from a master map that has at least five control points. The object is to walk the route shown on the map, circling the control points on the map as competitors locate them on the ground. *(See Figure 4.7.4)*




*Line Orienteering* *Figure 4.7.4*

## CROSS-COUNTRY ORIENTEERING

Cross-country (or free-point orienteering) is the most common type of orienteering competition. It is considered to be the most competitive and intriguing form of orienteering. In this event, all competitors must visit the same control points in the same order. With the normal one-minute starting interval, it becomes a contest of route choice and physical skill. The competitor with the fastest time is the winner.




| CONTROL NO. | COORDINATES | CONTROL CODE | DESCRIPTION OF CLUES |
|---|---|---|---|
| 1 | GL01079304 | WE | CEMETARY, NORTHERN |
| 2 | GL02019202 | WT | CREEK, JUNCTION-CENTER |
| 3 | GL03069209 | DA | DRAW, CENTER |
| 4 | GL02089202 | WK | SOUTH END OF RUNWAY |
| 5 | GL03059008 | CM | EAST END OF POND |
| 6 | GL01089107 | RD | HILLTOP 134-TOP |
| 7 | GL00039205 | JD | SPUR-150 SOUTHEAST OF HILLTOP |

*Cross-Country Orienteering* *Figure 4.7.5*

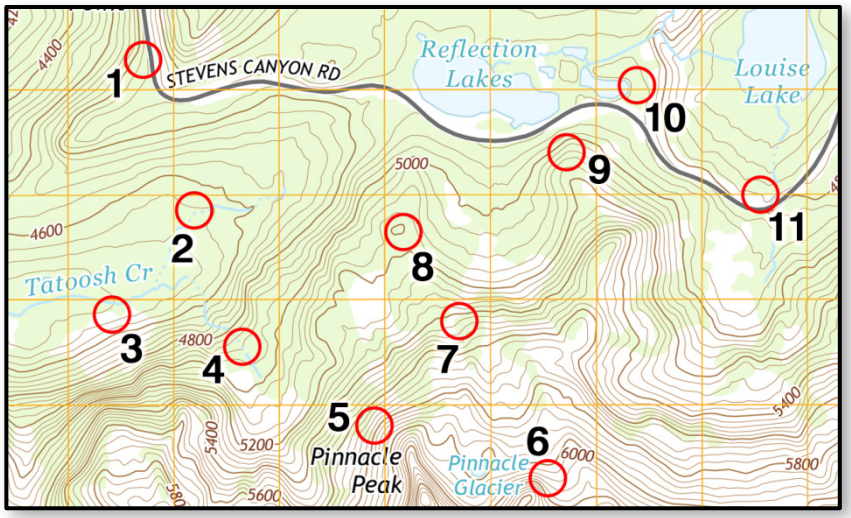
The length and difficulty of the course is determined by the skill of the competitors. There are usually 6-12 control markers on the course in varying degrees of difficulty and distances apart so that there are no easy, direct routes. The course may be closed-in with the start and finish located at the same position or the start and finish may be at different locations.

Organizers mark each point in order on a master map. They give competitors a clue list that describes each control point with an 8-digit grid coordinate, a two-letter control code *(see Figure 4.7.5),* and a clue describing the terrain in the location of the marker. Competitors must indicate on their score cards proof of visiting each control marker. This is usually done with a special stamp or punch.

## SCORE ORIENTEERING

In this event, the area chosen for the competition has many control points. The control points near the start/finish point (usually identical in this event) have a low point value, while those more distant or more difficult to locate have a high point value. The competitor must locate as many control markers as possible within the specified time (usually 90 minutes).

As with a cross-country event, organizers give each competitor a map and an event card. The card lists all the control points with their different values. Organizers design the course so that there are more control points than a competitor can possibly visit in the allotted time. *(See Figure 4.7.6)* Therefore, competitors must plan and choose their route between control points carefully. Points are awarded for each control point visited and deducted for exceeding the specified time; however, there is no reward for returning early with time still available to find more points. The good competitor must be able to coordinate time and distance with the ability to land navigate while running the course. The competitor with the highest point score is the winner.




*Score Orienteering* *Figure 4.7.6*

## RELAY ORIENTEERING

This type of orienteering is a popular team sport. Each member of the team runs a free-point or line orienteering leg of one to two miles. No person runs more than one leg. The competition may be held using a master map for the entire course or one for each leg.

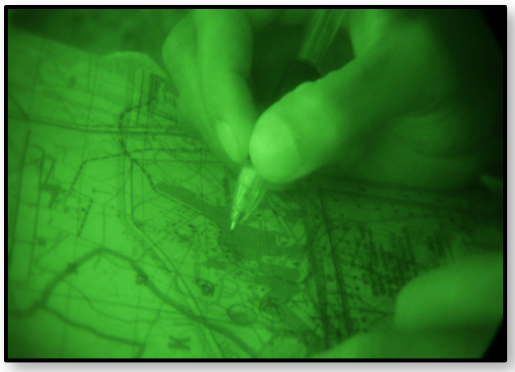
In the case of a master map for the entire course, the first team member copies down all legs of the course. After completing the first leg, they hand the map to the next runner, who completes the next leg of the course. The team repeats this process until all members have run their portion of the course.

In the case of a master map for each leg, the first team member goes to a master map that has only the first location on it. When that person completes the first leg, they give the map to the next person, who goes to a different master map and copies the second portion of the course. This continues until all members of the team have completed their leg.

## NIGHT ORIENTEERING

Night orienteering is a free-point or score event occurring in the evening. The main differences between a night conducted free-point or score and one conducted during the day are:

- Control points are marked by a light that is visible from 30 to 50 meters in all directions.
- The event is run over less difficult terrain.



*Night Orienteering* *Figure 4.7.7*

Night Orienteering *(cont'd):*

- Control points are located no more than 400 to 800 meters apart.
- Competitors receive a detailed safety briefing before the event begins.
- The signal used to indicate the conclusion of the event or an emergency is a vehicle horn or a flare.

## Orienteering Strategies

A sound knowledge of the basics of map reading will help you immensely as an orienteering event competitor. Additional skills such as accurate compass reading, good decision making, and using the terrain are critical as well. The beginner-level orienteer should learn the following techniques.

### DETERMINING DIRECTION OF TRAVEL

After you have plotted the course's control points, you must determine how to get to the first and other control points. The basic compass technique used in orienteering to determine direction of travel consists of five steps:

1. Lay the map on a flat surface and orient it to magnetic north by placing the edge of the compass along a north-south grid line. Rotate the map and compass until the red north magnetic needle is lined up directly with the index line and direction of travel line.
2. While keeping the map oriented, move the compass in such a way that the base plate edge of the compass touches 'your location' and the location of 'your destination'. (The compass is now pointing in the direction of travel.)
3. Rotate the dial with the degrees and the red orienting arrow until the orienting arrow is hovering directly over the red magnetic needle. You have now locked in your grid azimuth to your destination.
4. Now you must convert the grid azimuth to the magnetic azimuth. Lift the compass off the map and correct for magnetic declination. Refer to the declination diagram on your map. This will show the G-M angle. If the declination is west, rotate the compass' degree dial counterclockwise the appropriate number of degrees; if the declination is east, then rotate the degree dial clockwise the appropriate number of degrees.

   ***REMINDER:*** When you convert grid to magnetic, you subtract a west G-M angle from the grid azimuth. You add an east G-M angle to the grid azimuth.
5. Holding the compass in front of you, rotate your body until the north arrow lies under the orienting arrow. The direction of travel to your destination is now indicated by the direction of travel arrow.



*Figure 4.7.8*

### ROUTE SELECTION

As mentioned at the beginning of this lesson, orienteering develops many skills besides map reading. An important one is decision making. Route selection is where competitors must make decisions. Which is the fastest way from point A to point B? Is it over or

around a hill? Is it going cross-country or using a road or trail? Except for those instances when organizers mark or specify the route in advance, wise route selection is important.

A good orienteering course will have some elevation obstacles. These obstacles will force you to decide if it is faster to go the most direct route over it or to take a longer detour around it. A simple formula to convert height into comparable flat distance is—25 feet of elevation equals 100 meters on a flat surface.

For example, suppose the straight-line distance to point B is 500 meters with a 50-foot high hill. The energy you would expend would be equivalent to running 500 meters plus an additional 200 meters for going over the hill (50 feet is twice as high as 25 feet, so the distance will be 200 meters). That's 700 meters. If the detour around the hill equals a total of 680 meters, it may be easier to go around it, depending upon the type of terrain you encounter.

**25 Feet of elevation = 100 Meters on a flat surface**

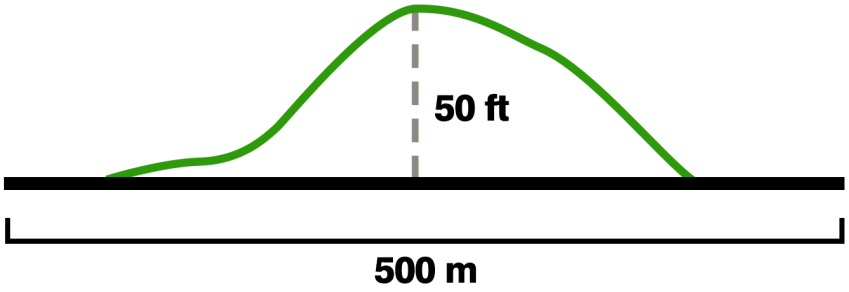



*Figure 4.7.9*

The type of terrain and vegetation that you encounter has a major impact on your pace. You must know your pace count through several types of terrain. In addition, you must know your pace when trotting and running, both when you are fresh and when you are tired. Although pacing will vary from individual to individual, *Figure 4.7.10* may be useful, but remember there are individual differences. This table assumes it is daylight, when the runner is fresh and on flat terrain.

| Terrain | Typical Pace Count for Someone 5'9" to 6' Tall |
|---|---|
| Road/Path | 40 |
| Light Vegetation | 43 |
| Open Forest | 46 |
| Dense Forest | 50 |

*Figure 4.7.10*

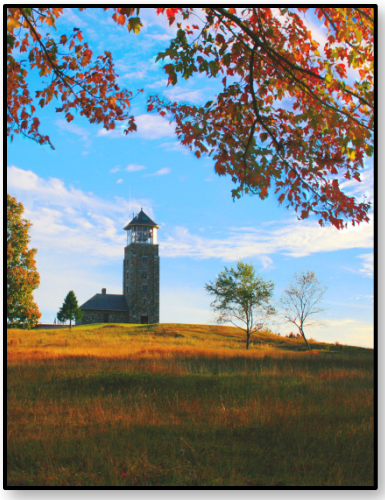
## MOVEMENT TECHNIQUES

In addition to knowing the control points locations and where you are at all times, you must also know the best route for getting to the next control point. The shortest route may not be the fastest, and it may not pay to travel between two points as fast as possible if you tire yourself out in the process.

**NOTE:** Remember, you can locate your position on a map using terrain features, a back azimuth, or resection.

There are several techniques available to aid you in moving from one control point to another. They include the following:

- ***Direct Line.*** This method involves establishing a compass bearing between your location and the destination; then, following the compass bearing until you reach the point. A variation of this technique is to establish a compass bearing that you will follow for a specific distance at which time you establish a new bearing. Repeat this process until you reach the final destination.
- ***Steering Marks.***
  A **steering mark** is a prominent object or terrain feature on the ground that you can see and that is in the general direction of travel. Such objects as a lone tree or building are good examples of steering marks. One of the advantages of this technique is that once you reach the steering mark, you can reorient yourself before continuing.



*Steering Mark* *Figure 4.7.11*

- ***Aiming Off.*** The **aiming off** technique is valuable when your destination lies along a linear terrain feature such as a road or stream. Due to errors in compass or map reading, you may reach a linear feature and not know whether your objective lies to the right or the left. Furthermore, each degree that you are offset to the right or left will move the aim-off point from the destination 17 meters to the right or left for each 100 meters traveled. For example, if the number of degrees offset is 10 and the distance traveled is 100 meters, then your location is 170 meters to the left of the objective (10 degrees offset X 17 meters per 100 meters traveled = 170).

  **NOTE:** A proven technique to prevent confusion about turning left or right is to deliberately aim to one side of a linear feature destination. When you reach the linear feature, you will know in which direction to turn.
- ***Attack Points.*** When using the **attack point** technique, you select a prominent terrain feature, such as a hilltop or road junction, near your destination. You may use any technique to arrive at this point. Then you can reorient yourself, and then make a final short approach to it. The purpose of this technique is to minimize the distance you have to travel on the final approach. This, in turn, limits any errors in compass work or pacing you might make in locating the destination. The difference between an attack point and a steering mark is that you select an attack point from a map.

## Key words

**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

**aiming off:**
An orienteering method where the navigator aims to one side of a destination point instead of directly at it

**attack point:**
An easy-to-find landscape feature shown on the map from which the final approach to a control point may be made

- ***Geographic Orientation.*** This technique involves keeping the map oriented as you travel and remembering what terrain features you will encounter en route to the next control point. For example, if you decide to follow a road to reach the next control point, you should orient the map as you stop and make turns along the road.

  Using *Figure 4.7.12*, assume that you want to travel from your position at "A" to control point 4. One route that you could take would be to use the north-south intermittent stream bed. Pass the first two east-west intermittent stream junctions that you encounter and take the eastern fork at the third junction. Follow that intermittent stream to the road junction (which you can call an attack point). From the road junction, shoot an azimuth to the control point.

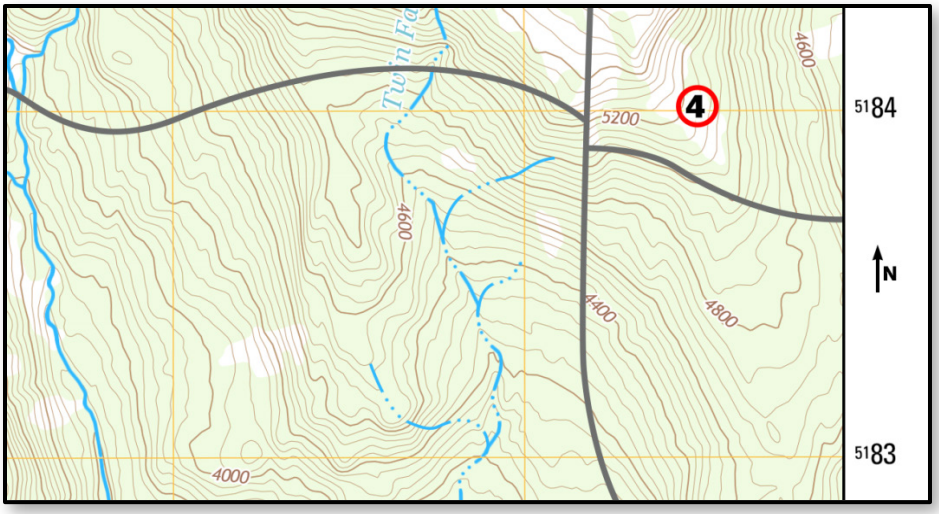



*Figure 4.7.12*

## Equipment



*Figure 4.7.13*

When planning to participate in an orienteering event, you should wear and take the proper clothing and equipment.

Choose the clothing to wear depending on the type of vegetation and terrain you will encounter on the course. For example, in bushy terrain, you should wear a long-sleeve shirt and long pants to protect against cuts and scratches. For those who want to pursue orienteering as a sport, consider purchasing light nylon racing suits. These are full-length suits (usually fluorescent) with long sleeves and pouches in the front to carry maps, compasses, and so on.

Hiking shoes or boots are excellent for orienteering because of their durability and the ankle support they provide. High-top sneakers also provide excellent ankle support. Cross-country running shoes are good because they are lightweight and have better traction in mud, but they do not normally support the ankles.

Although a standard military lensatic compass is very good for orienteering, its one disadvantage is the time required for the needle to stabilize prior to lining up an azimuth.

Those who desire to pursue orienteering as a sport may want to acquire an induction dampened or liquid-filled compass.

The map is probably the most important item the participant carries. The most common map used in orienteering is a topographic map with a 1:50,000 scale; however, competitors prefer a 1:25,000 scale because it is easier to read and it shows features in greater detail. Try to use multi-colored maps if they are available. Outline the course details on your own map and copy the key terrain features from color-coded master maps. Cover your map with a clear, plastic-like material such as a document protector to prevent these marks from smearing and/or becoming unreadable.

## Course Organization

At every orienteering event, there are a few basic elements that you will encounter. These are essential to the efficient and safe operation of the event, and are covered in the following sections.

### OFFICIALS

Most events often use the same officials at both the start and finish, although their functions are different at each end. At the start, these officials include:

- ***Course Organizer.*** Briefs competitors in the assembly area, issues event cards and maps, and calls competitors forward to start individually (or in groups if it is a group event).
- ***Recorder.*** Records the competitor's name and start time on the recorder's sheet, checks the competitor's name and start number on the event card, and issues any last-minute instructions.
- ***Timer.*** Controls the master clock and releases the competitors across the start line at their start time (usually at one-minute intervals) to the master map area.

At the finish, the officials include:

- ***Timer.*** Records the finish time of each competitor on their event card and passes the card to the recorder.
- ***Recorder.*** Records competitor's finish times on the recorder's sheet and tallies the final score based on time and correctness of control points visited.
- ***Course Organizer.*** Verifies correctness of names, finish times, and final score. Posts competitors' positions on a results board and accounts for all participants at the end of the event.

More officials and/or assistants may be used; however, the three listed here are the minimum required to run the competition.

### CONTROL AREAS

In many orienteering events, there are at least three control areas. They are:

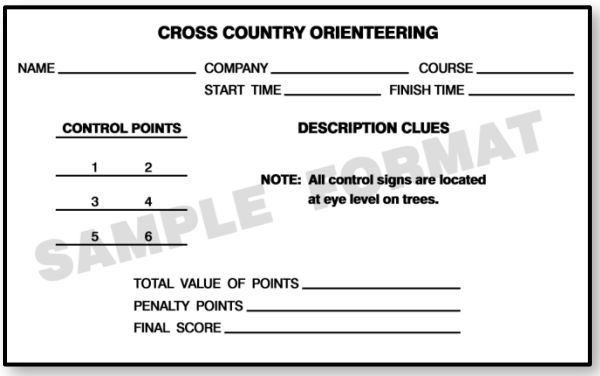
- ***Assembly Area.*** Here participants register and receive instructions, maps, event cards, and start numbers. They may also change into their orienteering clothes if facilities are available, study their maps, and fill out their event cards. Sanitation facilities are normally available in this area.
- ***Start (Start/Finish).*** At the start, each competitor reports to the recorder and timer to be logged in and released. Oftentimes, the start and finish are at the same location.

Control Areas *(cont'd):*

- ***Master Map Area.*** There are three to five master maps 20 to 50 meters from the start. When the participants arrive at this area, they must mark all the course's control points on their maps. Having done this, competitors must decide on the route they will follow. Experienced competitors will take the time to orient their map and carefully plot the route before rushing off.

## CONTROL CARDS

Organizers make the event card as small as possible so that competitors can easily carry it in a pocket. It contains the following items: name, start number, start time, finish time, total time, place, and spaces for marking the control points visited. It may also contain a listing of descriptive clues. *Figure 4.7.14* is a sample event card for the most common type of an orienteering course.


CROSS COUNTRY ORIENTEERING

NAME _____ COMPANY _____ COURSE _____

START TIME _____ FINISH TIME _____

CONTROL POINTS

1 2

3 4

5 6

DESCRIPTION CLUES

NOTE: All control signs are located at eye level on trees.

SAMPLE FORMAT

TOTAL VALUE OF POINTS _____

PENALTY POINTS _____

FINAL SCORE _____

*A Typical Control Card* *Figure 4.7.14*

## CLUE DESCRIPTION CARDS

Organizers prepare these cards with the master maps after the course is set. They contain the descriptive clues for each control point, control code, grid coordinate references, returning time for competitors, removal times for each location, and panic azimuth. Organizers keep the clue description cards and the master maps confidential until the competitors start the event.

## SCORING

Organizers score the cross-country or free event by the competitor's time alone. Competitors must visit all control points; failure to visit one results in a disqualification. In this event, the fastest time wins. A variation that organizers often use for beginners is to have a "not-later-than" return time at the finish and to add minutes on to their final time for the number of minutes late and for the number of control points not located.

The score event requires the participant to collect as many points as possible within the time limit. Organizers deduct points for extra time spent on the course—usually one point for every 10 seconds over the time limit.

## SAFETY

The following items and provisions are required to ensure that an orienteering course runs as safely as possible. Furthermore, the course organizer ensures that all participants receive a detailed safety briefing that covers the following key information.

- ***First Aid.*** Ensure that a first aid kit is available at the start and finish. One of the officials should be trained in first aid, or a qualified medical person should be at the event.
- ***Control Points.*** Locate all control points where the safety of the competitors is not endangered by hazardous terrain or other conditions.
- ***Safety Lane.*** Designate a location, usually linear, on the course where competitors may go if injured, fatigued, or lost. A good course will usually have a well-defined boundary as a safety lane; then competitors can set a panic azimuth on their compass and follow it until they reach the boundary.

Safety *(cont'd):*

- ***Finish Time.*** All orienteering events must have a final return time. At this time, organizers should sound a loud siren or horn and all competitors must report to the finish line, even if they have not completed the course.
- ***Search and Rescue Procedures.*** If all competitors have not returned by the end of the competition, the officials should drive along the boundaries of the course to pick up the missing people.

## Content Highlight:

### GIVE ORIENTEERING A TRY!

Interest in orienteering within the United States has grown rapidly over the years. Orienteering is conducted under the guidelines of the United States Orienteering Federation. For more information, check out the International Orienteering Federation's website at http://www.orienteering.org/.

## Conclusion

Orienteering is a form of land navigation where the terms, symbols, and techniques are different from military land navigation. Although an expert military map reader/land navigator is by no means ready to complete a civilian orienteering event, military experience and training in navigating on the ground and reading maps (as well as physical training and decision making) will help you to become a good orienteering competitor. Several orienteering practices and a complete familiarization with the map reading skills presented in previous lessons will help you to gradually become competitive in this exciting and challenging sport.

## Lesson Check-up



- **What is orienteering and how did it originate?**
- **List the six types of orienteering courses.**
- **Explain the five-step process to determine direction of travel.**
- **Describe the five movement techniques used in orienteering.**

# CHAPTER 5




*Figure 5.0*



# CITIZENSHIP & GOVERNMENT



## Chapter Outline


**LESSON 1: Organizing a Government** (p.206)
*What did the Founders think about constitutional government?*

**LESSON 2: Philosophies of Civic Life** (p.218)
*What ideas about civic life informed the founding generation?*

**LESSON 3: Influences on Individual Rights** (p.230)
*What historical developments influenced modern ideas of individual rights?*

**LESSON 4: British Origins of American Constitutionalism** (p.240)
*In what ways did British history influence American constitutionalism?*

**LESSON 5: Colonial Ideas about Rights and Government** (p.252)
*What basic ideas about rights and constitutional government did colonial Americans hold?*

**LESSON 6: Colonial Rebellion and the Declaration of Independence** (p.264)
*Why did the American colonists want to be independent from Great Britain?*

**LESSON 7: Early State Constitutions** (p.274)
*What basic ideas about government and rights did the state constitutions include?*



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# Chapter Outline (cont'd)

**LESSON 8: The Articles of Confederation** (p.284)
*What were the Articles of Confederation, and why did some Founders want to change them?*

**LESSON 9: The Philadelphia Convention** (p.296)
*How was the Philadelphia Convention organized?*

**LESSON 10: The Debate Over Representation** (p.304)
*Why was representation a major issue at the Philadelphia Convention?*

**LESSON 11: The Branches of National Government** (p.312)
*What questions did the Framers consider in designing the three branches of the national government?*

**LESSON 12: Balancing National and State Powers** (p.324)
*How did the delegates distribute powers between national and state governments?*

**LESSON 13: The Anti-Federalist Position** (p.332)
*What was the Anti-Federalist position in the debate about ratification?*

**LESSON 14: The Federalist Position** (p.340)
*What was the Federalist position in the debate about ratification?*

**LESSON 15: Amendments and Judicial Review** (p.348)
*How have amendments and judicial review changed the Constitution?*

**LESSON 16: Political Parties and the Constitutional System** (p.358)
*What is the role of political parties in the constitutional system?*

# Chapter Outline (cont'd)


**LESSON 17: The Constitution and the Civil War** (p.368)
*How did the Civil War test and transform the American constitutional system?*

**LESSON 18: Due Process** (p.378)
*How has the Due Process Clause of the Fourteenth Amendment changed the Constitution?*

**LESSON 19: Equal Protection of the Laws** (p.388)
*How has the Equal Protection Clause of the Fourteenth Amendment changed the Constitution?*

**LESSON 20: Expanding the Right to Vote** (p.398)
*How has the right to vote been expanded since the adoption of the Constitution?*

**LESSON 21: The Role of Congress** (p.408)
*What is the role of Congress in American constitutional democracy?*

**LESSON 22: Congressional Powers** (p.420)
*How does Congress perform its functions in the American constitutional system?*

**LESSON 23: Presidential Powers** (p.432)
*What is the role of the President in the American Constitutional system?*

**LESSON 24: Administering National Laws** (p.446)
*How are national laws administered in the American constitutional system?*

**LESSON 25: The Supreme Court** (p.456)
*What is the role of the Supreme Court in the American constitutional system?*

# Chapter Outline (cont'd)

**LESSON 26: American Federalism** (p.464)
*How does American federalism work?*

**LESSON 27: The Bill of Rights** (p.476)
*What are bills of rights and what kinds of rights does the U.S. Bill of Rights protect?*

**LESSON 28: Freedom of Religion** (p.488)
*How does the First Amendment affect the establishment and free exercise of religion?*

**LESSON 29: Freedom of Speech and the Press** (p.500)
*How does the First Amendment protect free expression?*

**LESSON 30: Freedom to Assemble, Petition, and Associate** (p.512)
*How does the First Amendment protect freedom to assemble, petition, and associate?*

**LESSON 31: Unreasonable Law Enforcement Procedures** (p.522)
*How do the Fourth and Fifth Amendments protect against unreasonable law enforcement procedures?*

**LESSON 32: Protecting Rights Within the Judicial System** (p.536)
*How do the Fifth, Sixth, and Eighth Amendments protect rights within the judicial system?*

**LESSON 33: The Meaning of Citizenship** (p.548)
*What does it mean to be a citizen?*

**LESSON 34: The Importance of Civic Engagement** (p.562)
*What is the importance of civic engagement to American constitutional democracy?*

# Chapter Outline (cont'd)

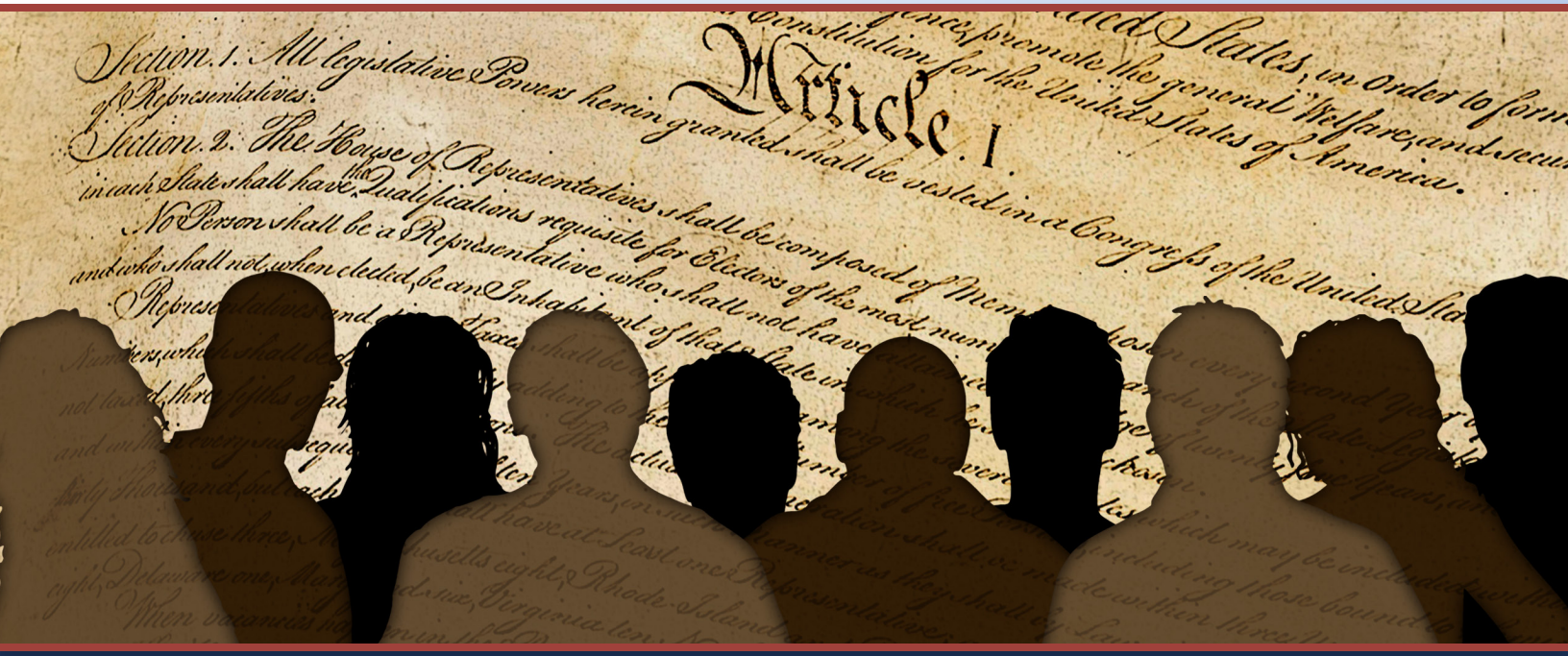

**LESSON 35: Civil Rights Movements** (p.574)
*How have civil rights movements resulted in fundamental political and social change in the United States?*

**LESSON 36: The Influence of American Political Ideas** (p.586)
*How have American political ideas and the American constitutional system influenced other nations?*

**LESSON 37: American Domestic Challenges** (p.596)
*What key challenges does the United States face in the future?*

**LESSON 38: Participation in World Affairs** (p.608)
*What are the challenges of the participation of the United States in world affairs?*

**LESSON 39: Returning to Fundamental Principles** (p.620)
*What does returning to fundamental principles mean?*

LESSON 1

# Organizing a Government




## Key words

- constitution
- constitutional government
- democracy
- forms of government
- limited government
- mixed constitution
- Parliament
- republic
- unwritten constitution
- written constitution

## What You Will Learn to Do

Analyze the Founders' ideas about constitutional government

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the diverse features of the early American colonies and states and their populations
- **Explain** what the Founders learned about government from history and their firsthand experiences of government and how this knowledge shaped their thinking



## Essential Question

**What did the Founders think about constitutional government?**

## Learning Objectives (cont'd)

- **Explain** the meanings of the terms constitution and constitutional government and describe Aristotle's ideas about forms of government
- **Evaluate**, take, and defend positions on how constitutional governments should be organized to prevent abuses of power by people in government
- **Define** key words: constitution, constitutional government, democracy, forms of government, limited government, mixed constitution, Parliament, republic, unwritten constitution, written constitution

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## Introduction

This lesson introduces the basic ideas and experiences the founding generation drew on to create the kind of government they believed would best protect the natural rights of individuals and promote the common good. Classical Greek and Roman writers, natural rights philosophy, the Bible, Protestant theology, ancient and modern European history, and the Enlightenment in Europe and America were among the sources of the ideas that influenced the Founders. The Founders also participated in self-government in the American colonies before 1776 and in state and local governments after independence from Great Britain. The Founders' ideas about society and government and their experiences were diverse. The colonies differed widely. This diversity fostered a rich dialogue about the purpose of government and how it should be organized.

## What Were Some Characteristics of Colonial America?

The United States was officially recognized as an independent nation in the Treaty of Paris of 1783, nearly two centuries after the first European settlers landed in America. Once colonies were established, one of the first things that the colonists noticed about their new surroundings were their vast size. England and Scotland together were smaller than the present states of New York and Pennsylvania. More than a thousand miles separated the citizens of northern Massachusetts from those of southern Georgia.

Of course, the colonists were not the first people on the North American continent. However, by the end of the Revolutionary War there was relatively few Native Americans living along the Atlantic coast. Encroachment of colonial settlements, disease, and warfare significantly reduced the indigenous population on the eastern seaboard, although many Native Americans remained on the western borders of the colonial frontier and beyond.

More than physical distance separated the colonists. Their backgrounds were diverse. Some, such as the Puritans in Massachusetts and the Quakers in Pennsylvania, came to the New World for religious reasons. Others came for economic reasons. They also differed in social structure and sometimes even in language. Pennsylvania, for example, had a large German-speaking population. French and Dutch were important languages in other colonies.

A few influential families dominated South Carolina, Maryland, and New York. They owned vast estates and tended to replicate European culture and habits as much as they could. By contrast, New England and Georgia had fewer large estates and, partly as a result, had different social and political cultures than those found elsewhere. Most of the colonies also had established official government religions. Slavery was practiced in all the colonies.

Almost all colonial Americans lived and worked on farms or in rural communities. But farming meant different things in different places. In South Carolina's coastal region, farming meant using slaves to work plantations that produced rice and indigo for export, mostly to England. Virginia's export crop was tobacco. By contrast, farming in New England meant growing crops and raising livestock for a local market. New England farmers relied less on slaves for labor than did Southern colonists, but the New England workforce included thousands of indentured servants, many of whom had entered into work contracts in exchange for transportation to America, food and shelter, or training in various skills.



What happened to Native Americans after the arrival of European settlers?

*Figure 5.1.1*

Colonists who did not work on farms followed various trades, working as sailors, shoemakers, silversmiths, and a host of other occupations. Many dabbled in a favorite American pastime, speculating on land. In many ways, colonial America was a society of traditions, in which people played social roles and exercised authority in long-established ways. But more than 300,000 people in 1760 were enslaved. These people, or their ancestors, had been transported to North America as captives from Africa. Later lessons

will examine the effect of slavery on American **constitutional government** and culture. Indeed, the British colonies developed a number of different ways of organizing local governments during the century or more of their existence.

## How Did the Founders Learn about Government? What Did the Founders Learn about Government?

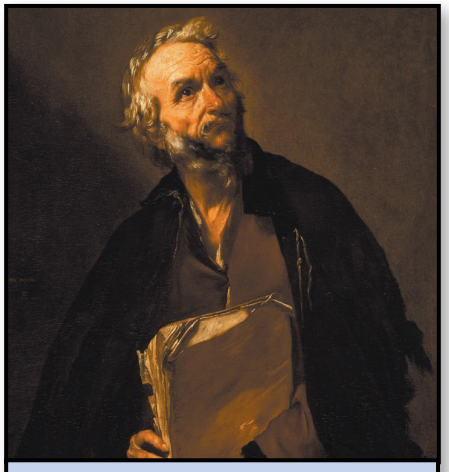
The Founders learned about government from reading history and philosophy and their own experience of self-government as colonists within the British Empire. They were as familiar with ancient Greece and Rome as they were with later European history. Many had read classical texts about government and politics by ancients such as Aristotle (384–322 BC), Marcus Tullius Cicero (106–43 BC), and others. They also had read newer theories of government by sixteenth and seventeenth-century philosophers, such as Thomas Hobbes (1588–1679) and John Locke (1632–1704). By the 1770s some were familiar with the English jurist William Blackstone's explanations of English law, published between 1765 and 1769. Almost all were well read in Protestant theology. The Founders looked to many examples of good and bad government for guidance.



Why did the Founders read the works of William Blackstone and other jurists and philosophers?

*Figure 5.1.2*

By 1776 Americans also could look back on more than 150 years of experience in local self-government. Free white men from all walks of life had served on juries, attended town meetings, and voted in local elections. In fact, in the colonies and the early states more Americans participated in self-government than did people almost anywhere else in the world.



What purpose of government did Plato and other classical philosophers agree upon? Do you agree with them? Why?

*Figure 5.1.3*

Not all the sources that influenced the Founders taught the same lessons. Some sources contradicted others. Some did not teach clear lessons at all.

### Key words

**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

For example, classical (ancient) political philosophers taught that human beings are naturally social creatures with obligations to each other and to their community, without which they could neither survive nor achieve human excellence. To Greek philosophers, such as Plato (c. 428–348 BC), those who govern must be wise. All the classical philosophers agreed that one purpose of government is to help people learn about and perform their civic and moral duties. Greek and Roman history taught that although democracies may appear to begin well, they tend to end in tyranny when the poor attack the rich. Class warfare breeds chronic disorder. The people then submit to tyrants, who enter the scene promising security.

Natural rights theorists taught that people have natural rights that others must respect. English philosopher John Locke summarized them as rights to "life, liberty, and estate." People agree to form a society and create a government to protect their rights.

British history showed that even a monarchy might evolve into free government. If the people are determined, they can ensure that monarchs respect the rights that the people have gained over time.

American colonial history showed that local self-government could coexist with a distant central authority—in this case, Britain. However, American colonial history also showed that when people believe that the central government is abusing its power, then social and political unrest follows.




In a nation in which government is the servant of the people, what obligations, if any, do the people have to the government?

*Figure 5.1.4*

The Founders had many examples of government to choose from in designing their state **constitution**s and the U.S. Constitution. Why did they make the choices they made? From reading their explanations in documents such as the Virginia Declaration of Rights, the Declaration of Independence, and various pamphlets, essays, and letters, it is clear that the Founders had learned at least two important lessons about government:

- Government should be the servant, not the master, of the people.
- A fundamental higher law, or constitution, should limit government.

## Key words

**constitution:**
A set of customs, traditions, rules, and laws that sets forth the way a government is organized and operated

## What Forms of Government Could the Founders Choose From?

The Founders were familiar with the writings of the Greek philosopher Aristotle (384–322 BC), who observed that every state—meaning "country" or national entity in this sense—must perform three functions. First, states must deliberate about what is to be done and decide what public policy should be. Today we call this the legislative function—deliberating on and enacting law. Second, states must perform an executive function, through which public officials carry out public policy. And third, states must carry out a judicial function, through which disputes about the interpretation of law are managed and applied in everyday life.

Aristotle also distinguished between types of governments on the basis of the number of persons exercising power. Countries may be governed by one person, a few people, or many people. Each of these three **forms of government** has a "right form" and a "corrupt form." Right forms are governed for the common good, whereas corrupt forms are governed for the private interests of the rulers.

The right form of government by a single person is called "monarchy." The right form of government by a few people is called "aristocracy," or the rule of the "best." And the right form of government by many people is called "polity." Aristotle referred to polity as a "mixed" form of government (or "**mixed constitution**") because it incorporates elements of **democracy** and oligarchy (see next paragraph). No group of citizens—for example, the rich or the poor—is able to abuse political power. Although a polity is a mixture of social elements, it is most like democracy, as we define the concept today.

According to Aristotle, corrupt forms of government are "tyranny," for rule of a single person; "oligarchy," for rule of a few, usually rich, people; and "democracy," for rule of the many, by which he meant the poor.

The following table illustrates right and corrupt forms of government as identified by Aristotle:

| Rule of: | Right Form | Corrupt Form |
|---|---|---|
| One | Monarchy | Tyranny |
| Few | Aristocracy | Oligarchy |
| Many | Polity | Democracy |

*Figure 5.1.5*

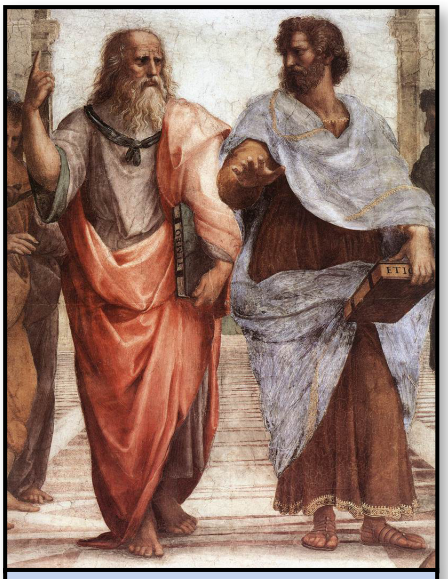
To Aristotle democracy meant "direct" democracy, in which the people themselves make decisions, rather than the type of government we call democracy today, which is largely representative. Aristotle's description of democracy as a corrupt form of government refers to what ancient Greece experienced when the poor ("the many") took power. They attempted to seize the property of the rich for themselves, setting off destructive civil wars based on social class. In such cases, the poor looked after only their own interests to the exclusion of the common good.

### Key words

**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

**mixed constitution:** The basis of a form of government in which power is divided among different branches

**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



According to Aristotle, what is necessary for a country to have a stable government? What threatens the stability of government?

*Figure 5.1.6*

Although Aristotle classified the governments of countries on the basis of their number of rulers, he also focused on economic considerations within countries, which usually are far more important. He was especially concerned with the distribution of wealth and the effects that various distributions have on political stability—specifically on the avoidance of civil strife. He concluded that the dominant group of most stable countries consists of those who are neither rich nor poor but occupy a middle ground of moderate wealth.

According to Aristotle, this middle group is known for moderation. Rule by those who are moderate yields the most stable form of government because those of moderate means are most likely to behave in accordance with reason. In Aristotle's view, the problem with "democracy" is that the poor, who are numerous, attempt to seize the wealth of the rich, who are few. But if a constitution can combine ("mix") the many poor with the lesser number of wealthy persons, then it can achieve stability.

The Founders were familiar with this idea of mixed constitution from reading Aristotle and other writers, such as the Greek historian Polybius (203–120 BC). Polybius popularized the idea in the ancient world that mixed constitution is a combination of monarchical, aristocratic, and democratic elements. This idea, embraced and passed on by the Roman statesman Cicero, then became widespread among scholars in the Middle Ages—roughly the fifth century to the fourteenth century, depending on the country. Through Cicero's great influence in the subsequent period of the Renaissance, the fifteenth through seventeenth centuries, the idea of mixed constitution was incorporated into Renaissance political thought and thus into republicanism. It was then passed on to the Enlightenment in the eighteenth century.

For example, the eighteenth-century French political thinker Charles-Louis de Secondat, Baron de la Brède et de Montesquieu (1689–1755), cited England as a mixed constitution. The British government had a limited monarch, an aristocracy in one house of **Parliament** (the House of Lords), and in theory, the House of Commons for the common people. In fact, the landed aristocracy dominated the House of Commons, though they were of lower rank than members of the House of Lords.

Both the British Parliament and the legislatures of colonies were examples of representative government.

## Key words

**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

Representative government sometimes is called "republican government." The term **republic** comes from the Roman term res publica, which is Latin for "thing (or property) of the people."

The Roman Republic had an unwritten mixed constitution. Its form of government after 287 BC consisted of executive and legislative branches, in which virtually all classes and tribes in Roman society were represented.

Based on the Founders reading of history and their personal experiences, they did not believe that direct democracy was the best model for government. It could potentially fail to protect property and other rights, such as rights of minorities. The Founders preferred a representative, or republican, form of government, in which many interests can be represented in the legislature; and those who govern, like ordinary citizens, are required to obey the law.



Montesquieu cited England as an example of a mixed constitution. Is today's government of the United Kingdom a mixed constitution? Why or why not?

*Figure 5.1.7*

## Key words

**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

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Founders' Sources of Information**

If you were a part of a group drafting a new constitution for the United States today, which of the sources the Founders used would you rely on in your deliberations? What other sources might you consult? Why?

## What is a Constitution?

As it is understood today, a constitution is a plan that sets forth the structure and powers of government. Constitutions specify the main institutions of government. In so doing, constitutions state the powers of each of these institutions and the procedures that the institutions must

## Key words

**written constitution:** A written plan of government that sets forth the structures and powers of government

**unwritten constitution:** The body of political practices developed through custom and tradition

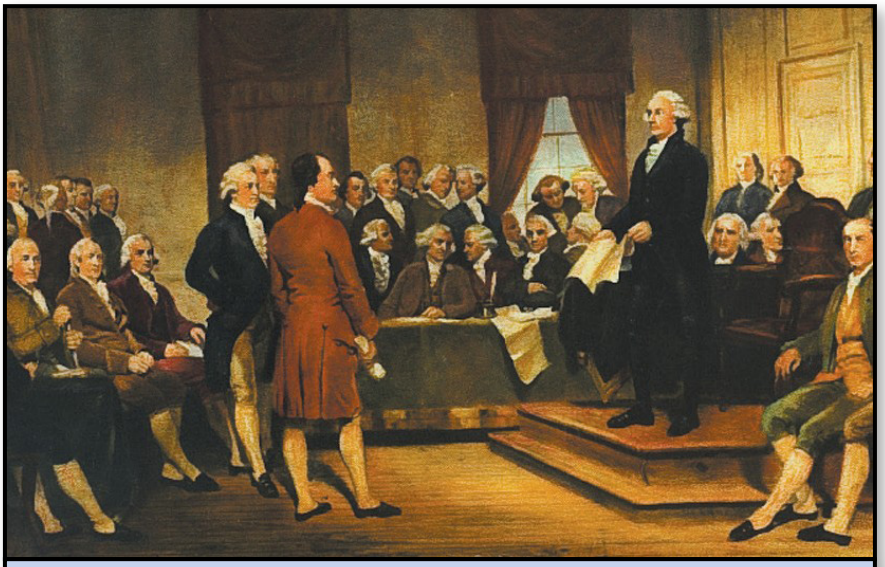
**limited government:** A system restricted to protecting natural rights that does not interfere with other aspects of life

use to make, enforce, and interpret law. Usually constitutions also specify how they can be changed, or amended. In the American conception of constitutional government, the constitution is a form of higher, or fundamental, law that everyone, including those in power, must obey.

Many controversies surround **written constitution**s, including what the words mean, whether the understanding of the document should evolve or remain unchanged, and who should have the final say about what the document means. Nearly all constitutions are written. Only three of the world's major democracies have **unwritten constitution**s—that is, constitutions that are not single written documents. These are Britain, Israel, and New Zealand. In each of these nations, the constitution consists of a combination of written laws and precedents.

Constitutional government means **limited government**—government limited by the provisions of the constitution. Limited government is characterized by restraints on power as specified by the Constitution. In democracies, for example, one restraint is the inclusion of free, fair, and regular elections. The opposite is unlimited government, in which those who govern are free to use their power as they choose, unrestrained by laws or elections.

Aristotle described the unlimited government of a single ruler as tyranny. Today the terms autocracy, dictatorship, or totalitarianism often are used to describe such governments. Believing that they had been subjected to tyranny by the British king, the Founders also believed that government in the newly independent United States of America should be limited by the higher law of a written constitution.



Why do you think the Founders wanted to establish a constitutional government?

*Figure 5.1.8*



How did Aristotle define tyranny? How did the Founders attempt to prevent tyrannical government in the United States?

*Figure 5.1.9*



How might a government be organized to prevent leaders from gaining unlimited power?

*Figure 5.1.10*

## How Did the Founders Characterize Higher Law?

According to the founding generation, a constitution should function as a type of higher law.

A higher law differs from a law enacted by a legislature in these four ways:

- It sets forth the basic rights of citizens.
- It establishes the responsibility of the government to protect those rights.
- It establishes limitations on how those in government may use their power with regard to citizens' rights and responsibilities, the distribution of resources, and the control or management of conflict.
- It can be changed only with the consent of the citizens and according to established and well-known procedures.

## What Kinds of Governments May be Constitutional Governments?

The Founders knew that constitutional government might take many forms. It is possible to have a constitutional government with one ruler, a group of rulers, or rule by the people as a whole as long as those in power must obey the limitations placed on them by the higher law of the constitution. Historically, constitutional governments have included monarchies, republics, democracies, and various combinations of these forms of government.

The problem for any constitutional government is to ensure that those in power obey constitutional limits. History provides many examples of rulers who ignored constitutions or tried illegally to increase their personal power. The Founders believed that direct democracy was more likely to ignore constitutional limits than representative government. Direct democracy makes it easy for momentary passions to inflame people and leads to passionate rather than reasoned judgments. The interests of the community, as well as the rights of individuals in the minority, may suffer as a result.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining Why the Founders Feared Government Abuse of Power**

Given their knowledge of history and their experiences under British rule, it is not surprising that the Founders feared possible abuses of governmental powers.

Read the following three statements by famous American Founders. Then respond to the questions that follow.

> *"Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many."* — Alexander Hamilton, 1787
>
> *"There are two passions which have a powerful influence on the affairs of men. These are ambition and avarice; the love of power and the love of money."* — Benjamin Franklin, 1787
>
> *"From the nature of man, we may be sure that those who have power in their hands...will always, when they can... increase it."* — George Mason, 1787

1. What view of human nature is expressed in each of these statements?
2. If you agree with the views of human nature expressed in the statements, what kind of safeguards to prevent abuses of power would you include in a constitution?
3. Do you think the Founders' concerns about government are as valid today as they were in the 1700s? Why or why not?



## Content Highlight:

### WHAT DO YOU THINK?

1. How would you organize a government so that it would be fairly easy to remove and replace officials who violated the constitutional limitations on their powers?
2. What might happen in a government in which there were no agreed-on or peaceful means for removing officials? Give a recent example to support your answer.
3. Is it important that a constitution be written? What are the advantages and disadvantages of written constitution? Or an unwritten constitution?

## Conclusion

In this lesson, you learned that the Founding generation of our nation looked at many ideas about government. They believed in a constitutional government and had many concerns about how to organize government to prevent abuses of power. Their ideas and those of the philosophers they read deeply influenced the kind of government we have today.

## Lesson Check-up



- **What important lessons did the founding generation learn from political theory and political history?**
- **What is the difference between limited government and unlimited government? Do you think the difference is important? Why or why not?**
- **What is a constitution?**
- **What is a mixed constitution? Explain the advantages and disadvantages of this type of government.**
- **Why is a constitution in a constitutional government considered a higher law, and what are the major characteristics of a higher law?**

# Philosophies of Civic Life



## What You Will Learn to Do

Examine the ideas about civic life that informed the founding generation

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** how and why natural rights philosophy differs from classical republicanism and how both systems of thought influenced the founding generation in America
- **Explain** the kinds of challenges that a society faces when it strives to preserve the rights to life, liberty, property, and "the pursuit of happiness" while at the same time promoting the common good and civic virtue

## Key words

- civic virtue
- classical republicanism
- common good
- consent of the governed
- divine right
- inalienable rights
- natural rights
- political legitimacy
- popular sovereignty
- pursuit of happiness
- right of revolution
- social contract
- state of nature

## Essential Question

**What ideas about civic life informed the founding generation?**

## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on the importance of civic virtue today and the role of political philosophy in thinking about government
- **Define** key words: civic virtue, classical republicanism, common good, consent of the governed, divine right, inalienable rights, natural rights, political legitimacy, popular sovereignty, pursuit of happiness, right of revolution, social contract, state of nature

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## Introduction



*Figure 5.2.1*

People frequently make judgments about governments or acts of governments, praising them as "good" or criticizing them as "bad." Those judgments may reflect ideas about human nature, the proper function and scope of government, the rights of individuals, and other values. Political philosophers have discussed these matters for thousands of years. This lesson examines concepts such as the **common good**, **civic virtue**, the **state of nature**, **natural rights**, consent, and the **social contract**. These concepts are central to discussions about government.

## Key words

**common good:**
The good of the community as a whole, as contrasted with private interests that may conflict with public interest

**civic virtue:**
The dedication of citizens to the common welfare of their community or country, even at the cost of their individual interests

**state of nature:**
The condition of people living in a situation without government

**natural rights:**
The doctrine that people have basic rights, such as those to life, liberty, and property in a state of nature

**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

## What Values From Antiquity Influenced the Founding Generation?

The men who drafted state constitutions and the U.S. Constitution were familiar with the ideas of antiquity when they thought about government. The Roman Republic, which lasted for almost five hundred years, from the sixth century to the first century BC, was the ancient society that exercised the greatest influence on the Founders. The laws of the Roman Republic established a complex system of offices, in which the common people had a voice but that also provided checks on the people's power. The Roman Republic was described as a mixed constitution because it had elements of monarchical power, aristocracy, and rule of the common people. It fostered and for a time achieved political stability. Many historians during our founding era believed that of all the governments they studied, the Roman Republic had done the best job of promoting the common good—that is, doing what was best for the society as a whole.

The devotion of citizens to the common good was a central feature of the political ideas that we now call **classical republicanism**. Classical republicanism placed the needs of people as a community above individual liberty and self-determination. Citizens were taught that they should work together to promote the good of the country, not work for private or selfish interests. Only by working together in a common effort to promote the good of all could citizens maintain their republic and keep it free from the domination of others.

### Key words

**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

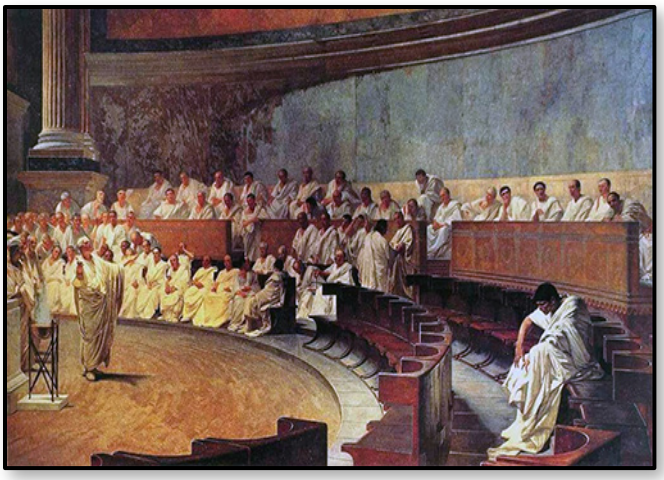


*Figure 5.2.2*

The history of the Roman Republic was both an example and a warning to America's founding generation. For centuries, Roman citizens displayed their commitment to the common good. Cicero (106–43 BC), a leader of the Roman Republic, viewed public life as the highest calling. Public life required dedicated citizens and leaders willing to make personal sacrifices for the sake of the common good. By Cicero's time, however, Rome had acquired a vast empire. During his lifetime, Roman citizens' selfishness and corruption would cost them their political freedom. Civil war ensued. In 48 BC, the Roman people accepted an autocratic master, Julius Caesar (c. 100–44 BC), who was appointed dictator in order to impose order and stability in the aftermath of the civil war.

Three aspects of classical republicanism were particularly influential for the founding generation of Americans: small, uniform communities; citizenship and civic virtue; and moral education.

## SMALL, UNIFORM COMMUNITIES

Classical thinkers, such as Aristotle, observed that human beings are not self-sufficient and are always found living in association with one another in a form of political rule. Man is, he said, "a political animal." Humans need each other. They live together both for security and in order to live well. Good government is possible only in small communities, because in such communities people are able to know and care for one another and to discern the common good. Classical republican thinkers also believed that members of a political community must be fundamentally alike. Great disparities in wealth or differences in culture, religion, or morals cause conflict among people rather than encouraging them to work together for the common good.



What are some advantages of small, homogeneous communities? What are some disadvantages?

*Figure 5.2.3*

Classical republicans also feared the corrupting effects of luxury, making them wary of moneymaking and economic growth. Americans in the eighteenth century experienced many of the advantages of small communities and their devotion to the common good. Survival in early America depended on the ability of neighbors and townspeople to work together to overcome obstacles. Official or established religions also fostered homogeneity and a commitment to the common good as defined by that religion.

## CITIZENSHIP AND CIVIC VIRTUE

Classical republicans emphasized the importance of the "office" of citizen and the duties associated with it. In most ancient societies slaves and noncitizens did most of the manual labor, freeing wealthier citizens to participate in civic affairs. Citizens were expected to set aside personal interests to promote the common good. Citizens also were expected to be well informed and engaged in community affairs. Virtuous citizens, classical republicans believed, should have the courage to do what was right even under trying circumstances.

From the classical perspective citizenship should emphasize duties, not rights. Most ancient republics did recognize what today we would call political rights, such as the right to vote, to express opinions about government, and to serve in public office. But most

placed limits on the exercise of individual freedoms. For example, there was little concern about protecting an individual's privacy or freedom of conscience or religion.



Why did the Founders consider Cincinnatus a model of civic virtue? What is the importance of civic virtue among leaders and citizens?

*Figure 5.2.4*

The founding generation admired the heroes of antiquity, such as the Roman patriot, orator, and writer Cato the Elder (234–149 BC) and the citizen-soldier Lucius Quinctius Cincinnatus (519–438 BC). Cincinnatus was twice called on to serve as dictator—in 458 and 439 BC. After defending Rome, each time he voluntarily relinquished political power to resume private life as a farmer. The Founders believed that such men were examples of civic virtue, and Americans should emulate them. Indeed, many admired George Washington as "our Cincinnatus," because he sacrificed his private pursuits to lead the nation in war and peace. He then voluntarily relinquished the presidency after two terms in office, though some would have made him an American monarch. Early Americans believed that Washington was an example of the civic virtue that should motivate all citizens.

## MORAL EDUCATION

Classical republican thinkers believed that civic virtue must be learned. Moral education included instruction in "civil religion"—the symbols, rituals, and values of the society. Moral education also required that children develop proper habits, including generosity, self-control, respect, fairness, and courage—all of which were necessary for speaking and reasoning well. Moral education entailed learning to admire the achievements and civic virtue of the heroes described in history, literature, poetry, and music. Young people also needed to learn the importance of participating in political debate and performing military service.

An important component of moral education was instilling in children the importance of developing and preserving a good reputation. People needed



In colonial America, who was responsible for the moral education of children?

*Figure 5.2.5*

to be able to trust one another in the conduct of their daily affairs, and so they needed to behave morally. Civic virtue included supervising and nurturing the next generation of citizens. Classical republicans believed that the entire community was responsible for the moral education of the young.

In colonial America, small, homogeneous communities and churches assumed responsibility for instilling proper habits and practices. The founding generation believed that if individualism and self-interest were allowed to flourish unchecked, then community life would suffer. Small, uniform communities that emphasized civic virtue and moral education, as the classical republics of antiquity had done, appealed to some of the Founders as means of tempering selfishness and corruption.

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

1. Identify someone living today who you believe shows civic virtue. Explain the reason for your choice.
2. What did classical republicans believe should be the goal of education? Do you agree? Why or why not?
3. What civic virtues are important for young people to have today and why?
4. What similarities and differences are there between your ideas about rights and those of the classical world?
5. What might be the consequences to individuals and a society of too great an emphasis on the common good at the expense of individual rights?

## What is the Role of Philosophy in the Study of Government?

Consider these words:

> *We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the* ***Pursuit of Happiness****—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the* ***Consent of the Governed****, that whenever any Form of Government becomes destructive of these Ends it is the Right of the People to alter or to abolish it, and to institute new Government.*
>
> *—Declaration of Independence, 1776*

This excerpt from the Declaration of Independence explains why so many Americans felt justified in separating from Great Britain. It also includes some of the most important philosophical ideas underlying our government. These ideas were familiar to most of the intellectual leaders in the American colonies long before the Revolutionary War. They had

### Key words

**pursuit of happiness:** An "unalienable" right of people to pursue personal fulfillment in their own way, so long as they do not infringe on the rights of others

**consent of the governed:** Agreement by citizens to obey the laws and the government they create

## Key words

**divine right:**
The idea prevalent in early modern Europe that monarchs derive their authority directly from God

been preached in churches, written in pamphlets, and debated in public and private. They had been developed and refined by political philosophers beginning in the 1600s, a century of revolution and civil war in Europe, in an attempt to repudiate the theory of **divine right** of kings. Divine right was the idea that monarchs derive their authority from God. Thus to disobey them or to attempt to replace them or limit their powers is contrary to the will of God. Contrary to divine right, the belief became prominent that self-government is required to lay the foundations for social peace and a just society.



What are some of the most important philosophical ideas in the Declaration of Independence?

*Figure 5.2.6*

The theory of government set forth in the second paragraph of the Declaration of Independence is from natural rights philosophy. This philosophy begins by imagining what life would be like in a state of nature. A state of nature is any situation in which there is no government—that is, no recognized authority to make and enforce rules and manage conflicts.

Thinking about what life would be like in a state of nature is a useful way to explore some of the most basic questions of political philosophy. Such questions include:

- What is human nature? That is, what traits of personality and character, if any, do all people have in common? Are people selfish? Do they have the capacity to care for the good of others?
- What should be the purposes of government?
- Where should people in positions of power get their authority to govern?
- How should a government be organized?
- What kinds of government should be respected and supported?
- What kinds of government should be resisted and fought?

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Thinking like a Political Philosopher**

Why do people need society and government? If society and government are necessary, what makes them legitimate? What makes them good?

To explore these questions, imagine that you and others have been taken to a place where no one has ever lived. When you arrive, there is no government. There are no laws or controls over how you live. Everyone is free—that is, no one is under an obligation to obey a constituted authority because there is none. You have no means of communicating with people in other parts of the world.

Discuss your responses to the following questions. Think about how your responses reflect your views as a political philosopher.

1. What would life be like if there were no government, rules, or controls? Would people in the situation described above have rights or duties? If so, how would those rights and duties be enforced?
2. What might happen if some people were stronger or smarter than others? Why?
3. What might weaker or less sophisticated people try to do? Why?
4. Why might people in the situation described above choose to trade some or all of their freedom to live in society or form a government?

## What Values From Natural Rights Philosophy Influenced the Founding Generation?

The seventeenth century was a period of intellectual and social revolution in England. Classical republican theories about the purpose of society and government seemed unable to provide guidance in a century of rapid change. English philosophers, such as Thomas Hobbes (1588–1679) and John Locke (1632–1704), thought that political philosophy needed a fresh start, one that focused on the rights of individuals. They originated the way of thinking about human nature and politics that we know as natural rights philosophy. This philosophy argued that humans are not naturally social and traced government to an imaginary state of nature.

Hobbes argued that a state of nature gives rise to a "war of every man against every man," in which individuals fear violent death at the hands of others. Perpetual war in the state of nature would make life "solitary, poor, nasty, brutish, and short." The ensuing chaos would cause



Which of Hobbe's ideas do you find most interesting? Why?

*Figure 5.2.7*

humans to agree to leave the state of nature by entering into a social contract. Through that contract, Hobbes argued, they would consent to an authoritarian state that Hobbes called "Leviathan," named for a mythical sea monster mentioned in several passages in the Hebrew Bible (Old Testament). Thus to maintain order, stability, and peace, according to Hobbes, the Leviathan state must rule largely by fear.



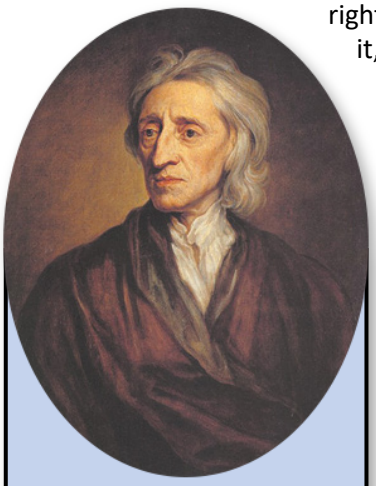

Why do you think Hobbes believed that an authoritarian state must rule largely by fear?

*Figure 5.2.8*

Locke argued that in a state of nature all people are free, equal, and rational. Each individual possesses **inalienable rights** to "life, liberty, and estate [property]." In a state of nature, each person also has the right to punish those who do not follow reason and respect the rights of others. People could not survive in the state of nature because most people would seek personal advantage. To secure their natural rights, people would agree through a "social contract" to leave the state of nature and form a civil society. To protect natural rights, a second agreement—to form government—also would be needed. Locke argued that if government fails to protect individual rights, then the people are entitled to replace it, if necessary by revolution. This idea became a key argument of the Declaration of Independence.

## Key words

**inalienable rights:** Fundamental rights that every person possesses and that cannot be taken away by government or another entity



Which of Locke's ideas do you find most interesting? Why?

*Figure 5.2.9*

Natural rights philosophy found fertile ground in early America, where vast resources, huge expanses of land, and the great distance from England allowed freedom and materialism to flourish. Consequently, several aspects of natural rights philosophy influenced the founding generation, including the following:

### INDIVIDUAL RIGHTS

Natural rights philosophy emphasizes the existence of inalienable rights of each person, regardless of wealth, social status, or birth. Americans in the founding generation were keenly aware of their rights. Before the Revolution they thought of themselves as British citizens who enjoyed the rights of subjects as those rights had evolved over the centuries in England. During the revolutionary crisis they came to think of their rights more in Lockean terms, as personal, inherent, and inalienable. As you will learn in more detail in later lessons, social conditions in America contributed to this shift in thinking.

## POPULAR SOVEREIGNTY/GOVERNMENT BY CONSENT

According to natural rights philosophy, government is created and derives its authority from the agreement of the people, which is called **popular sovereignty**. If people must give their consent to be governed—by agreeing to a social contract or joining a society that already has been established—then it follows that they can withdraw that consent because sovereignty, or ultimate governing authority, rests with the people. Thus natural rights philosophy includes the **right of revolution** and the people's right to create whatever form of government they believe best suits their needs.




Does this cartoon illustrate Hobbes's or Locke's view of the state of nature? Why?

*Figure 5.2.10*

## LIMITED GOVERNMENT

By focusing on the individual and on social contract theory as sources of **political legitimacy**, Locke and other writers laid the foundation for limited government. From this new perspective the purpose of government is to serve private ends, especially protection of individual life, liberty, and property. Those who exercise governmental power may not make and enforce laws on all subjects or focus on the needs of the community to the exclusion of individuals. Rather, their authority is limited by the purpose for which government is created. The distinction between society, which is formed by the social contract, and government, which is created to reflect the needs of society, further supports the idea that governmental power should be limited. Government is the creature and the creation of society. The sovereign people own their government and control it through elections and other means. Because it is theirs, they can terminate it when it does not guard their interests and meet their expectations.

## HUMAN EQUALITY

Locke argued that in a state of nature all people are free from one another's control and are equal to one another. All are born with equal

### Key words

**popular sovereignty:** The natural rights concept that ultimate political authority rests with the people

**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

**political legitimacy:** Acceptance by the governed that the claim to authority by those who govern is justified

political rights. Neither God nor nature makes some people rulers and other people subjects. In colonial America, more people enjoyed social mobility than they had possessed in Europe or England. Nonetheless, human inequalities persisted in the colonies. For example, slavery was introduced in Virginia in 1619, and by 1776 every colony legally sanctioned this institution. Women remained legally dependent on men and did not fully participate in political life. However, natural rights philosophy and its commitment to human equality ultimately would become a weapon in the attack on slavery and other inequalities in America.



## Content Highlight:

### WHAT DO YOU THINK?

Revisit your responses to the Thinking like a Political Philosopher Critical Thinking Exercise earlier in this lesson. How do your answers compare to the values of classical republicans and natural rights philosophers?

## Conclusion

In this lesson, you learned some important ideas about civic life and the different philosophies that shaped the way our Founders viewed civic life. You also examined ideas such as the common good, civic virtue, the state of nature, natural rights, consent, and the social contract. These concepts and how people think about them continue to shape our society today.

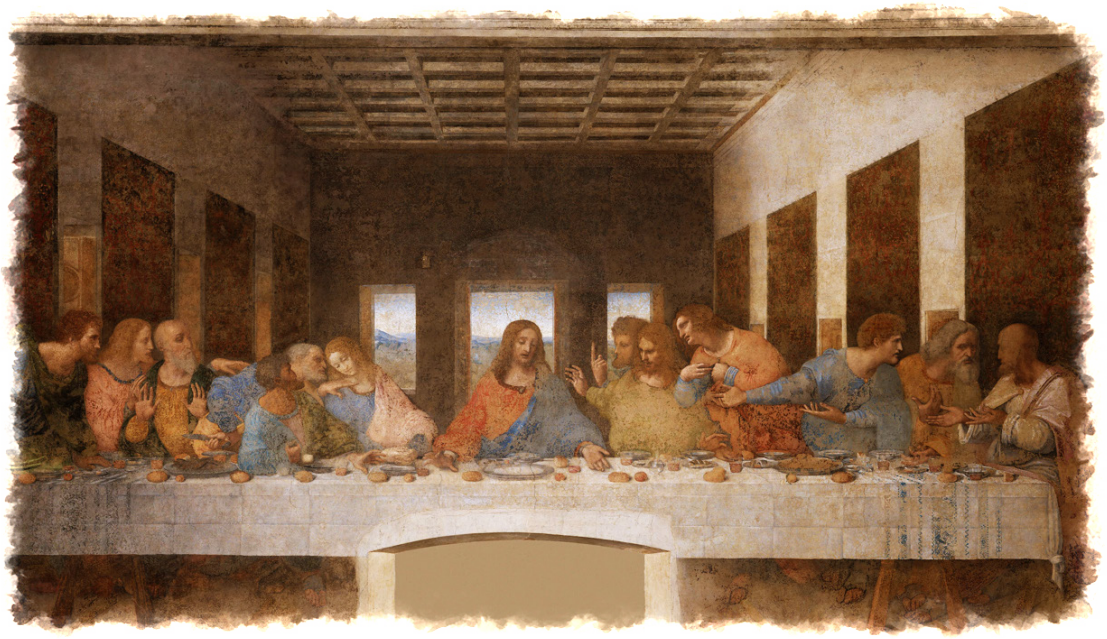
## Lesson Check-up



- **What is civic virtue? How is it fostered in small, uniform communities? In large, diverse communities?**
- **What are the advantages and disadvantages of using the state of nature to explain society and politics?**
- **How would you describe the differences between classical republicanism and natural rights philosophy? How are those differences important in thinking about the purposes and goals of government?**
- **What is meant by social contract? How is it connected to the idea that government derives its authority from the consent of the governed? What is the significance of the idea that society and government are based on agreements rather than occurring naturally?**
- **If you were asked to create a government that reflects principles of both classical republicanism and natural rights philosophy, which elements of each would you use? Why?**
- **What might be the consequences for individuals and society of too great an emphasis on the rights of individuals over the common good?**
- **Do Hobbes's ideas about the establishment of authoritarian states to promote order, security, and peace have any relevance today? Why or why not?**

LESSON 3

# Influences on Individual Rights



## Key words

- capitalism
- city-state
- feudalism
- Judeo-Christian
- nation-state
- private morality
- public morality

## What You Will Learn to Do

Examine the historical developments that influenced modern ideas of individual rights

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** the differences between classical republican and Judeo-Christian ideas about the importance of the individual

## Essential Question

**What historical developments influenced modern ideas of individual rights?**



## Learning Objectives (cont'd)

- **Explain** how certain historical developments influenced modern ideas about government, constitutionalism, and individual rights
- **Evaluate**, take, and defend positions on approaches to theories of morality, the importance of the rise of capitalism, and how the Enlightenment inspired the Founders
- **Define** key words: capitalism, city-state, feudalism, Judeo-Christian, nation-state, private morality, public morality

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## Introduction

The previous two lessons explored ideas that shaped the Founders' thinking about constitutional government and civic life. This lesson examines several important historical developments that also influenced their ideas.

## How Did the Judeo-Christian Heritage Contribute to the Founders' Understanding of Human Rights?

Classical republican ideas and natural rights philosophy influenced the political ideas of the Founders. Another important influence on their thinking was the **Judeo-Christian** religious tradition. The Founders were familiar with the teachings of the Bible, but they also knew that differing religious beliefs had caused serious political conflicts.

Judeo-Christian morality was different from Greek and Roman ideals of civic virtue. Instead of **public morality** (the virtues that are important for acting in the community), it emphasized **private morality**, meaning the virtues of inner faith and obedience to God's law. These were expressed

## Key words

**Judeo-Christian:** Ideas, beliefs, and practices that have their historical roots in Judaism and Christianity

**public morality:** The values and principles of right and wrong pertaining to public policies and actions

**private morality:** An individual's ideas about right and wrong to be practiced in one's personal life

in biblical teachings, such as the Ten Commandments and the Sermon on the Mount. Christian teachings gave special importance to duties such as goodwill and loving others.

The Christian view of the individual also differed from that of classical republicans. Christian teachings stressed the dignity and worth of each human being. Much of the Founders' commitment to liberty and individual rights sprang from their belief in such ideals.

Christianity spread rapidly through the Roman Empire in spite of the government's attempts to suppress it. Christians began receiving relief from persecution when the Roman Emperor Constantine (c. 272–337) came to power. Within a few years Christianity became the official religion of the Roman Empire. Even after the Roman Empire collapsed in the West near the end of the fifth century, the Christian faith survived to shape European society. In fact, the Roman Catholic Church—often referred to simply as the Church—became an extremely powerful political force during the Middle Ages (fifth century to early fifteenth century). Bishops, who were regional church officials, often were as powerful as the princes or barons in their territories. In some places, bishops held governmental power.

The Church was the one unifying social institution in Europe during the Middle Ages. Its spiritual leader was the pope, whose seat was the old imperial capital, Rome. Most Europeans identified with this "universal" Church in terms of religion, but political loyalties were local. People looked to local rulers for protection, and they trusted people more than institutions. There were no nations, in the modern sense, to compete for their loyalties.



How did Judeo-Christian ideas about the individual differ from the classical republican view?

*Figure 5.3.1*



How did Christianity become a powerful political force in Europe during the Middle Ages?

*Figure 5.3.2*

## What Were European Concepts of the Individual and Society During the Middle Ages?

Apart from the unifying element of the Church, medieval European society was highly fragmented. Europe was divided into many isolated communities. Communication and travel were dangerous, slow, and difficult. People lived and worked within their own communities and typically had little contact with outsiders. The Church was the authority on all matters.



Why might people in the Middle Ages have looked to local rulers for protection rather than the church?

*Figure 5.3.3*

Government in the Middle Ages generally followed a hierarchical pattern known as **feudalism**. Feudalism was based on the principle of land for service. Those who lived on a lord's land were known as his vassals. They served their lord and in return were entitled to his protection. Feudalism created a political structure in which the feudal contract defined duties and rights. People were loyal to their lord, rather than to a country or to fellow citizens.

Even though Christianity accepted every believer as the equal of all others, certain medieval ideas about society and government were similar to those of classical republicanism. Medieval thinkers borrowed the classical idea of harmony between each individual and the whole of society, which they called Respublica Christiana—"Christian Republic." They also borrowed ideas from the Greek philosopher Plato (429–347 BC), who compared society to a human body. Plato suggested that some parts of society, like some parts of the human body, are more important than others; but all are necessary for the good of the whole.

- Society was divided into different classes and groups, such as royalty, nobility, clergy, tradesmen, craftsmen, peasants, and serfs. Each class or group had certain rights and responsibilities.
- Society was hierarchical—that is, classes and groups were ranked from the most powerful, royalty and nobility, at the top to the least powerful, serfs, at the bottom. No equality existed among groups and classes.
- Social relationships were thought to be permanent and hereditary. A person was generally not free to leave the class into which they had been born. Property—specifically real estate—could not be freely bought and sold. It could only be obtained or passed on through inheritance. Usually the eldest son was the principal heir. Inheriting property meant inheriting its responsibilities, such as service or protection.
- Rights and duties were tied to group membership or to particular grants of land. There was no concept of natural rights belonging to all individuals.

## Key words

**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

## Content Highlight:

### WHAT DO YOU THINK?

1. How did Judeo-Christian morality differ from Greek and Roman ideals of civic virtue?
2. What are the advantages and disadvantages of viewing rights and responsibilities as being possessed by individuals rather than groups?
3. If the ideas about rights that prevailed during the Middle Ages were dominant today, how would they affect your life?

## What Were the Renaissance and the Reformation, and How Did They Contribute to Ideas About Rights?

The term renaissance means "rebirth." The Renaissance is the name given to the period marked by a revival of intellectual life that began in Italy around the fourteenth century and spread throughout Europe. During this period cities developed, commerce began to flourish, and education started to become more widespread. The invention of the printing press using movable type in the fifteenth century increased communication and the spread of knowledge. Learned people rediscovered ancient Greek and Roman history, literature, and art, as well as medieval Arabic philosophy and mathematics. These discoveries inspired a view of the world and humanity very different from that of medieval Christianity.

During the Renaissance some people began to place greater importance on the individual than on the class or group into which they had been born. In the volatile **city-state**s of Renaissance Italy and later in northern Europe, people found that they could move from one social position to another. Growing possibilities for individual opportunity helped lead to an increased interest among philosophers and jurists in the rights of individuals. This interest contributed to a reexamination of the individual's relationship to religious institutions and governments.

**Key words**

**city-state:**
A politically independent community consisting of a city and its surrounding territory

The Protestant Reformation was another powerful stimulus to modern individualism. The Reformation was a religious reform movement that began in the early sixteenth century in Western Europe. Religious reformers, studying the Bible and other ancient religious texts, began to challenge the doctrines, traditions, and practices of the Roman Catholic Church. The reform-minded clerics believed that the medieval church had become corrupt and had lost sight of the original truths of Christianity.



How might the ability to read the Bible in one's own language have contributed to greater freedom of conscience and individualism?

*Figure 5.3.4*

Some of these critics attempted to reform the church from within. Other reformers, such as Martin Luther (1483–1546) in Germany and later John Calvin (1509–1564) in France, obtained official government support, or establishment, for their breakaway churches. These reformers and their followers were called Protestants. The term protestant is derived from the Latin protestatio, meaning "declaration," which Martin Luther made when he and his supporters dissented from an edict against the Reformation in the 1520s. The secular rulers who supported these new churches saw the Reformation as an opportunity to free themselves from the Catholic Church's political influence.

The Reformation was aided by the invention of a printing press with movable type, which allowed for more rapid and economical printing. For centuries the Bible had been available only in Latin, which few people other than priests could read. During the Reformation, Bibles were printed in English, German, French, Italian, and Spanish. Individuals were encouraged to read the Bible in their native language and to determine for themselves what it meant.

Being able to read the Bible for oneself encouraged greater freedom of conscience, or the freedom of individuals to decide about their own religious beliefs. Protestant religious doctrine emphasized a direct relationship between each believer and God. Luther argued for the "priesthood of all believers," which had the effect of decentralizing religious authority and empowering— and placing responsibility on—individual believers. All individuals were seen as equal in the eyes of God. Individuals were free to interpret the word of God, but God also was viewed as holding individuals accountable for their actions.

The spirit of free inquiry and individual conscience that the Reformation inspired contributed to the development of modern individualism. Ultimately it also posed a threat to most established institutions and authority. Some religious reformers, in fact, began to question the authority of the newly established Protestant churches. In England, for example, certain reformers attacked the Church of England during the Elizabethan period—principally the reign of Queen Elizabeth I from 1558 to 1603—for not being sufficiently Protestant. They were called Puritans, because they wanted to "purify" the church. Many American colonies were settled by people, including Puritans, seeking to worship in their own way, free from the requirements of established Protestant churches.



How might the freedom to believe as one wishes lead to dissent, individualism, and a desire to reform existing institutions?

*Figure 5.3.5*

## How Did the Nation-State Arise?

By the end of the Middle Ages rulers were beginning to expand their areas of control and to form new and larger states. The Renaissance and the Reformation helped to speed up this process. But the changes were not easy. During the Reformation, Europe was torn apart by religious wars. In some places, one-third to one-half of the population was killed in this warfare. In 1648, the Peace of Westphalia ended the Thirty Years' War, which had been fought since 1618 mainly on ground that today is located in Germany. The conflict involved most of the continent's powers at one time or another and was one of the bloodiest conflicts that Europe had known. The Peace of Westphalia often is regarded as

## Key words

**nation-state:**
As currently used, a country; the standard unit of political organization in the world

**capitalism:**
An economic system in which the means of producing and distributing goods are privately owned and operated for profit in competitive markets

marking the beginning of the modern system of **nation-state**s. This settlement recognized national sovereignty, the right of each nation-state to an independent existence. It also provided that each nation-state would respect the independence or sovereignty of the others. And it confirmed that nation-states could choose their own institutions, including religion.

The rise of the nation-state was important to the development of modern ideas about government and rights. People began to think of themselves as citizens of a particular nation or country, with public rights and duties. In addition to the nation-states there were many independent city-states that practiced self-government by a rising class of merchants, tradesmen, and nobles. This development was in contrast to the old feudal system, in which people's rights and duties were defined in personal terms. Political thought began to focus on the question of what kind of government would be best for these states.



How did the Peace of Westphalia of 1648 contribute to the development of nation-states?

*Figure 5.3.6*

## What Was the New Economic System of Capitalism?

Among the forces that helped to break up medieval society and to pave the way for the Renaissance was the increase in commercial trade and its expansion over greater distances. Eventually this growth produced a new economic system called **capitalism**. Capitalism is an economic system in which the means of producing and distributing goods are privately owned and operated for profit in competitive markets. Unlike in feudal relationships, in capitalism goods and services are freely exchanged.

Capitalism allowed more people to choose their own occupations, to start their own businesses, and to buy and sell property. People also were able to pay more attention to their private interests than to the common good. They were encouraged to work to gain property and to improve their economic position. As a result, in parts of Europe political and economic power began to shift to a newly developing class of successful citizens who gained wealth through commerce and away from the upper classes that derived their wealth from the land.

Natural rights philosophy and Protestant religion both contributed to the rise of capitalism. Natural rights philosophers believed that government existed to secure people's property. Protestant religious groups, especially those in the tradition of John Calvin, saw wealth as a sign of God's grace.

## Content Highlight:

### WHAT DO YOU THINK?

1. You have learned that in some parts of Europe, political and economic power began to shift from wealthy, upper-class landowners to people who became wealthy from commerce; that is, from buying and selling goods and services.
    - What rights of individuals were necessary for this change to take place?
    - What impact might the right to property have on the establishment or exercise of other rights?
2. With the development of capitalism people began to view the individual differently than they had in the classical republics or during the Middle Ages. What was this different view and why did it come about?
3. How were the rise of the nation-state and capitalism related to individualism? What effect did these developments have on the common good?

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Understanding the Effects of the Renaissance and the Reformation on Ideas About Rights**

In previous lessons you studied the ideas of the natural rights philosophers concerning individual rights and the purpose of government. You also learned about classical republican ideas of civic virtue and the common good. Now working in small groups, consider what you have learned in this lesson about the Judeo-Christian tradition, the Middle Ages, the Renaissance, the Reformation, and the rise of the nation-state and capitalism.

1. Were any ideas prevalent during one of these periods with which people who believe in natural rights might not agree? What are these ideas? Why might some people disagree with them?
2. Do you think that ideas about the importance of the individual, individual rights, and the common good that emerged during these historical periods have influenced your thinking about the nature and purpose of government? If so, explain how.

## How Did the Enlightenment Inspire the American Founders?

The worldly interests inspired by the Renaissance stimulated natural science—that is, the study of the natural world and the laws that govern it. Commercial expansion and voyages of discovery beyond Europe also encouraged this study. These voyages brought back new knowledge about the natural world and about other cultures.

Science and technology advanced rapidly. People began to believe that humans could solve many problems, such as how to treat diseases that once had been accepted simply

as misfortunes in life. By the eighteenth century this flourishing scientific and intellectual movement would become known as the Age of Enlightenment.

An important early figure in this movement was the English philosopher Francis Bacon (1561–1626). Bacon believed in the power of human reason and observation, not only to understand nature but also to control it for humanity's purposes. The end of scientific study, he said, is the "enlarging of the bounds of human empire, to the effecting of all things possible." His goal was to subdue nature for the benefit of humanity. Discoveries by scientists, such as astronomers Nicolaus Copernicus (1473–1543) from Poland, Galileo Galilei (1564–1642) from Italy, and Isaac Newton (1643–1727) from England, seemed to confirm Bacon's faith in people's ability to understand nature.



How did advances in scientific thought and reasoning reflected in the work of Francis Bacon and others influence people's ideas about human nature and government?

*Figure 5.3.7*



Benjamin Franklin was a major figure in the American Enlightenment. In what ways, if any, do you think an understanding of science might be useful in creating a government?

*Figure 5.3.8*

This belief in science and reason also influenced the study of human nature and government. Living in the midst of intense scientific research and discovery in seventeenth-century England, philosophers Thomas Hobbes and John Locke, introduced previously, embraced scientific reasoning. Locke himself was an inventive physician. And Hobbes visited French philosopher René Descartes (1596–1650)—often called the Father of Modern Mathematics and the Father of Modern Philosophy—in Paris and Galileo in Florence. Their ideas about the state of nature and the basis for government were founded on the notion that human behavior could be understood, predicted, and controlled.



What ideas from the Enlightenment are contained in the Declaration of Independence?

*Figure 5.3.9*

In the next century came Montesquieu (1689–1755), who was discussed in Lesson 1. This important Enlightenment political philosopher argued that the form of a society's government corresponds to the social, economic, and geographic conditions of that society. Therefore the best government for any nation is one tailored to the unique circumstances of that nation.

The American Founders belonged to the Age of Enlightenment. They believed that reason and observation, complemented by the study of history and writers such as Locke and Montesquieu, would enable them to understand the workings of governmental and social institutions. They thought that this understanding could generate what the Founders called the "new science of politics." This new science would help the Founders construct a government for the new United States.

## Conclusion

Classical republicanism and Judeo-Christian philosopher had different ideas about the importance of the individual. In this lesson, you learned about how those ideas shaped modern individual rights. You also saw that historical developments, such as capitalism, contributed to the way societies thought about the individual.

## Lesson Check-up



- **How would you describe the difference between the classical republican idea of civic virtue and Judeo-Christian ideas of morality?**
- **How did the Judeo-Christian heritage contribute to the Founders' understanding of human rights?**
- **What features of society in the Middle Ages contributed to the view that rights belonged to groups rather than to individuals?**
- **How did feudalism contribute to the idea that government is based on contractual relationships?**
- **What modern ideas about rights were developed during the Renaissance? How did the Reformation contribute to the development of these ideas?**
- **How did the rise of nation-states help to stimulate thinking about principles of government such as constitutionalism, individual rights, and republicanism?**
- **How did the development of capitalism encourage new thinking about the individual and society?**
- **Why was the invention of the printing press with movable type important in promoting the spirit of individualism?**

LESSON 4

# British Origins of American Constitutionalism



## Key words

- common law
- Magna Carta
- precedent
- redress of grievances
- rights of Englishmen
- rule of law
- stare decisis
- writ of habeas corpus

## What You Will Learn to Do

Explore the differences between British and American constitutionalism

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** how rights and representative government evolved in England and how this evolution influenced the Founders
- **Identify** the origins of some of Americans' most important constitutional rights

## Essential Question

**In what ways did British history influence American constitutionalism?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on the influence of the Magna Carta on the development of rights and the importance of habeas corpus and trial by jury
- **Define** key words: common law, Magna Carta, precedent, redress of grievances, rights of Englishmen, rule of law, stare decisis, writ of habeas corpus

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## Introduction

This lesson describes the evolution of British constitutional government. It examines the early stages of English government in the feudal period, concluding with the **Magna Carta** of 1215. It traces the development of representative institutions in England, English **common law**, and the relationship between legal and constitutional structures. It also examines some of the differences between British and American constitutionalism.

## How Did English Government Begin?

For several centuries after the fall of the Roman Empire, England was divided among a number of tribes. A king or other leader ruled each tribe. Eventually all the tribes of England were united under one king. But unification into a single kingdom did not significantly change most people's lives. England was too large for one person to rule. The English monarch had to let people in local areas tend to their own affairs according to customs they had developed over the years.

A major change in the way England was ruled took place in 1066, when William the Conqueror (c. 1028–1087), the leader of the Normans—people from Normandy in France—invaded England and defeated King Harold II (c. 1022–1066) at the Battle of Hastings. As king of England William introduced feudalism into the country, but he and his successors

## Key words

**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

**common law:**
The body of unwritten law developed in England from judicial decisions based on custom and earlier judicial decisions

also adopted and adapted many English practices in governing the English. These monarchs recognized that it would help to keep peace in the kingdom if they did not upset people by violating too many local customs.

Originally, English monarchs, either personally or through representatives, made laws, supervised law enforcement, heard cases—thus the term "royal courts"—and defended the kingdom. Frequently monarchs called on advisors to help them, especially when they needed to know local legal traditions and customs, and when they needed money. By the early thirteenth century groups of advisors and assistants were developing into separate institutions. They evolved into Parliament and the royal court.




Why did William the Conqueror allow the English to maintain many of their practices and customs?

*Figure 5.4.1*

## How Did Parliamentary Government in England Begin?

Even before the Norman Conquest, the English monarchs had brought together groups of advisors into councils of leading subjects, whom they relied on to advise them on various matters of state. These councils are the groups that came to be called parliaments, from the French word *parler*, which means "to speak."

In 1295, King Edward I (1239–1307) summoned what came to be called the Model Parliament. The Model Parliament consisted of two representative parts, or houses. The House of Lords represented the feudal nobility and major church officials. The House of Commons was composed of two knights from each shire, or county; two citizens from each city; and two citizens from each borough, or town. Although called the House of Commons, this body was composed of people who had wealth and status in the kingdom. They were not the common people, as we understand that term today.

Parliament developed into a consistent body over time, in part because the English Crown, or monarchy, found it to be an effective way to raise money. Parliament represented the various interests in the kingdom, thereby providing monarchs with a convenient way of negotiating with all the interests at once. As Edward I said in his summons to the members of the Model Parliament, "What concerns all should be approved by all." In turn, English subjects found Parliament to be an effective way to voice their grievances and to limit or check monarchical power.

## How Did English Common Law Develop?

When William the Conqueror became king of England, there were different systems of law in different parts of the country. This made hearing cases difficult for royal judges, who had to learn about each local system. William and his successors tried to provide a less confusing system of law that would be common to all parts of the kingdom—common law—and would be applied consistently by royal judges.

The system of law that William the Conqueror introduced required judges to publish their decisions so that judges in the future would know how earlier cases had been decided. Earlier rulings became **precedent**s, or rules to guide future cases. The principle of following precedents is known by the Latin term **stare decisis**— "let the precedent (decision) stand." This system gives predictability and stability to the law. Judges compare the facts of a case with cases decided earlier and attempt to rule in a way that is consistent with the earlier cases. Changes in judge-made law occur incrementally, as judges made minor changes in applying the law to the facts of each case.

## How Did the "Rights of Englishmen" Develop?

English law and the English constitution gave great importance to tradition, or custom. Once a rule was recognized as the law of the land, it was hard to change. Over the years, English monarchs and royal judges came to recognize that subjects had certain personal rights, often referred to as the **rights of Englishmen**. These common law rights were fundamental in the sense that neither the monarch nor Parliament would dare to change or violate them.

Centuries of respect gave these rights a special status. They included the following:

- The right to trial by a jury of one's peers under the law of the land
- Security in one's home from unlawful entry
- Limits on government's power to tax




How might the right to trial by jury protect individuals from the abuse of power by government?

*Figure 5.4.2*

### Key words

**precedent:**
Previous court decisions upon which legal issues are decided

**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

**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

In 1100, an event occurred in England that was a precedent for a greater event a century later. In this year, King Henry I issued a Charter of Liberties, which bound him to obey certain laws regarding the treatment of nobles and church officials. Early in the next century, one of the great charters of liberty in human history, based partly on Henry's charter, was drawn up. This newer charter was written because the king, the pope, and the English barons (the king's feudal vassals) disagreed about the king's rights. This came about after a chain of events in the early 1200s, when King John I tried to take back some rights and powers that his barons had been enjoying. The result was a civil war between the barons and their king. The barons won.

## THE MAGNA CARTA

In June 1215, with the support of the Church and others, the barons forced King John to sign a new Charter of Liberties, which later became known as the Magna Carta, or "Great Charter." This charter addressed feudal relationships between the Crown and three classes of the population—barons, clergy, and merchants. In the charter, the king promised not to increase feudal dues and other money payments to the Crown without consent and to respect various property rights. The charter did not grant new rights. Rather, it confirmed certain traditional rights. The following three principles contained in the Magna Carta were important in the later development of constitutional government.

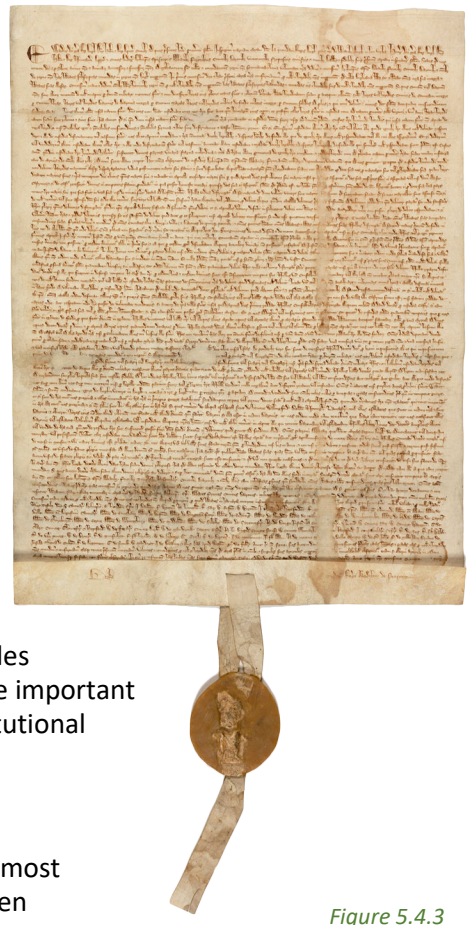


*Figure 5.4.3*

### Rule of Law

The Magna Carta was perhaps the most important early example of a written statement of law. It expressed the idea that the monarch must respect established rules of law. The term **rule of law** refers to the principle that every member of society, even rulers, must obey the law. Sometimes the phrase is rendered as "the supremacy of the law" because it means that rulers must base their decisions on known principles or rules instead of on their own discretion. The Magna Carta, for example, stated that no free man could be imprisoned or punished "except by the lawful judgment of his peers" and by the "law of the land." This meant that the government could not take action against the governed unless it followed established rules and procedures. Arbitrary government was outlawed.

**Key words**

**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

### Basic Rights

The barons made King John promise to respect the "ancient liberties and free customs" of the land. The barons did not believe that they were making any drastic change in the position or power of the king. Their goal was to establish a way to secure **redress of grievances**, or compensation for a loss or wrong done to them, should the Crown infringe on their common law rights.

### Government by Agreement or Contract

The agreement in the Magna Carta was between the king and a limited number of his subjects. It did not include the majority of the English people. However, it did express the feudal principle of drawing up an agreement between parties as a basis for legitimate government.

### Other Constitutional Principals

Later generations would discover in the Magna Carta the seeds of other important constitutional principles. For example, the American colonists found the principle of no taxation without representation and consent in King John's promise not to levy certain feudal taxes without the consent of "our common counsel of the kingdom." The Magna Carta also brought the law to bear against one law-breaking king. It gave King John's barons the right to go to war with him again if he broke the agreement. Going to war, however, was not a satisfactory method of ensuring responsible government. A better way began to develop in the next century.

## Key words

**redress of grievances:** The correction of complaints

## Content Highlight:

### WHAT DO YOU THINK?

People have fought and died to establish rights such as those described in this lesson. However, it is difficult to understand the importance of these rights merely by reading about them. Examine the following two articles of the Magna Carta and then respond to the questions about them.

***Article 39:*** No freeman shall be taken or imprisoned or disseised [dispossessed] or banished or in any way destroyed, nor will We [the King: this is the "royal We"] proceed against or prosecute him, except by the lawful judgment of his peers or by the law of the land.

***Article 40:*** To no one will we sell, to no one will we refuse or delay, right or justice.

1. What rights, values, and interests are expressed in Articles 39 and 40?
2. In what ways do these rights limit the monarch? Why would the English nobles want to place such limits on the monarch?



- What similarity, if any, is there between the Magna Carta and the Mayflower Compact?
- What elements of the Magna Carta are found in the U.S. Constitution?

*Figure 5.4.4*

## What is the British Constitution?

The British constitution is not a single written document. It consists of common law, important acts of Parliament, and political customs and traditions. The central principle of the British constitution is respect for established rules and procedures—that is, for the rule of law. Many provisions of the British constitution grew out of a long series of political struggles between monarchs and Parliament.

Three great historical documents are important in the development of the British constitution and the rights of the British people. In addition to the Magna Carta in 1215, these include the Petition of Right in 1628 and the English Bill of Rights in 1689. All three documents were written at times when the struggle for power between monarchs and Parliament was especially intense.

By 1600, Parliament had become so important to English government that it could challenge the Crown's ability to act without its support. But monarchs did not easily give up authority. In the seventeenth century, the Crown and Parliament quarreled over a variety of issues, including money, religion, and foreign policy. At the heart of these struggles was the key constitutional issue: Did the Crown have to accept the supremacy of laws made by Parliament?

The first outcome of these struggles was a Constitutional document almost as important as the Magna Carta, called the Petition of Right of 1628. King Charles I needed money to fight wars against France and Spain. He sought to raise funds without the consent of Parliament. Parliament responded by forcing Charles to agree to the Petition of Right, which confirmed that taxes could be raised only with the consent of Parliament. The Petition of Right guaranteed English subjects other rights, such as a prohibition against requiring people to quarter soldiers in their homes and the right to habeas corpus, which will be explained later in this section. King Charles' acceptance of the Petition of Right strengthened the idea that English subjects enjoyed fundamental rights that no government could violate.



What limitations were placed upon the power of the Crown by the Petition of Right?

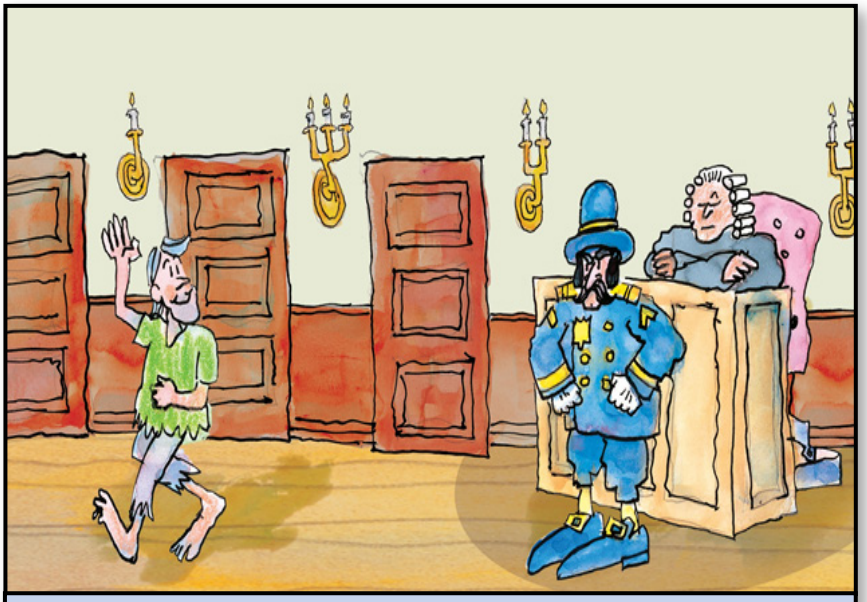
*Figure 5.4.5*

The Petition of Right, however, was not successful in quelling strife between the people and their king. Civil unrest ensued. The English monarchy fell in 1649 and Charles I was executed. Oliver Cromwell instituted the Commonwealth period, serving as Lord Protector until his death in 1658. He was briefly succeeded by his son Richard, until the monarchy was restored in 1660, and Charles II, the son of Charles I, came to the throne. Thus, it was during the reign of King Charles II that the right to habeas corpus gained new authority.

The Habeas Corpus Act of 1679 made consistent a number of previous habeas corpus acts and confirmed the right of British subjects to apply for a legal document called a **writ of habeas corpus**. A writ is a court order to a government official commanding that official to do something. A writ of habeas corpus orders an official to deliver—"habeas"—a person—"corpus," meaning "the body"—who is in custody to a court of law to explain why the person is being held. If the government cannot justify keeping the individual in custody, then the person must be set free. The writ of habeas corpus is one of the most important limitations on government power, because it means that no government official—not even the Crown—can hold someone in prison arbitrarily or indefinitely.

## Key words

**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



How might a writ of habeas corpus protect individuals from the abuse of power by government?

*Figure 5.4.6*

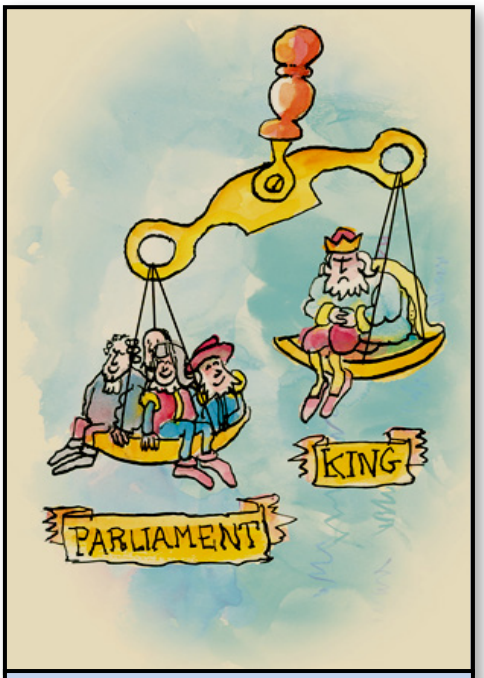
Eventually, Parliament became the branch of government that represented the most powerful groups in the kingdom. By the end of the seventeenth century Parliament, not the Crown, was recognized as the highest legal authority in England. Parliament's struggle with the monarchy ended in a bloodless revolution known as the Glorious Revolution of 1688.

Under the Revolution Settlement, Prince William of Orange of the Netherlands and his wife Mary were invited to be joint monarchs and to preserve the power of Parliament. Among other things, Parliament required them

to agree to the English Bill of Rights, which in 1689 became a cornerstone of the British constitution.

The English Bill of Rights contained a number of provisions, ranging from limitations on the Crown's power to raise money to guarantees of free speech and debate in Parliament. The Bill of Rights also expressed two important principles that influenced constitutional development in America:

- ***Rule of law.*** The English Bill of Rights restated the idea in the Magna Carta that the rule of law is the foundation of legitimate government.
- ***Representative government.*** The English Bill of Rights established the idea that only representative government is legitimate. In England that meant the representation of social classes in Parliament, or a mixed constitution, composed of the monarchy (the rule of one), the aristocracy in the House of Lords (the rule of the few), and the House of Commons (the rule of the many).




What events contributed to the shift of power from the Crown to Parliament?

*Figure 5.4.7*

Debates about who should be represented in government would be taken up in America. In the end, the Americans would make a key decision by rejecting the feudal idea of representation by social classes, as the English Parliament did, in favor of the idea of social equality.



How did representative government evolve in England? How did the evolution influence the Founders?

*Figure 5.4.8*

# Content Enhancement:

## CRITICAL THINKING EXERCISE

**Evaluating the Importance of Habeas Corpus and Trial by Jury**

Work in groups to examine the rights of habeas corpus and trial by jury. Each group should read ***Selection 1*** or ***Selection 2 (on next page)***, and answer the questions that accompany it. Discuss your responses with the entire class.

***Selection 1: Habeas Corpus***

The writ of habeas corpus has been called the "Great Writ of Liberty." One constitutional scholar called it the "greatest guarantee of human freedom ever devised by man."



*Figure 5.4.9*

Suppose you were arrested and imprisoned by the English monarch. Although you have the right to be tried by the law of the land, the monarch's jailers keep you in prison. They refuse to bring you before a court and to inform you of the charges against you. How could the right to a writ of habeas corpus protect you from such treatment? How could the jailers be forced to bring you into a courtroom for a fair hearing?

Suppose you had a family member, a friend, or a lawyer who knew you had been arrested and were being kept in prison. That person could go to court and ask the judge to issue a writ of habeas corpus. This writ would be an order by the judge to your jailer to bring you to court and present evidence that you have broken the law. If there were evidence, you would be held for trial. If there were no evidence, you would be set free.

Examining the Rights:

1. What limits does the right to a writ of habeas corpus place on the monarch?
2. Why would the English Parliament want to place such limits on the monarch?
3. What arguments can you make for this right today?
4. What examples of situations in the United States or other nations can you identify that uphold or violate this right?
5. Under what conditions, if any, do you think this right should be limited?
6. Is this right included in the Constitution of the United States? If so, where can it be found?

## Content Enhancement:

### CRITICAL THINKING EXERCISE – CONTINUED

***Selection 2: Trial by Jury***

The right to a trial by jury of one's peers is one of the oldest and most important of the fundamental rights of Englishmen. It has become an essential right in a free society.



*Figure 5.4.10*

Suppose you were arrested and imprisoned by the English king. A judge, appointed and paid by the king, has examined the evidence against you and decided that you should be tried for breaking the law.

The English constitution guarantees you the right to be tried by a jury of your peers. This means that a group of people from your community will listen to the evidence that the king's prosecutor has against you. They also will hear your side of the story. The jury has the authority to decide if you are guilty or innocent of breaking the law. Its verdict must be unanimous to find you guilty. The jury also has the power to find you not guilty—even if you have broken the law—if the jurors believe that the law is unfair.

Examining the Rights:

1. What limits does the right to a trial by jury place on the monarch?
2. Why would the English Parliament want to place such limits on the monarch?
3. What arguments can you make for the right to a trial by jury today?
4. What examples of situations in the United States or other nations can you identify that uphold or violate this right?
5. Under what conditions, if any, do you think this right should be limited?
6. Is this right included in the Constitution of the United States? If so, where can it be found?

## Conclusion

In this lesson, you learned about the important ways British history influenced the American constitution. While American colonists rebelled against Britain and the monarchy, the founding generation sought to build on a government that was based on rules and laws. Many of these basic ideas can be found in our government today.

## Lesson Check-up



- **What is the common law of England? Why is it sometimes called "judge-made law"? How did the common law develop?**
- **What is the Magna Carta? How was it created? How did it contribute to the development of constitutional government?**
- **What is meant by the phrase "rights of Englishmen"? How were these rights established?**
- **Among the key documents in the struggle for power between king and Parliament were the Petition of Right of 1628, the Habeas Corpus Act of 1679, and the English Bill of Rights of 1689. Explain how and why each of these documents contributed to the development of Constitutional government in England.**
- **How are the ideas in the Magna Carta, the Petition of Right, and the English Bill of Rights related to natural rights philosophy and classical republicanism?**
- **What rights and other principles of government in the U.S. Constitution or in your state's constitution can you trace back to the Magna Carta?**

LESSON 5

# Colonial Ideas About Rights and Government



## Key words

- charter
- constituent
- covenant
- Fundamental Orders of Connecticut
- indentured servant
- magistrate
- Mayflower Compact
- suffrage

## What You Will Learn to Do

Explain how colonial Americans' ideas about rights and government influenced our society

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the early development of America's traditions of constitutional government
- **Explain** why the American colonists attached special importance to such constitutional principles as written guarantees of basic rights and representative government

## Essential Question

**What basic ideas about rights and constitutional government did colonial Americans hold?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on the differences between life in colonial America and in England during the same period, the relationship between natural rights theory and slavery in America, and how natural rights philosophy and history help to explain the colonists' views of the proper role of government
- **Define key words:** charter, constituent, covenant, Fundamental Orders of Connecticut, indentured servant, magistrate, Mayflower Compact, suffrage

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## Introduction

This lesson describes how basic ideas of constitutional government were developed and used in the American colonies before independence from Britain. It explains how social and economic conditions in America sometimes required old ideas about government to be adapted or discarded. Occasionally, the colonists needed to create entirely new institutions.

## How Did the Colonial Settlement of America Inspire New Experiments in Constitutional Government?

More than 150 years elapsed between the time colonists arrived in British North America and 1776, the year when the thirteen colonies gained their independence from Great Britain. This history had a great influence on the Founders.

By the early 1600s, England wanted to establish colonies on the North American continent, as Spain and the Netherlands already had done. England had many reasons for wanting colonies in North America. Foremost, among these reasons was England's desire to develop a profitable maritime empire. To entice settlers to go to America, the Crown offered various incentives. Two important incentive plans were royal proprietorships and joint-stock companies.

## Royal Proprietorships

One way the Crown encouraged settlements was to create royal provinces in America, called proprietorships. Most proprietors were personal friends of the English king. Proprietors had to find ways to lure settlers to the provinces that the Crown had given them. Eleven of the original thirteen colonies were founded as proprietorships. Perhaps the best-known colonial proprietor was William Penn (1644–1718), the founder of Pennsylvania.



Why did the English king give people the right to establish colonies in America?

*Figure 5.5.1*

## Joint-stock Companies

The Crown also chartered business ventures called joint-stock companies, giving each company the right to settle certain areas along the East Coast. Each had to attract enough settlers to establish a colony. The Virginia Company of London settled the first successful colony at Jamestown in 1607.

Settlement did not always proceed smoothly. For example, in 1620 after a seven-week voyage from Plymouth, England, under a grant from the Virginia Company of London to settle and establish a government in Virginia, the ship Mayflower arrived instead at Cape Cod in what is today the state of Massachusetts, where it had no right to be. Nevertheless, the leaders of the expedition decided before they landed to create a government to serve their needs. The **Mayflower Compact** was an early example of social contract theory put into practice in America. The Compact also laid the foundation for the state of Massachusetts:



How did the Mayflower Compact embody the ideas of the social contract and consent?

*Figure 5.5.2*

*We…the loyal subjects of…King James…having undertaken a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and of one another, **Covenant** and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation…and by virtue hereof, to enact, constitute, and frame such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.*

### Key words

**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"

**covenant:**
A binding agreement made by two or more persons or parties

## What Was Unique About the American Experience?



How might the wide availability of land in the colonies have affected attitudes about social status and equality?

*Figure 5.5.3*

The special conditions of an undeveloped land profoundly affected economic, social, and political life in colonial America. Land was cheap and especially in New York, Pennsylvania, Virginia, and the Carolinas, readily available. Labor, by contrast, was scarce. Because of the labor shortage, **indentured servant**s looked forward to earning their wages and buying land themselves after their period of servitude. An indentured servant was a person who sold his or her labor, usually in exchange for the cost of the trip from Europe to the colonies.

Nonindentured and free laborers generally earned higher wages in America than they could earn in Europe. Some of the Southern colonies gave newcomers fifty acres of land if they were able to arrange for their own transportation to the colony.

Cheap land and the high demand for workers meant that American colonists usually had greater opportunities to achieve prosperity than most people in Europe. While some became wealthy, others of course failed, creating a class of American poor. However, over time the great majority of free inhabitants achieved at least moderate prosperity.

Some English practices that protected the landed aristocracy in Great Britain did not survive in the colonies. For example, the English law of entail prohibited the sale or distribution of property beyond male family members. The law of primogeniture required that land be handed down to eldest sons. The colonists paid little attention to these laws, thereby increasing the wide distribution of land in the colonies.



Why was the rigid class system of England harder to maintain in the American colonies?

*Figure 5.5.4*

England's rigid class system also was harder to maintain in America. Wealth and family name did not mean automatic success in a land where everyone had to work to survive. Those who came to America without great personal wealth rarely were held back if they were ambitious and hardworking. Carpenters and brick masons, for example, enjoyed only

### Key words

**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

modest social status in England. But the constant demand for new buildings in America allowed such craftsmen to earn a living equal to many of their social superiors. "Well-born" Europeans who considered hard work or manual labor beneath them sometimes had difficulty surviving in the colonies.

The chance to improve one's lot in life became a fundamental ideal of the American experience. Examples abound in colonial America. For instance, one of a candle maker's seventeen children, Benjamin Franklin (1706–1790), became a great inventor, statesman, and diplomat. An English corset-maker's son, Thomas Paine (1737–1809), arrived in Pennsylvania from England in 1774 and became a famous writer on behalf of the American Revolution. A son of a poor, unwed mother, Alexander Hamilton (1755–1804), became the first Secretary of the Treasury of the newly formed United States.

## What Rights Became Part of Colonial Charters?

King James I gave the Virginia Company a royal **charter**, which granted the company permission to settle Jamestown. A charter is a written document from a government or a ruler that grants certain rights. The royal charter granted to the Virginia Company promised that:

> *The Persons...which shall dwell...within every or any of the said several Colonies and Plantations, and every of their children...shall HAVE and enjoy all Liberties, Franchises, and Immunities...as if they had been abiding and born, within this our Realm of England, or any other of our said Dominions.*

Similar guarantees appeared in the royal charters establishing Massachusetts, Maryland, and other colonies. Such guarantees echoed the ideals of the Magna Carta—that all Englishmen, wherever they went, enjoyed certain basic rights.

This tradition of expressing rights in writing became an essential part of American constitutions. The Massachusetts Body of Liberties of 1641, for example, provided for the rule of law and protection of basic rights of persons living in that colony against any abuse of power by a **magistrate** or judge of the colony. In addition to echoing the Magna Carta in some respects, this document was America's first bill of rights. It provided among other things that:

> *No man shall be arrested, restrayned, banished nor anywayes punished...unless by vertue of some express laws of the country warranting the same.*

The Body of Liberties also guaranteed trial by jury, free elections, and the right of free men to own property. It prohibited government from taking private property without just compensation, from forcing witnesses to testify against themselves (self-incrimination), and from imposing cruel and unusual punishments. Although the Body of Liberties limited **suffrage**, or the right to vote, in Massachusetts, it granted certain political rights to those who did not enjoy the voting franchise, including the right to petition the government for the redress of grievances.

### Key words

**charter:**
A written document from a government or ruler that grants certain rights to an individual, group, organization, or to people in general

**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

**suffrage:**
The right to vote

Guarantees of basic rights later appeared in other colonies. Pennsylvania, for example, guaranteed such rights as freedom from arrest except for "probable cause" and trial by a jury of one's peers and the right against taxation without representation, as did other colonies. But Pennsylvania was the first colony to guarantee freedom of conscience—"the rights of conscience."



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

1. If you had been offered the opportunity to come to America as an indentured servant, do you think you would have done so? Why or why not?
2. What do you think were the most important differences between life in England and life in the American colonies? How did those differences shape early American governments?
3. Were the differences between theories of representation in colonial America and England significant? Why or why not?
4. Social classes developed quickly in the American colonies but were based on wealth rather than birth. Does the distinction matter? Why or why not?

## Who Did Not Benefit From the Rights Expressed in Colonial Documents?

Not all Americans enjoyed the rights secured in colonial charters and other documents. For example, in some colonies the right to vote or hold office was restricted to Protestant white men. In others such rights were restricted to those who belonged to the colony's official state or established church.

As in England and elsewhere, women were not granted political rights. Colonial laws limited their right to own property and to manage their own legal and personal affairs. Laws varied among the colonies, but married women usually had the legal status of underage children. They lost most of their legal identity to their husbands under a legal doctrine called coverture. According to English law,

> *Husband and wife are one person…the very being or legal existence of the woman is suspended during the marriage.*

Between one-half and two-thirds of all immigrants to the colonies came as indentured servants. Most were bound to masters for periods ranging from a few years to decades. The status of many indentured servants was not much better than that of slaves until their period of indenture ended.

Native Americans also did not enjoy the rights expressed in colonial documents. Like the Spanish and French before them, British settlers treated Indian tribes as foreign entities. They were removed from their lands when necessary for colonial expansion and dealt with through treaties at other times.

The most glaring example of the failure to extend the rights and privileges to all was the institution of racial slavery. African slavery was well established in the American colonies by the eighteenth century. Slaves, who made up twenty percent of the population in 1760, were treated as property and thus were denied basic human rights.

## Content Enhancement:

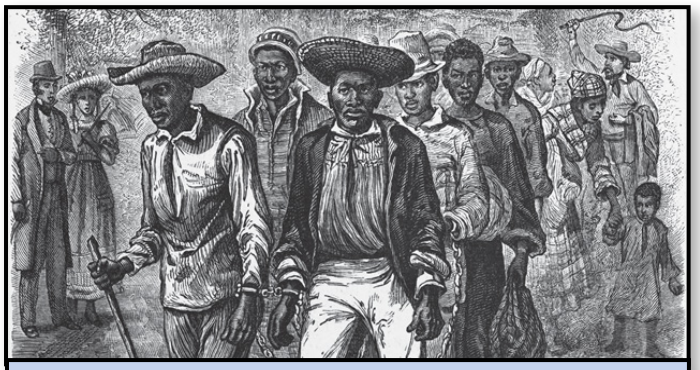
### CRITICAL THINKING EXERCISE

**Using Natural Rights Philosophy to Address the Problem of Slavery**

Consider this situation. Some 325,000 of the 1.6 million people living in the colonies in 1760 were enslaved Africans. Slavery flourished in the plantation economy of the Southern colonies, as it did in the British and French West Indies and in South America. Slavery was legally recognized in all thirteen British North American colonies. New York City had a significant slave population, as did New England.

There was some active opposition to slavery among the population of free citizens as well as among the slaves themselves. Some opponents sought its peaceful abolition, while others were willing to use violent or illegal means.

As explained in an earlier lesson, natural rights philosophy emphasizes both human equality and the protection of private property. Both slave owners and abolitionists in the colonies and in Great Britain could point to natural rights philosophy for support. Which side has the stronger argument? Why?



What protections from abuse did slaves have, if any?

*Figure 5.5.5*

## What Basic Ideas of Constitutional Government Did the Colonial Government Use?

As previously explained, the English colonies originated with charters issued by the Crown. In general, the structure of colonial governments consisted of:

- A governor, who was the proprietor, or someone else appointed by the Crown
- A council of between three and thirty landholders that advised the governor and in some circumstances served as the highest court of the colony
- An assembly elected by the people that had a say in matters of taxation

Beyond these rudimentary structures, Crown charters usually offered few details about how local governments should function. As a result, America became a fertile ground for constitution-making and governmental innovation.

In 1636, colonists in several Massachusetts towns received permission to move west into the Connecticut Valley. Three years later those settlers adopted the **Fundamental Orders of Connecticut**. The Fundamental Orders of Connecticut derived authority from all free men living in these towns. This colonial constitution helped to establish the American preference for written constitutions. The Fundamental Orders of Connecticut established a central legislative assembly, a governor, and courts. As was the custom, voting was limited to white male property owners. Other colonies also experimented with writing constitutions in the years that followed. Some of the early written constitutions were successful. Others failed or had to be revised. The forms of colonial government varied from colony to colony. However, all constitutions shared certain basic principles, including the following.

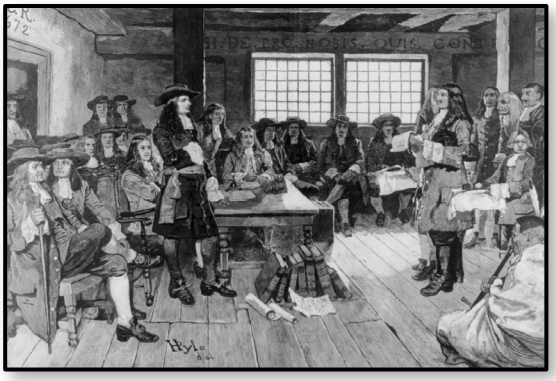


*Figure 5.5.6*

**Key words**

**Fundamental Orders of Connecticut:**
Adopted in 1639, this series of laws is the first written constitution in North America

## FUNDAMENTAL RIGHTS

The colonists were concerned foremost with protecting the common law rights that they brought with them from England. At first colonists under-stood these rights as the ancient and fundamental rights of Englishmen. As the Revolution neared, the colonists increasingly understood their rights to life, liberty, and property in terms of natural rights philosophy.



What is the rule of law? Why is it important?

*Figure 5.5.7*

## RULE OF LAW

To protect their fundamental rights, the colonists insisted on the creation of a government of laws under which those responsible for making and enforcing the laws had to obey the laws and could not exercise power arbitrarily.

## REPRESENTATIVE GOVERNMENT AND THE RIGHT TO VOTE

One of the most important constitutional developments was the growth of representative government. The first representative assembly in the colonies met in Virginia in 1619. The right of colonists to elect representatives to colonial legislatures was one device for enticing settlers to come to America. Representative assemblies reduced the possibility that royal governors would violate the people's rights. The

legislatures would respond to the needs and interests of the people. The creation of representative assemblies also established the principle of no taxation without representation.



How do representative assemblies check the power of the executive branch?

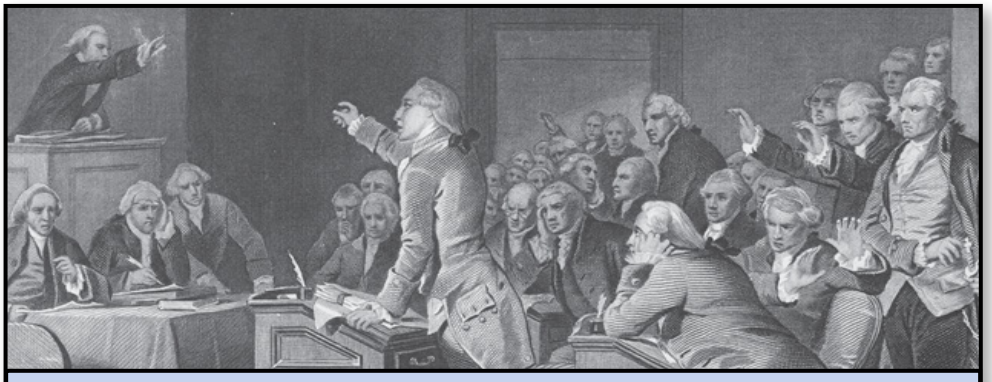
*Figure 5.5.8*

## SEPARATION OF POWERS

Colonial governments typically provided for the exercise of three kinds of governmental power. Separation of powers was evident in the following ways.

### Legislatures

All the colonies had legislatures or assemblies that over time assumed greater responsibility for making laws. All but Pennsylvania adopted the structure of Parliament, with "lower" and "upper" houses. Pennsylvania adopted a unicameral, or one-house, legislature. Members of the upper house were either appointed by the governor or elected by the wealthiest property owners of the colony. All the men in the colony who owned a certain amount of property elected members of the lower house. The colonial legislatures eventually became the strongest of the three branches of government.



What might be the advantages and disadvantages of having a legislature be the strongest branch of government?

*Figure 5.5.9*

### Governors

Governors were responsible for carrying out and enforcing laws. They also were concerned with ensuring that the colonies were governed in a manner consistent with English law and tradition. The British monarch chose the governors, or the governors were the proprietors. Only in Connecticut and Rhode Island were the governors elected.



Why did colonial governments provide for checks on the power of governors?

*John Murray, the deeply unpopular and final royal governor of Virginia.*

*Figure 5.5.10*

### Courts

Courts were created to administer local justice and to preside over the trials of those accused of breaking local laws. Judges were required to follow strict rules of procedure. Some colonies created a two-tiered system of trial and appeals courts.

## How Did Colonial Governments Become More Representative Than the Government in Britain?

American colonists believed that the security of life and liberty depended on the security of property, which explains in part the property requirement for full political rights, such as voting. If one of the purposes of government was to protect property, it seemed reasonable to many Americans to limit suffrage to those who possessed at least some land.

Owning fifty acres of land was a typical property requirement for voting in the colonies. Land was relatively easy to obtain, and so the body of eligible voters in America was proportionally larger than in England. Colonial legislatures accordingly were more broadly representative.

Unlike in England, colonial elections usually offered the voters a choice of competing candidates for office. Colonial legislators usually served shorter terms than members of Parliament, who faced election only once in seven years.

Colonial legislators also were required to live in the districts they represented. They were considered to be the voices, or agents, of the people, or their **constituent**s. A constituent is a person represented by an elected official. And so, colonial legislators were responsible for

**Key words**

**constituent:**
A person represented by an elected official

ensuring that the legislature knew about the needs and interests of their constituents. By contrast, in 1776 members of the British Parliament did not have to live in the districts they represented and often had little understanding of the needs of their constituents. Instead, they were charged to represent the interests of the nation as a whole.



What relationship might there be, if any, between the ownership of property and individual liberty?

*Figure 5.5.11*

## Content Highlight:

### WHAT DO YOU THINK?

1. What do you think is the best way to explain the American colonists' views of government? Is social contract theory or historical circumstance more important? Why?
2. What conflicts, if any, do you see between social contract theory and the status of women, indentured servants, and slaves in eighteenth-century America? What might explain those conflicts?
3. Does American colonial history help to provide context for understanding any contemporary issues in American politics and government? If so, which ones? If not, why not?
4. Do you think the same degree of social and economic opportunity exists for immigrants to America today as existed for the colonists? What has remained the same? What has changed?

## Conclusion

This lesson explored colonists' ideas about constitutional government. The colonists placed importance on written guarantees of basic rights and representative government. Colonists had a unique perspective on many aspects of government because of the economic and social conditions in America. And so, while they borrowed ideas from British government, the colonists also created a system that was truly American.

## Lesson Check-up



- **What was the Mayflower Compact? Why was it drafted? How could it be said to reflect the idea that government should be based on consent of the governed?**
- **Why were colonial governments more representative than the British government?**
- **In what ways were eighteenth-century American and British societies similar and different in terms of the rights of individual liberty, equality of opportunity, suffrage, and property?**
- **How would you describe the economic, social, and political conditions of life in colonial America? How did these conditions affect the development of American ideas about government?**
- **How did the simple governing structures in colonial charters evolve into more comprehensive systems of local government before the Revolution?**
- **Why were written guarantees of rights in colonial documents important to the development of Americans' ideas about government?**
- **Are written guarantees of rights as important today as they were in colonial times? Why or why not?**

# Colonial Rebellion and the Declaration of Independence





## Key words

- compact
- law of nature
- sovereignty
- writ of assistance

## What You Will Learn to Do

Explain the circumstances that produced the Declaration of Independence

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the British policies that some American colonists believed violated basic principles of constitutional government and their rights as Englishmen

## Essential Question

**Why did the American colonists want to be independent from Great Britain?**

## Learning Objectives (cont'd)

- **Explain** why Americans resisted those policies and how that resistance led to the Declaration of Independence
- **Evaluate** the arguments that the colonists made to justify separation from Great Britain
- **Evaluate,** take, and defend positions on violations of colonists' rights before the Revolution and important questions about the meaning and implications of the Declaration of Independence
- **Define** key words: compact, law of nature, sovereignty, writ of assistance

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## Introduction

The growth of the American colonies raised issues with the parent country, Great Britain, that were difficult to resolve peacefully. This lesson describes the circumstances that produced the Declaration of Independence and the major ideas about government and natural rights included in that document.

## How Did Great Britain's Policy Toward the Colonies Change?



*Figure 5.6.1*

Generations of colonists had grown used to little interference from the British government in their affairs. After 1763, however, several factors caused the British to exert more control over the American colonies than they had done in the previous 150 years. Great Britain had incurred large debts to gain its

victory over the French in the Seven Years' War of 1756–1763. The British government was under heavy pressure to reduce taxes at home. To the British ministers this meant that the American colonists should pay a fair share of the war debt, especially because much of that debt had been incurred in protecting the colonists.

Between 1763 and 1776, Great Britain tried to increase its control of the colonies. For example, the Proclamation Act (1763) forbade colonial authorities to allow settlement on Indian lands west of the Appalachian Mountains. The act aimed at reducing the costs of protecting colonists from wars that the colonists provoked with Native Americans. To raise revenue, the British government also increased its control of trade. The Stamp Act (1765) introduced a new tax on the colonists by imposing duties on stamps needed for official documents. At the same time Parliament passed the first Quartering Act (1765), which in 1774 was changed to require colonists to shelter troops in their homes.



Why do you suppose the British government required colonists to shelter troops in their homes?

*Figure 5.6.2*

## Why Did the Colonists Resist British Control?

Although some colonists accepted the new taxes and other controls, many resisted. New trade restrictions and taxes meant that some colonists would lose money. Perhaps more important, the new regulations challenged the colonists' understanding of representative government. In the previous century John Locke had written that:

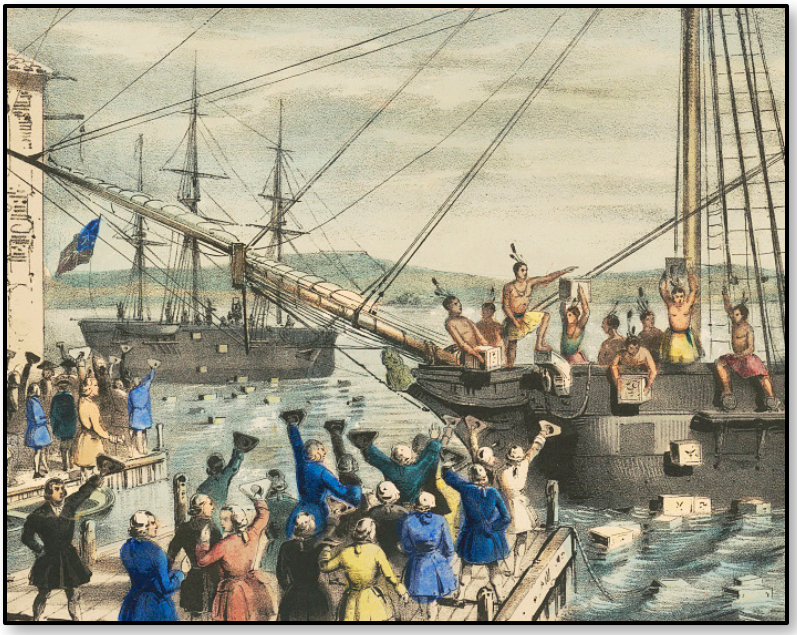
> *The supreme power cannot take from any man part of his property without his own consent... that is, the consent of the majority, giving it either by themselves or their representatives chosen by them.*
> *— (Second Treatise, 1689)*

The colonists agreed with Locke. They thought that tax laws should be passed only in their own colonial legislatures, in which they were represented. No taxation without representation had become an established belief of settlers in the American colonies.

Small groups in each colony became convinced that only large crowds prepared to act forcefully could successfully resist the Stamp Act. Leaders in Connecticut dubbed their followers the Sons of Liberty. The name spread rapidly, coming to stand for everyone who participated in the popular resistance. Although the Sons of Liberty rarely sought violence, they engaged in political agitation that tended to precipitate crowd action.

In October 1765, representatives from the colonies met in the Stamp Act Congress to organize resistance—the first such intercolonial gathering in American history. In March 1766, Parliament repealed the Stamp Act but passed the Declaratory Act, asserting Great Britain's full power and authority over the colonies. A little more than a year later, in June 1767, Parliament passed the Townshend Revenue Acts, which levied new taxes on items such as tea, paper, and glass. In response, a group of American women calling themselves the Daughters of Liberty led boycotts of English goods and committed themselves to producing cloth and other staples that would help the colonies become economically independent from England. Parliament also gave new powers to revenue officials. **Writs of assistance**, or general warrants, gave these officials broad authority to search and seize colonial property. Colonists charged with various crimes were transported to Nova Scotia or England for trials that were frequently delayed.

The British sent troops to the colonies to maintain order and facilitate tax collection. In 1770, a conflict broke out between British troops and colonists in Boston, resulting in the so-called Boston Massacre. Five colonists were killed. This incident helped to convince many Americans that the British government was prepared to use military force to coerce the colonists into obedience. Although the Townshend Acts were repealed in 1770, the Tea Act in 1773 reasserted Parliament's right to tax the colonists and led to the Boston Tea Party. This name was given to the event in 1773 when colonists, dressed as Mohawk Indians, boarded three British ships and dumped forty-five tons of tea into Boston Harbor. The British government responded with what colonists called the Intolerable Acts, a series of Punitive Acts (as the British called them) that, among other things, closed Boston Harbor to all trade. These measures attacked representative government by altering the Massachusetts charter to give more power to the new royal governor, limit town meetings, weaken the court system, and authorize British troops to occupy the colony.



*Boston Tea Party* *Figure 5.6.3*

## Key words

**writ of assistance:** A document giving a governmental authority the power to search and seize property without restrictions



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Identifying Violations of Rights**

Put yourself in the colonists' shoes. Each of the following situations is based on the experiences of colonists in America. Each has at least one British violation of a right that Americans thought they should have. Suppose you were an American colonist at the time. List the rights you would claim on the basis of such experiences.

1. There was some active opposition to slavery among the population of free citizens as well as among the slaves themselves. Some opponents sought its peaceful abolition, while others were willing to use violent or illegal means.
2. Your name is Elsbeth Merrill. While you were baking bread this afternoon and awaiting the return of your husband, an agent of the king arrived to inform you that you must shelter four British soldiers in your home.
3. Your name is Lemuel Adams. You have a warehouse full of goods near Boston Harbor. The king's magistrate gives British officials a writ of assistance that permits them to search homes, stores, and warehouses near the harbor to look for evidence of smuggling.
4. Your name is James Otis. You represent colonists who have been imprisoned and are being denied their right to a trial by a jury from their own communities. You argue that denying their traditional rights as Englishmen is illegal because it violates the principles of the British Constitution. The royal magistrate denies your request and sends the prisoners to England for trial.
5. Your name is William Bradford. You have been arrested and your printing press in Philadelphia has been destroyed because you printed an article criticizing the deputy governor. In the article you said the governor was like "a large cocker spaniel about five foot five."

## How Did the Colonists Organize to Resist British Control?

Colonists formed "committees of correspondence" to publicize colonial opposition and coordinate resistance. In the fall of 1774, each colony except Georgia sent representatives to a meeting in Philadelphia to decide the best response to the actions of the British government. The meeting was the First Continental Congress. Benjamin Franklin drafted a resolution for the Congress, which stated that "there is a manifest defect in the Constitution of the British Empire in respect to the government of the colonies upon those principles of liberty which form an essential part of that Constitution." The delegates to the First Continental Congress voted to impose a ban on colonial trade with Great Britain. Their goal was to force Great Britain to change its policies, but British officials considered the trade ban an irresponsible defiance of authority and ordered the arrest of some of the leading colonists in Massachusetts.

By this time many of the more radical colonists, especially in New England, were beginning to prepare for war against Great Britain. They believed that it was the right of the people to overthrow the central government because it no longer protected the colonists' rights.

These colonists formed a civilian militia, which was called the Minutemen because this force was to be ready at a minute's notice to respond to the British attack that everyone expected.

On April 19, 1775, some seven hundred British troops tried to march to Concord, Massachusetts, where they had heard that the Minutemen had hidden arms and ammunition. Among other things they planned to arrest Samuel Adams and John Hancock, two colonial patriot leaders. Paul Revere (1735–1818) and William Dawes (1745–1799) alerted the colonists by riding through the countryside, warning people that the British were about to attack. Adams and Hancock escaped. On that day at the towns of Lexington and Concord, war broke out between seventy-five Minutemen and the British troops. The "shot heard round the world" had been fired.




What restrictions, if any, should be placed on the right to protest against a policy one opposes?

*Figure 5.6.4*



What were the purposes of the First Continental Congress?

*Figure 5.6.5*

## What Was the Purpose of the Declaration of Independence?

The Battles of Lexington and Concord began the war between America and Great Britain. In August 1775, Great Britain declared the colonies to be in a state of rebellion. In November 1775, the king formally withdrew his protection. That winter Thomas Paine's (1737–1809) pamphlet, Common Sense, turned colonial opinion toward the idea of independence. And by the spring of 1776 it appeared to many, that independence was the only solution to the colonists' problems. On June 7, 1776, Richard Henry Lee (1732–1794) of Virginia introduced a resolution in the Continental Congress asserting "that these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved." The Congress appointed a committee of five to prepare the Declaration of Independence.

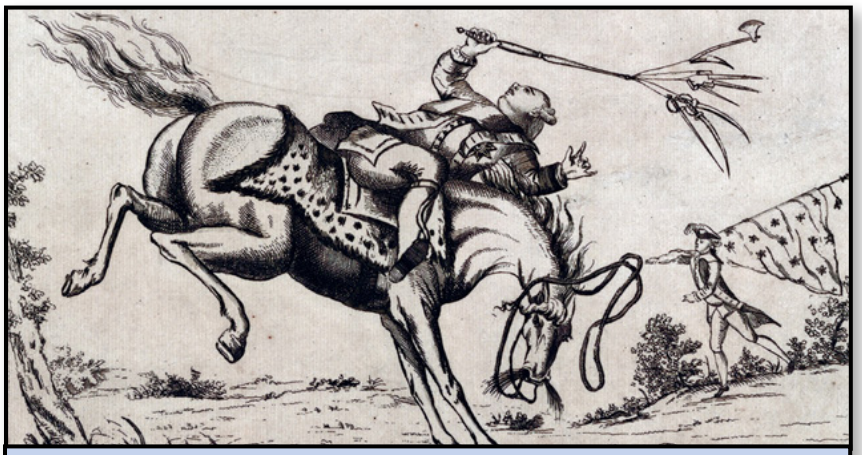
## Key words

**sovereignty:**
The ultimate, supreme power in a state

**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

Thomas Jefferson (1743–1826) wrote the first draft of the Declaration of Independence. It announced the final, momentous step in the colonists' resistance to the British government by rejecting the **sovereignty**, or authority, of the Crown. Rebelling against the sovereignty of the government to which the colonists and generations of their forebears had sworn allegiance and from which they had sought protection for many years was a serious matter. Members of the Continental Congress believed that it was important to justify this action to other nations and to identify the basic principles of legitimate government to win sympathy and active support. Thus, a formal declaration was seen as essential.

## What Were the Main Ideas and Arguments of the Declaration of Independence?



What relevance might this political cartoon have to the American Revolution?
*"The Horse America, Throwing His Master" was printed in England in 1779. King George III is the rider of the horse.*

*Figure 5.6.6*

The Declaration of Independence is a prime example of the colonists' ideas about government and their complaints about British rule. It does not make an appeal on behalf of the king's loyal subjects to the fundamental rights of Englishmen. Instead, the Declaration of Independence renounces the monarchy itself and appeals to those natural rights common to people everywhere. It asserts that sovereignty—the ultimate governing authority—resides with the people, with those who are members of a politically organized community. The following are its most important ideas and arguments.

### NATURAL RIGHTS

The rights of the people are based on a higher law than laws made by humans. The existence of these rights is "self-evident." They are given by "the Laws of Nature and of Nature's God" and are "unalienable." In natural rights philosophy the **law of nature** contains universally obligatory standards of justice and would prevail in the absence of man-made law. Neither constitutions nor governments can violate this higher law. If a

government deprives the people of their natural rights, then the people have the right to change or abolish that government and to form a new government.

## HUMAN EQUALITY

Humans are equal in the sense that neither God nor nature has appointed someone at birth to rule over others. Thus, humans are politically equal. To be legitimate, the right to rule must be based on agreement, or a **compact**, among equal civic members.

## GOVERNMENT BY CONSENT

Such a compact once existed between the colonists and Great Britain. By the terms of this compact the colonists consented to be governed by British law as long as the central authority protected their rights to "Life, Liberty, and the Pursuit of Happiness."

## "A LONG TRAIN OF ABUSES"

King George III violated the compact by repeatedly acting with Parliament to deprive the colonists of those rights that he was supposed to protect. These violations and other abuses of power showed a design to reduce government of the colonies to "absolute Tyranny." Specifically, the Declaration of Independence charged that the king was:

- Seeking to destroy the authority of the colonial legislatures by dissolving some and refusing to approve the laws passed by others
- Obstructing the administration of justice by refusing to approve laws for support of the colonial judiciary and making judges dependent on his will alone
- Keeping standing armies among the people in time of peace without the approval of the colonial legislatures
- Quartering soldiers among the civilian population
- Imposing taxes without consent of those taxed
- Depriving colonists of the right to trial by a jury of their peers
- Altering colonial charters, abolishing laws, and fundamentally changing the constitutions of colonial governments

## RIGHT OF REVOLUTION

"Whenever any Form of Government becomes destructive of these Ends" for which government is created, it is the right of the people to "alter or to abolish it" and to create a new government that will serve those ends. The colonists had the right to withdraw their consent to be governed by Great Britain and to establish their own government as "Free and Independent States... absolved from all Allegiance to the British Crown."



When is it justifiable to alter or abolish a government?

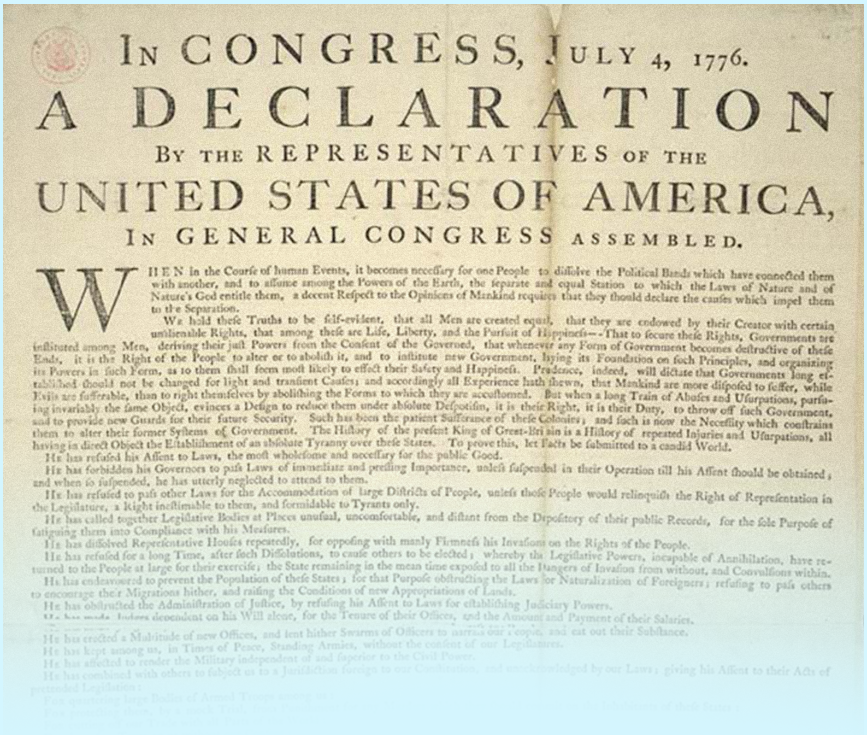
*Figure 5.6.7*

### Key words

**compact:**
A formal contract or agreement between or among two or more parties or states

## Content Highlight:

### WHAT DO YOU THINK?



IN CONGRESS, JULY 4, 1776.

A DECLARATION

BY THE REPRESENTATIVES OF THE

UNITED STATES OF AMERICA,

IN GENERAL CONGRESS ASSEMBLED.

WHEN in the Course of human Events, it becomes neceſſary for one People to diſſolve the Political Bands which have connected them with another, and to aſſume among the Powers of the Earth, the ſeparate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Reſpect to the Opinions of Mankind requires that they ſhould declare the cauſes which impel them to the Separation.

We hold theſe Truths to be ſelf-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among theſe are Life, Liberty, and the Purſuit of Happineſs.—That to ſecure theſe Rights, Governments are inſtituted among Men, deriving their juſt Powers from the Conſent of the Governed, that whenever any Form of Government becomes deſtructive of theſe Ends, it is the Right of the People to alter or to abolish it, and to inſtitute new Government, laying its Foundation on ſuch Principles, and organizing its Powers in ſuch Form, as to them ſhall ſeem moſt likely to effect their Safety and Happineſs. Prudence, indeed, will dictate that Governments long eſtabliſhed ſhould not be changed for light and tranſient Cauſes; and accordingly all Experience hath ſhewn, that Mankind are more diſpoſed to ſuffer, while Evils are ſufferable, than to right themſelves by abolishing the Forms to which they are accuſtomed. But when a long Train of Abuſes and Uſurpations, purſuing invariably the ſame Object, evinces a Deſign to reduce them under abſolute Deſpotiſm, it is their Right, it is their Duty, to throw off ſuch Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of theſe Colonies; and ſuch is now the Neceſſity which conſtrains them to alter their former Syſtems of Government. The Hiſtory of the preſent King of Great-Britain is a Hiſtory of repeated Injuries and Uſurpations, all having in direct Object the Eſtabliſhment of an abſolute Tyranny over theſe States. To prove this, let Facts be ſubmitted to a candid World.

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

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

He has refuſed to paſs other Laws for the Accommodation of large Diſtricts of People, unleſs thoſe People would relinquiſh the Right of Repreſentation in the Legiſlature, a Right ineſtimable to them, and formidable to Tyrants only.

He has called together Legiſlative Bodies at Places unuſual, uncomfortable, and diſtant from the Depoſitory of their public Records, for the ſole Purpoſe of fatiguing them into Compliance with his Meaſures.

He has diſſolved Repreſentative Houſes repeatedly, for oppoſing with manly Firmneſs his Invaſions on the Rights of the People.

He has refuſed for a long Time, after ſuch Diſſolutions, to cauſe others to be elected; whereby the Legiſlative Powers, incapable of Annihilation, have returned to the People at large for their exercife; the State remaining in the mean time expoſed to all the Dangers of Invaſion from without, and Convulſions within.

He has endeavoured to prevent the Population of theſe States; for that Purpoſe obſtructing the Laws for Naturalization of Foreigners; refuſing to paſs others to encourage their Migrations hither, and raiſing the Conditions of new Appropriations of Lands.

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

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and ſent hither Swarms of Officers to harraſs our People, and eat out their Subſtance.

He has kept among us, in Times of Peace, Standing Armies, without the conſent of our Legiſlatures.

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

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

1. The Declaration of Independence states that people have a right to abolish their government. When is revolution necessary? Are a "Long Train of Abuses and Usurpations" required for revolution to be legitimate? Why or why not?
2. In what ways does the Declaration of Independence reflect John Locke's social contract theory? In what ways does it reflect principles of classical republicanism?
3. To whom is the Declaration of Independence addressed? Why do you think the drafters of the document would be attentive to "the Opinions of Mankind?"
4. Despite the fact that Jefferson owned slaves, he denounced slavery and the slave trade in his draft of the Declaration of Independence. After Southerners objected, the Congress deleted the passage. Search for the rough draft of the Declaration of Independence on the Internet. What do you think are the most significant differences between the rough draft and the final Declaration of Independence, and why do you think changes were made?

*Figure 5.6.8*

## Conclusion

In this lesson, you learned about how Great Britain's role toward the colonies changed after the Seven Years' War. After protecting colonists in America, Great Britain wanted the colonists to help pay for the war debt. Colonists resisted efforts of more control by Great Britain. They believed they were unfairly taxed, because they had no representation in the British Parliament, which made these laws. In less than 15 years, the colonists would rebel and declare their independence from Great Britain. The Declaration of Independence attempted to justify the colonist actions to the rest of the world, and gain support from other nations. The Declaration of Independence remains an example of how colonies and citizens can rise up against governments that do not represent them.

## Lesson Check-up



- **How would you describe British policies toward the colonies before the 1750s?**
- **What were the colonists' major objections to British policies in the 1760s? What rights did the colonists claim that those policies violated?**
- **What is meant by the term sovereignty? How was sovereignty a disputed matter between Great Britain and the colonies?**
- **What problems identified in the Declaration of Independence would have to be corrected for governments created after American independence to be legitimate?**

LESSON 7

# Early State Constitutions



## Key words

- checks and balances
- legislative supremacy
- veto

## What You Will Learn to Do

Explain how early state governments promoted individual rights and limited government

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** the basic ideas about government and rights that are included in state constitutions



## Essential Question

**What basic ideas about government and rights did the state constitutions include?**

## Learning Objectives (cont'd)

- **Explain** how the experiences of the states in developing their constitutions and bills of rights influenced the framing of the U.S. Constitution and Bill of Rights
- **Evaluate**, take, and defend positions on the theory of legislative supremacy, the importance of the Virginia Declaration of Rights, and the role of declarations of rights in early state constitutions
- **Define** key words: checks and balances, legislative supremacy, veto

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## Introduction

After declaring independence, the Founders designed new state governments to protect individual rights and to promote the common good. This lesson shows how the constitution of Massachusetts in particular was designed to achieve these ends. State constitutions also contained bills or declarations of rights. These guarantees of rights, for which Virginia's Declaration of Rights served as a model, had a great influence on the development of the U.S. Bill of Rights.

## What Was the Status of the Colonies After the Signing of the Declaration of Independence?

In 1776, the Declaration of Independence proclaimed the colonies to be "Free and Independent States." At the time most Americans would have used the phrase "my country" to refer to their state of residence. The states were united only by their common commitment to fight the war for independence from Great Britain.

In May 1776, shortly before the colonies formally declared their independence, the Second Continental Congress adopted a resolution calling on each state to draw up a new constitution. Between 1776 and 1780 all the states adopted new constitutions. Most kept the basic pattern of their old colonial charters, but they made important

modifications. Never before had so many new governments been created using the basic ideas of natural rights, rule of law, republicanism, and constitutional government.

## What Basic Ideas Did the State Constitutions Include?

The states experimented with various models in writing their new constitutions, but all contained the following basic principles.

### HIGHER LAW AND NATURAL RIGHTS

Every state considered its constitution to be a fundamental, or "higher," law that placed limits on governmental power. Unlike the British Parliament, the state legislature did not have the power to change the constitution. Each constitution reflected the idea that the purpose of government is to preserve and protect citizens' natural rights to life, liberty, and property.

### SOCIAL CONTRACT

Each state constitution made clear that the state government was formed as a result of a social contract, that is, an agreement among the people to create a government to protect their natural rights as expressed in the constitution's preamble or bill of rights.



Are Americans today bound by a social contract that was created more than two hundred years ago? Why or why not?

*Figure 5.7.1*

### POPULAR SOVEREIGNTY

All the new state constitutions stated that sovereignty, or ultimate governing authority, rests with the people. The people delegate authority to the government to govern in accordance with constitutional requirements.

### REPRESENTATION AND THE RIGHT TO VOTE

All the state constitutions created legislatures composed of representatives elected by "qualified" voters, usually white men who owned some amount of property. Because property was relatively easy to acquire in America, about seventy percent of white men could vote. Unlike in Great Britain, representation was not based on fixed social classes. Most state Constitutions provided for annual legislative elections. In seven states free African Americans and Native Americans could vote if they met the property requirements.

## LEGISLATIVE SUPREMACY

A government in which the legislature has the most power exhibits **legislative supremacy.** Most state constitutions provided for strong legislatures and relied on the principle of majority rule to protect the rights of citizens. This reliance continued a development that had begun during the colonial period, when the legislatures first became strong. It also reflected the former colonists' distrust of executive power, which they believed had been abused under British rule.

The belief in legislative supremacy was based on the following assumptions:

- The legislative branch is most capable of reflecting the will of the people. Voters determine who their representatives will be and can remove them if they believe someone else would better represent them.
- The executive branch is less accountable to the people and should not be trusted with much power. The colonists' greatest problems with the British government had been with its executive branch, that is, with the king's ministers and the royal governors in the colonies.
- Judges also should not be trusted with too much power. Before the Revolution, judges had been Crown magistrates who tried the colonists for breaking British laws. Early state constitutions limited judicial power in various ways, including making judges stand for election at regular intervals and giving legislatures the power to reduce judges' salaries. In several states the upper house of the legislature continued to exercise some judicial functions, such as deciding cases involving probate or admiralty matters.

The following examples of a preference for legislative supremacy can be found in state constitutions drafted shortly after the Revolution:

- Executive branches were relatively weak and dependent on legislatures. For example, Pennsylvania's constitution provided for a twelve-member council rather than a governor. Other state constitutions gave legislatures the power to select the governor or to control the governor's salary.
- Governors had short terms of office, usually only one year, to ensure that they would not have time to amass too much power.
- Appointments made by the governor had to be approved by the legislature.
- Governors played virtually no role in lawmaking and had only a qualified, or limited, power to nullify, or **veto**, laws that the legislature had enacted. Some states gave their governors a veto power, but the legislatures in those states could override a veto by re-passing the proposed law.
- Most state Constitutions placed **checks and balances** on legislative powers, usually within legislatures. For example, every state constitution except those in Pennsylvania and Georgia provided for a check, or limit, on legislative powers by dividing the legislature into two houses. Most important decisions required

### Key words

**legislative supremacy:** A system of government in which the legislative branch has ultimate power

**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

**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

debate, deliberation, and action by both houses—thus a degree of balance. Each house could check the power of the other by defeating a proposal with which it did not agree. Voters also could check legislators' power by electing new representatives.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Evaluating Legislative Supremacy**

John Locke and some other natural rights philosophers believed that in a representative government the legislative branch should be supreme because it is the branch closest to the people and reflects the wishes of the people. Accordingly, the legislative branch is the least likely to violate the people's rights. Most of the early state constitutions reflected Locke's view and weighted the balance of governmental power in favor of their legislatures. Include your opinions on the following questions in the spaces provided:

1. Do you agree with Locke's argument for the supremacy of legislative power? Why or why not?
2. Does the legislative branch necessarily reflect the people's will? Explain your response.
3. What might a government be like in which the executive or judicial branch was supreme rather than the legislature?

## How Did the Massachusetts Constitution Differ from Other State Constitutions?



What checks did the Massachusetts constitution place on the power of the governor?

*John Hancock was the first governor of the Commonwealth of Massachusetts.*

*Figure 5.7.2*

Written principally by John Adams (1735–1826), who would later become America's second president, the Massachusetts constitution of 1780 differed from those of the other states. In addition to relying on popular representation in the legislature, it created a strong system of separation of powers and checks and balances. It gave the governor effective checks on the powers of the legislature and provided for a judiciary with judges holding office according to their good behavior, not for limited terms.

The structure of the Massachusetts constitution is more like the U.S. Constitution than the other early state constitutions, and so it is worth examining in some detail. Following are two important characteristics of the Massachusetts constitution.

### STRONG EXECUTIVE

Qualified voters elected the governor, though for a short term—one year. The writers of this constitution believed that because the governor was popularly elected, it would be safe to trust him with greater power. To enable the governor to

be more independent of the legislature and to allow him to check the legislature's use of power, the Massachusetts constitution contained the following provisions:

- The governor's salary was fixed and could not be changed by the legislature.
- The governor had the power to revise laws enacted by the legislature, and his revision could be overridden only by a two-thirds vote of the legislature.
- The governor had the power to appoint officials to the executive branch and judges to the judicial branch.

### REPRESENTATION OF VARIOUS ECONOMIC CLASSES

The constitution provided for a complex system of representation to ensure that many groups and interests had a voice. Only electors who owned a large amount of property could vote for the governor. Electors who owned less property could vote for members of the upper house of the state legislature. Electors who owned only a small amount of property could vote for members of the lower house.

By providing for representation of these varied economic classes, the Massachusetts constitution was reminiscent of the classical republican idea of mixed constitution. More classes had a voice in the government, which ensured rich political dialogue and contributed to political stability.



**Content Highlight:**

**WHAT DO YOU THINK?**

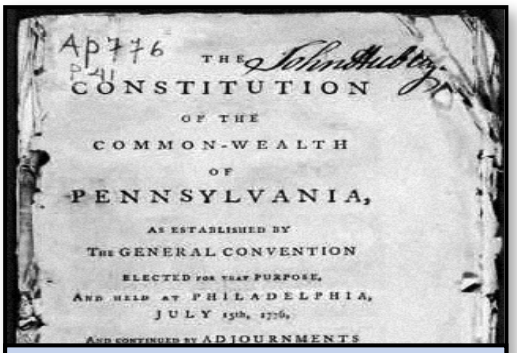
1. In what ways did Americans' colonial experience prepare them to write state constitutions after the Revolution?
2. How did early state constitutions reflect Americans' fear of centralized political authority?
3. Which branch of government do you think is most responsive to the will of the people? Should that branch have more power than the other branches? Why or why not?
4. What might be the strengths and weaknesses of the way the Massachusetts state constitution distributed the right to vote for the lower and upper houses of its legislature and the leader of its executive branch?

## What Were the State Declarations of Rights?

Most state constitutions began with a preamble and a declaration of rights. For example, the first sentence of the Pennsylvania preamble stated:

> *Whereas all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals, who compose it, to enjoy their natural rights, and the other blessings which the Author of Existence has bestowed upon man; and, whenever these great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.*

Before allocating any governmental powers, the Pennsylvania constitution first listed the rights of the inhabitants of the state, beginning with the rights of "enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety." Writers of early state constitutions attached great importance to guarantees of basic rights. The lists of rights differed somewhat from state to state, but all were based on the idea that people have certain inherent rights that must be protected from governmental interference.


THE CONSTITUTION OF THE COMMON-WEALTH OF PENNSYLVANIA, AS ESTABLISHED BY THE GENERAL CONVENTION ELECTED FOR THAT PURPOSE, AND HELD AT PHILADELPHIA, JULY 15th, 1776.

Why do you suppose most state constitutions began with a list of rights?

*Figure 5.7.3*



- What ideas about the purposes of government did George Mason include in the Virginia Declaration of Rights?
- What ideas from classical republicanism did George Mason include in the Virginia Declaration of Rights?

*Figure 5.7.4*

## What Important Ideas Are in the Virginia Declaration of Rights?

On June 12, 1776, Virginia became the first state to adopt a declaration of rights. The Virginia Declaration of Rights was also the first protection of individual rights to be adopted by the people acting through an elected convention. The Virginia Declaration of Rights expressed the people's understanding of their fundamental, inalienable rights and the idea that people create government to protect those rights. It was also the first list of rights to appear in a state's fundamental law, or constitution, thereby insulating those rights from governmental interference.

Both James Madison and George Mason (1725–1792) served on the committee appointed to write the Virginia Declaration of Rights. Mason wrote virtually the entire document, and his ideas would later strongly influence Madison's drafting of the U.S. Bill of Rights. In writing the Virginia Declaration of Rights, Mason relied heavily on the writings of John Locke. He was also influenced by the ideas of classical republicanism and by the American colonial experience.

The Virginia Declaration of Rights listed specific rights, such as freedom of the press and the rights of criminal defendants. It also stated the following:

- All men are by nature equally free and independent, and enjoy the rights of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety. No governmental compact can deprive them of their rights.

The Virginia Declaration of Rights *(cont'd):*

- All power is derived from and kept by the people.
- Government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community. If a government does not serve these purposes, the people have an inalienable right to alter or abolish it.
- All men are equally entitled to the free exercise of religion, according to the dictates of conscience.

The Virginia Declaration of Rights ended with a statement based on the ideas of classical republicanism about civic virtue and religious values:

> *"No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.... It is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other.*



What is the importance of a free press to a free society?

*Figure 5.7.5*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining Historical Documents**

Work with a study partner to complete the following activities.

1. Read the Virginia Declaration of Rights. How are the following concepts reflected in this document?
   - Social contract
   - Individual rights
   - Limited government
   - Civic virtue
   - Common welfare
2. Which historical experiences of the colonists seem to have exerted the greatest influence on the authors of state declarations of rights?
3. Is it significant that most state constitutions began with a list of rights, rather than those rights being included in the body of the constitution or appended as a list at the end of the document? Why or why not?

## What Rights Did Other States Protect?

Most states adopted declarations or bills of rights that resembled the Virginia Declaration of Rights. The few states that did not have such declarations, such as New York, included guarantees of certain rights in the main body of their constitutions. Like the Virginia

Declaration of Rights, the declarations in other constitutions began with statements about natural rights, popular sovereignty, and the purposes of government. Some declarations, such as Delaware's, provided that "all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

Other states' declarations varied in the rights they chose to include or leave out. However, most included political guarantees such as:

- The right to vote
- Free and frequent elections
- Freedom of speech and of the press
- The right to petition the government to redress grievances
- No taxation without representation



Why is the protection against illegal searches and seizures important in a free society?

*Figure 5.7.6*

All state constitutions contained important procedural guarantees of due process such as:

- Rights to counsel and trial by a jury of one's peers
- Protection from illegal searches and seizures
- Protection from forced self-incrimination, excessive bail and fines, and cruel and unusual punishment

Most of the state declarations, including the Virginia Declaration of Rights, expressed a fear of military tyranny by condemning professional standing armies in time of peace and the quartering of troops in civilian homes. At the same time many declarations endorsed the idea of a "well-regulated" civilian militia and the right to bear arms.

These state declarations of rights would have a great influence on the later drafting and adoption of the U.S. Bill of Rights.



Why did many state declarations oppose professional standing armies in times of peace?

*Figure 5.7.7*

## Content Highlight:

### WHAT DO YOU THINK?

- Why did Americans think that it was important to have written declarations of rights in their state constitutions?
- Obtain a copy of the bill of rights in the constitution of your state. Are you surprised by any of the rights listed? Why or why not? Do you think all the rights listed in your state constitution also should appear in the Bill of Rights to the U.S. Constitution? Why or why not?
- In your opinion what is the greatest challenge to individual rights today and what should be done about it?

## Conclusion

In this lesson, you learned about early efforts at writing state constitutions. These constitutions were written before the United States Constitution. Each state wrote its own separate constitution. However, the ideas found in these constitutions shared many of the same principles about government found in natural law and classical republicanism. The Virginia Declaration of Rights, in particular, had a strong influence on the U.S. Constitution's Bill of Rights.

## Lesson Check-up



- **What basic ideas about government were contained in the new state constitutions?**
- **Explain the meaning and significance of the following concepts: higher law; popular sovereignty; legislative supremacy; checks and balances.**
- **What important ideas did the Virginia Declaration of Rights contain? How was this document influential throughout the colonies?**
- **Examine the declaration of rights in your state constitution. How does the list of rights limit state government?**

LESSON 8

# The Articles of Confederation



## Key words

- **Articles of Confederation**
- **confederation**
- **Shays' Rebellion**

## What You Will Learn to Do

Analyze the Articles of Confederation and lack of sufficient authority to meet the nation's needs

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the United States' first national constitution, the Articles of Confederation
- **Explain** why some people thought the government under the Articles of Confederation was not strong enough

## Essential Question

**What were the Articles of Confederation, and why did some Founders want to change them?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on the strengths and weaknesses of the Articles of Confederation, the significance of the Northwest Ordinance, and Americans' mistrust of a strong national government
- **Define** key words: Articles of Confederation, confederation, Shays' Rebellion

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## Introduction

This lesson examines the government formed by the **Articles of Confederation**. It was the first of two blueprints for a United States government written between 1776 and 1787. The Articles of Confederation provided the framework of an alliance of states to fight the Revolutionary War. The provisions in this document reflected political realities and divisions among the states as well as the need for unity. Many Founders soon came to believe that this first government of the United States lacked sufficient authority to meet the nation's needs both during and after the war.

## Why and How Were the Articles of Confederation Created?

In addition to writing state constitutions between 1776 and 1780, Americans also considered how to manage economic and political relationships among the states, resolve disputes such as state borders, and conduct relations with the rest of the world. Some kind of union or **confederation** was necessary to achieve these goals. Therefore, the Founders set forth their ideas in a document known as the Articles of Confederation. A confederation is a form of political organization in which sovereign states delegate power to a central government for specified purposes.

## Key words

**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

**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

Some leaders had seen the need for a united government for some time. America's elder statesman, Benjamin Franklin, had proposed a colonial government in 1754, and at different times groups of colonies (and then states) had imagined regional confederations to address particular issues. Franklin first submitted a draft for Articles of Confederation to the Second Continental Congress in July 1775. Several other proposals were made that summer and fall, but the question of independence from Great Britain was more important at that moment than forming a collective government.

On June 7, 1776, Virginian Richard Henry Lee (1732–1794) introduced a set of resolutions to the Second Continental Congress—one for independence, the other for a government. From these resolutions came the Declaration of Independence and the Articles of Confederation.

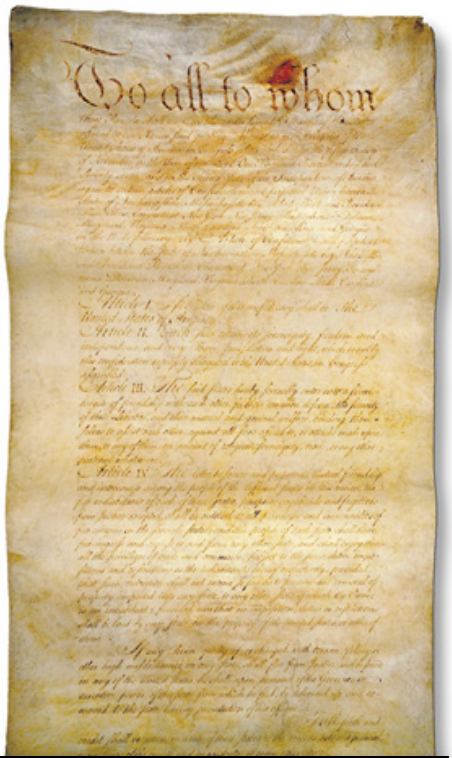
## What Problems Did the Articles of Confederation Address?

Two major concerns made it difficult for the Continental Congress and the states to devise a central government—fear of a strong national government and fear that some states would dominate others in the central government.

### FEAR OF A STRONG CENTRAL GOVERNMENT

When the war against Great Britain started, each state was like a separate nation with its own constitution and government. To the people, their state was their country, and all eligible voters could have a voice in government. They could elect members of their communities to represent their interests in their state legislatures. Especially in smaller states, the government was close enough to most citizens that they could participate in some of its activities.

Most members of the Continental Congress agreed that winning the war required a central government. However, they were wary of making one that was too strong. They, like many Americans, believed that the British government had deprived people of their rights, including their right to be represented in government. They thought that this was likely to happen with any central government that was both powerful and far away. They believed that government should be close to the people who could control it and make certain that it did not violate their rights. Their study of history and political philosophy led them to believe that republican government could succeed only in small communities where people shared common ideas and beliefs.




What was the greatest weakness of the Articles of Confederation?

*Figure 5.8.1*

The solution to the problem was to create a "firm league of friendship," not a strong central government. Thus, Article II in the Articles of Confederation stated, "Each state retains its sovereignty, freedoms, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."




Why might a lack of political unity have been a concern for the Founders?

*Figure 5.8.2*

The government created by the Articles of Confederation strictly defined the authority of the central legislature, or Congress. Article VI listed things that states could not do—send or receive ambassadors to foreign nations, lay imposts or duties that conflicted with national treaties, maintain military forces beyond what Congress considered necessary for the state's self-defense, or engage in war (except in case of invasion). Article IX granted Congress "the sole and exclusive right of determining on peace and war," as well as directing military forces, conducting foreign policy, and determining the union's expenses.

The Articles of Confederation left most of the powers of government with the states. For example:

- The Confederation Congress had no authority over any person in any state. Only the state governments had authority over their citizens.
- Congress had no power to collect taxes from the states or from the people directly. It could request money only from the state governments, which were supposed to raise the money from their citizens.
- Congress had no power to regulate trade among the various states.

## FEAR THAT SOME STATES WOULD DOMINATE OTHERS IN THE CENTRAL GOVERNMENT

The leaders in each state did not want the new national government to threaten their state's interests. Three issues aligned groups of states against one another.

### Representation and voting in Congress

Would each state have one vote, or would states with greater populations or wealth be given more votes than others? This question divided the more populous states (Massachusetts, New York, Pennsylvania, and Virginia) from the less populous (Connecticut, Delaware, Georgia, New Hampshire, and Rhode Island).

### Apportionment of war expenses among the states

Would each state's contribution to the war effort be based on total population (including slaves) or on free population only? This question divided the states with large enslaved populations (those from Maryland southward) from those with relatively small numbers of slaves (especially New England).

### Territorial claims in the West

Five states (Delaware, Maryland, New Jersey, Pennsylvania, and Rhode Island) had fixed western boundaries



How were small states convinced that larger states would not dominate the new national government?

*Independence Hall, where congress first met after ratification of the Articles of Confederation.*

*Figure 5.8.3*

based on their original colonial charters, while others had "sea-to-sea" charters that allowed them to claim vast western territories. Would western lands be transferred to congressional control, creating a common "national domain" that could be sold later to pay off the national debt?

The following solutions to these problems emerged:

- Article V gave each state one vote regardless of its population. The Articles of Confederation also provided that on important matters (for example, whether to declare war or to admit new states) nine states would have to agree. This way the seven smaller states could not out vote the six larger.
- Article VIII created a formula for requesting funds that was not based on population, free or enslaved. However, this formula (based on the amount of settled, improved land in each state) was impractical because it was difficult to measure the amount of improved land across such a large nation.

In September 1780 Congress requested the "landed" states to grant part of their western lands to the United States. Once New York, Connecticut, and Virginia began the process of ceding those lands, Maryland became the last state to ratify the Articles of Confederation, on March 1, 1781.




*Map of the colonies in 1780, showing colonial holdings and claims of land.*
Why do you suppose Congress wanted the "landed" states to grant part of their western lands to the United States?

*Figure 5.8.4*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Advantages and Disadvantages of the Articles of Confederation**

Work with a study partner or in small team to complete this exercise.

- Read the following excerpts from the Articles of Confederation.
- For each excerpt, create a list of advantages to the states or the national government resulting from the particular Article.
- Create a second list of the disadvantages to the states or the national government resulting from the particular Article.
- When you finish, compare your lists and be prepared to share your ideas with the class.

### EXCERPTS FROM THE ARTICLES OF CONFEDERATION

***Article II.*** Each state retains its sovereignty, freedom and independence, and every Power… which is not by this confederation expressly delegated to the United States, in Congress assembled.

***Article V.*** No state shall be represented in Congress by less than two, nor more than seven Members…. In determining questions in the United States, in Congress assembled, each state shall have one vote.

***Article VIII.*** All charges of war, and all other expences that shall be incurred for the common defence or general welfare…shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state…. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states.

***Article IX.*** The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences…between two or more states.

***Article X.*** The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy [mixture of base metals] and value of coin struck by their own authority, or by that of the respective states.

***Article XIII.*** Nor shall any alteration at any time hereafter be made in any of [these articles]; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

## What Were the Achievements of the National Government Under the Articles of Confederation?

The first national government accomplished a number of important things. The Revolutionary War was conducted under this government. Through the efforts of its diplomats, this government also secured recognition of American independence by European governments.

The Articles of Confederation did not create separate executive or judicial branches. However, Congress did create executive departments to administer finance, foreign relations, and military affairs. These were the beginnings of the later cabinet departments of treasury, state, and war. Although most disputes were to be handled in state courts, Congress could establish courts for certain limited purposes. Thus, Congress created admiralty courts to hear appeals from state courts. These courts were the first federal courts in the United States.



What were some of the achievements of the national government under the Articles of Confederation?

*Figure 5.8.5*

Perhaps the most lasting achievement of the Confederation was the Northwest Ordinance of 1787. It defined the Northwest Territory and created a plan for its government. The Northwest Territory encompassed the land north of the Ohio River and east of the Mississippi that would become the states of Ohio, Michigan, Indiana, Illinois, Wisconsin, and part of Minnesota. The ordinance also laid out the process by which a territory could move to statehood and guaranteed that new states would be on an equal footing with existing states. The Northwest Ordinance stated that slavery would be forever prohibited from the lands of the Northwest Territory. It required new states to provide for education by setting aside land that might be sold to fund schools. Congress under the Articles of Confederation could make these regulations for the Northwest Territory because it had complete control over it.

## What Were the Weaknesses of the Articles of Confederation?

The decision to create a national government with very limited power reflected Americans' fear of a strong national government. Americans believed that power that is not given is power that cannot be misused.

The limitations of the Articles of Confederation and the difficulties that arose under them led some Founders to desire a stronger national government. These limitations included the following:

- Congress had no power to tax. Congress could only request that state governments pay certain amounts to support the costs of the national government. This system did not work. Congress had borrowed most of the money it needed to pay for the Revolutionary War, but it had no way to pay its debts. The state

governments and many of the people living in the states also were deeply in debt after the war. When Congress requested ten million dollars from the states to pay for the costs of fighting the war, the states paid only $1.5 million.

- Congress could make agreements with foreign nations, but it had no power to force state governments to honor these agreements. This raised another difficulty. Some citizens imported goods from other nations and then refused to pay for them. Not surprisingly people in foreign countries became reluctant to deal with people in the United States. In addition, when Great Britain recognized Congress' weakness in controlling foreign trade, it closed the West Indies to American commerce. As a result, many Americans, particularly millers and merchants of grain and other foodstuffs, were unable to sell their goods to people in other nations.
- Congress had no power to make laws directly regulating the behavior of citizens. Citizens could be governed only by their state governments. If members of a state government or citizens within a state disobeyed a resolution, recommendation, or request made by Congress, the national government had no way to make them obey.

The inability to make state governments and their citizens obey treaties led to a serious situation. The Treaty of Paris, which ended the Revolutionary War in 1783, included protections for the rights of loyalists (colonists who had remained loyal to Great Britain) and sought to ensure that they would be treated fairly. Some of these loyalists owned property in the states, and some had loaned money to other citizens. However, some state governments refused to respect this part of the Treaty of Paris. Some states had confiscated loyalists' property during the war. The national government was powerless to enforce its promise to the British government to protect the rights of these citizens.

Moreover, most state governments were controlled by the legislative branch, composed of representatives elected by a majority of people in small districts. In many states divisions emerged between what some historians call "localists" and "cosmopolitans."




What were the consequences of the weakness of the central government under the Articles of Confederation that are portrayed here?

*Figure 5.8.6*

Localists were people in relatively isolated rural areas, often in the western parts of states. They belonged to mostly self-sufficient, small communities. Many of these farmers had fallen into debt during and after the Revolutionary War. When representatives of localist districts held a majority in the state legislature, some states passed laws that canceled debts. They also created paper money, causing inflation that benefited debtors at the expense of their creditors.

Cosmopolitans, who lived primarily in seaports and larger towns, often were the creditors. They argued

that by canceling debts and issuing paper money, state governments were not protecting their property. They claimed that the state governments were being used by one class of people to deny the rights of others. Many cosmopolitans were involved in international trade as bankers, shipbuilders, and merchants. They also believed that the United States needed to honor its international treaties and foreign debts in order to maintain worldwide credit.

Some people argued that these problems were an example of too much democracy in state governments. They claimed that majority rule in the states did not adequately protect the natural rights of individual citizens or the common good, because majorities pursued their own interests at the expense of the rights of others. They thought this form of tyranny was every bit as dangerous as that of an uncontrolled monarch.



### Content Highlight:

**WHAT DO YOU THINK?**

- The Articles of Confederation demonstrated a distrust of a strong national government. What were the historical and philosophical reasons for this distrust?
- What were the positive and consequences of a limited national government?
- The Northwest Ordinance is considered the most significant measure passed by the Confederation Congress. Why were the policies that it established important?
- Many people today continue to distrust the national government. In your opinion, is such distrust justified? Explain your position.

## What Attempts Were Made to Solve the Problems of the Articles of Confederation?

Recognizing the problems, some members of Congress and other Founders sought to amend the Articles of Confederation to give Congress greater powers of enforcement and taxation. One of these proposals would have changed the formula by which Congress requested money from states. Instead of counting a state's "improved lands," it would have assessed contributions based on each state's population, with five slaves counting the same as three free people. However, Article XIII prevented amendments unless ratified by all thirteen states. No amendment ever won approval from all the states.

By 1783, many of the original members had left Congress and were replaced by others who preferred the limited national government of the Articles of Confederation. Consequently, Federalist leaders such as Alexander Hamilton, James Madison, and others began to look for support outside of the existing Congress for solutions to the weaknesses in the Articles of Confederation.

A number of prominent leaders suggested holding a meeting of representatives of all the states. This idea of holding a special meeting, or convention, to discuss constitutional changes, instead of using the legislature, was an American invention. Most of the early state constitutions had been written by state legislatures. In 1780, Massachusetts had been the first state to hold a constitutional convention. By 1786, Madison and others

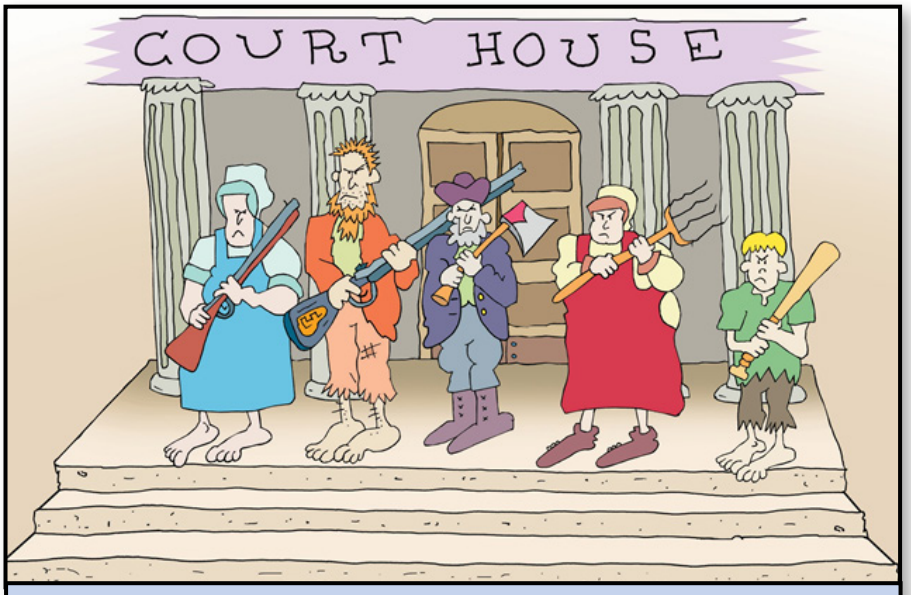
decided that if a convention could be used successfully within a state, then it was worth trying at the national level.

In 1786, five states sent representatives to a meeting in Annapolis, Maryland, to discuss commercial problems. Disappointed by the low turnout, Hamilton, Madison, and others wrote a report asking Congress to call a meeting in Philadelphia to suggest ways to change the Articles of Confederation to strengthen the national government. After a delay of several months Congress finally did so. Delegates to the Philadelphia Convention were authorized to propose amendments to the Articles of Confederation, not to develop an entirely new constitution.

## How Did Shays' Rebellion Result in Support for Change?

Many people realized that the Articles of Confederation were weak, but it took a dramatic event to convince them of the need for a stronger national government. This event, known as **Shays' Rebellion**, occurred in 1786, when a group of several hundred farmers in western Massachusetts gathered under the leadership of Daniel Shays (c. 1747–1825). Shays had been a captain in the Revolutionary War. His group called themselves the Regulators, because they sought to regulate the power of the state government.

Massachusetts farmers had serious economic problems. For example, many former soldiers in the Revolutionary War could not pay their debts because Congress had never paid them their wages. They lost their homes and farms. Some were sent to prison. Discontent arose among the people, and crowds gathered to prevent the courts from selling the property of those who could not pay their debts.




What did Daniel Shays and his followers hope to gain by their rebellion?

*Figure 5.8.7*

### Key words

**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

None of these tactics was new. Before the Revolutionary War, colonists in North Carolina and elsewhere had called themselves Regulators and had attempted to block the actions of British government officials. Crowd action was a longstanding response to perceived injustice. Those who opposed the crowds—including many people in the government—called them "mobs" and "rebels."

Seeking weapons for their action, Shays and his men tried to capture the arsenal at Springfield, Massachusetts, where arms were kept for the state militia. They failed, and the governor called out the militia to put down the rebellion. The episode frightened many property owners, who feared that similar problems might arise in their states.




*Figure 5.8.8*

The fears generated by such conflicts, combined with the difficulties of raising revenues and regulating foreign trade, convinced a growing number of Americans to strengthen the national government. George Washington, who would not become America's first president for another three years, had long desired such a change. After Shays' Rebellion he wrote to James Madison on November 5, 1786,

> *What stronger evidence can be given of the want of energy in our governments than these disorders? If there exists not a power to check them, what security has a man of life, liberty, or property?... Thirteen Sovereignties pulling against each other, and all tugging at the federal head, will soon bring ruin on the whole.*

## Conclusion

In this lesson, you learned about the United States' first national constitution, the Articles of Confederation. You also learned why some people thought the government under the Articles of Confederation was not strong enough. Finally, you explored the significance of the Northwest Ordinance, and Americans' mistrust of a strong national government.

## Lesson Check-up



- **What were some of the achievements of the national government under the Articles of Confederation? What were some of the weaknesses of the Articles of Confederation?**
- **What was Shays' Rebellion? Why did it occur? What was its historical importance?**
- **Why did the Articles of Confederation create only a legislative branch of government? How did the Articles of Confederation deal with fears that some states would dominate others in the national government?**
- **What were positive and negative consequences of a limited national government? Which Americans were satisfied with government under the Articles of Confederation? Why?**
- **Compare the government under the Articles of Confederation with a contemporary confederation of nations, such as the United Nations, the European Union, the Organization of American States, or the Organization of African States. In what ways are they similar? In what ways are they different?**

LESSON 9

# The Philadelphia Convention



## What You Will Learn to Do

Explain how the Philadelphia Convention was organized

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the organizing phase of the Philadelphia Convention
- **Explain** the significance of rules and agendas for effective civil discussion

## Key words

- **civil discourse**
- **constitutional convention**
- **federal system**
- **national government**
- **proportional representation**
- **Virginia Plan**



## Essential Question

**How was the Philadelphia Convention organized?**

## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on determining what interests should be represented in a Constitutional Convention and the advantages and disadvantages of secrecy in governmental deliberations
- **Define** key words: civil discourse, Constitutional Convention, federal system, national government, proportional representation, Virginia Plan

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## Introduction

The Constitution of the United States of America was written at a convention held in Philadelphia in 1787. This lesson describes some of the important people who attended and the first steps they took in Philadelphia. The structure and rules they gave to their deliberations played a major role in the outcome by providing a framework for **civil discourse**, that is, the reasoned discussion of issues. The **Virginia Plan**, the first blueprint that the delegates considered, created the agenda for subsequent discussions.

## Who Attended the Philadelphia Convention?

Fifty-five delegates attended the meeting that later became known as the Philadelphia Convention or **Constitutional Convention**. This group of men is now often called the Framers of the Constitution.

Delegates were appointed by their state legislatures to represent their states at the convention. States sent as few as two delegates (New Hampshire) and as many as eight (Pennsylvania). However, each state had one vote, just as they did in Congress under the Articles of Confederation.

The delegates ranged in age from twenty-six to eighty-one; the average age was forty-two. About three-fourths of them had served in Congress.

## Key words

**civil discourse:**
Reasoned discussion as opposed to emotional display

**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 branches to be chosen by the legislature

**Constitutional Convention:**
The gathering that drafted the Constitution of the United States in 1787

Most were prominent in their states, and some had played important roles in the Revolution. Some were wealthy, but most were not.

Contemporary observers were impressed by the quality of the delegates to the Philadelphia Convention. A French diplomat stationed in America observed that never before, "even in Europe," had there been "an assembly more respectable for talents, knowledge, disinterestedness, and patriotism." From Paris, Thomas Jefferson wrote to John Adams in London that the convention was "an assembly of demigods."

Perhaps the most balanced view of the men at Philadelphia came later, from early twentieth-century historian Max Farrand, who in 1913 wrote in The Framing of the Constitution of the United States,

> *Great men there were, it is true, but the convention as a whole was composed of men such as would be appointed to a similar gathering at the present time: professional men, business men, and gentlemen of leisure; patriotic statesmen and clever, scheming politicians; some trained by experience and study for the task before them; and others utterly unfit. It was essentially a representative body.*

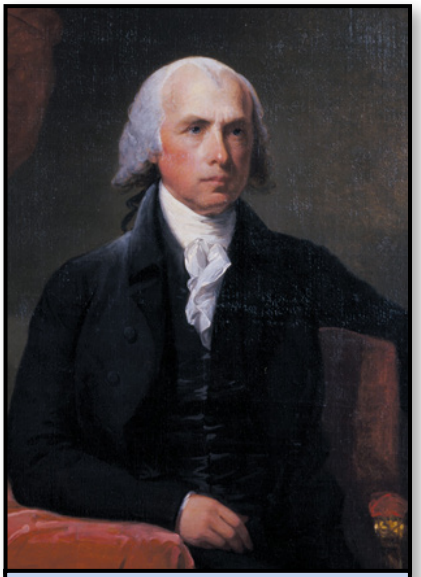
Most of the Framers' stories are worth telling in detail. Eight played particularly significant roles.

George Washington (1732–1799) was the most respected and honored man in the country. During the Revolutionary War he had left Mount Vernon, his Virginia plantation, to lead the American army to victory over the British. The difficulties that Congress faced in supplying his army, as well as his experience leading an army composed of men from across the thirteen states, convinced him that the United States needed a strong **national government**. Washington initially refused the invitation to attend the convention because he wanted to remain in private life. He later agreed to be a delegate from Virginia, fearing that if he did not attend, then people might think that he had lost faith in republican government. Washington was unanimously elected president of the convention. He did not take an active role in the debates. But his presence and support of the Constitution, together with the widespread assumption that he would be the nation's first president, were essential to the success of the Constitutional Convention and the Constitution's ratification by the states.

James Madison probably had the greatest influence on the organization of the national government. Madison was among the youngest of the revolutionary leaders, but by 1787 his talents had long been

## Key words

**national government:** The organization having central political authority in a nation; the representative unit of political organization



What was James Madison's contribution to the Philadelphia Convention?

*Figure 5.9.1*

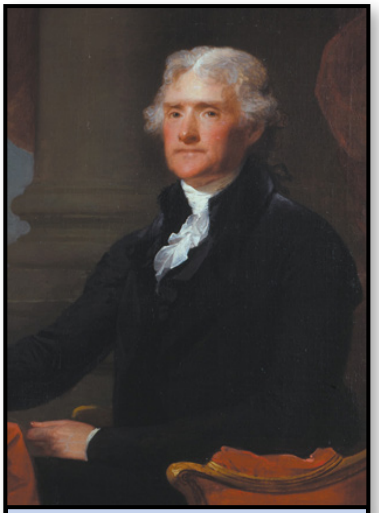
recognized and admired. In 1776, at the age of twenty-five, he had been elected to the Virginia convention, where he was named to a committee to frame the state constitution. He first displayed his lifelong commitment to freedom of religion when he persuaded George Mason, author of the Virginia Declaration of Rights, to change the clause that guaranteed "toleration" of religion to one that secured its "free exercise." Madison's influence at the convention was great, in part because he spent the previous winter studying ancient and modern political theory in preparation for the deliberations.

Benjamin Franklin of Pennsylvania was eighty-one years old and in poor health. He was internationally respected, and his presence lent an aura of wisdom to the convention. Alexander Hamilton of New York, who had been Washington's aide during the Revolution, was among the stalwart supporters of a strong national government. He was outvoted within his own state's delegation and departed Philadelphia in frustration before the convention was half over. However, he returned for a few days and signed the completed document in September. James Wilson of Pennsylvania, although not as well-known as Madison or Hamilton, also was a major influence, particularly on how the delegates shaped the office of president.

Governor Morris of Pennsylvania was one of the delegates who spoke most often at the convention. He is credited with taking a principal role in drafting the Constitution. Edmund Randolph, Virginia's governor, officially headed that state's delegation and introduced the Virginia Plan to the convention. Randolph refused to sign the final document because he said it departed too much from the "Republican propositions" of the Virginia Plan; however, he ultimately supported ratification. Connecticut's Roger Sherman was instrumental in forging the Connecticut Compromise on representation in Congress, which helped shape American federalism.

## What Important Founders Did Not Attend the Convention?

Several important political leaders did not attend the Constitutional Convention. Thomas Jefferson was in Paris as U.S. minister to France. John Adams (1735–1826), a principal architect of the Massachusetts Constitution of 1780 and the author of Defense of the Constitutions of Government of the United States of America was serving as U.S. ambassador to Great Britain. Patrick Henry (1736–1799), the Revolutionary leader, refused to attend the convention, supposedly saying "I smell a rat." He opposed the development of a strong national government and was suspicious of what might happen at the convention. Other leaders who did not attend the Philadelphia Convention included John Hancock, Samuel Adams, and Richard Henry Lee.



Why did Thomas Jefferson not attend the Philadelphia Convention?

*Figure 5.9.2*

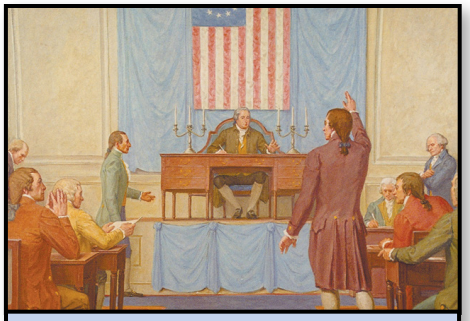
Besides these prominent individuals, one state refused to send delegates. Rhode Island's legislature did not want a stronger national government. The Articles of Confederation required the approval of all thirteen states to make amendments. The convention had been appointed to recommend amendments, not to scrap the Articles in favor of a new national constitution. Rhode Island believed that it could exercise veto power over whatever was proposed by simply refusing to participate.

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

1. What criteria would you use to select a group of people to draft a constitution today?
2. What would be the advantages and disadvantages of selecting people to represent the interests of their states?
3. Would you select people to represent other interests? Are there any groups whose interests do not need to be represented? Explain your reasoning.

## What Rules Did the Delegates Adopt for the Convention?

On Friday, May 25, 1787, eleven days after the convention was scheduled to begin, delegations from a majority of the states were present in Philadelphia. After electing George Washington president of the convention, the delegates appointed a committee to draw up the rules for the meeting. The next Monday and Tuesday the delegates adopted the following key rules to govern their debates:



Which rules at the Philadelphia Convention promoted civil discourse?

*Figure 5.9.3*

- Delegates from at least seven states had to be present for the convention to do business each day.
- If a delegate's absence would leave a state without representation, then he had to get permission to be absent.
- When rising to speak, a delegate had to address the president. While he was speaking, other members could not pass notes, hold conversations with one another, or read a book, pamphlet, or paper.
- A member was not allowed to speak more than twice on the same question. He could not speak the second time until every other member had a first opportunity to speak on the subject.
- Committees could be appointed as necessary.
- Any decision made by the convention was subject to reconsideration and change. No decision had to be final until the entire plan was completed.
- The convention's proceedings were to remain secret. No delegate could disclose the substance of the debates, although they were allowed to take notes. (Had it not been for Madison, who attended nearly every session and kept careful notes that would be published after his death, probably little would be known about what happened during the convention.)

The rules established the basis for civil discourse, a reasoned discussion in which every member has the opportunity to speak on any question, in which no individual's voice can drown out the ideas of others, and in which listening matters as much as speaking. In this discussion, ideas and proposals introduced later had the opportunity to alter decisions already made. This rule was essential, because each provision of a constitution is related to many others. Secrecy allowed for the free exchange of ideas. Many delegates feared that if

their debates were made public, then they would not feel free to express their real opinions or to change their minds in response to good arguments. They also thought the new constitution would have a greater chance of being accepted if people did not know about the arguments that occurred while it was being debated.

Over nearly four months these rules guided the convention's debate. At four critical points the delegates appointed committees to suggest solutions to difficult issues: (1) a committee to resolve the problem of representation in Congress; (2) a Committee of Detail to write a draft constitution, including provisions for the executive and judicial branches; (3) a Committee on Postponed Matters to deal with issues such as how to elect the national president; and (4) a Committee on Style to prepare the final language.




Why did the delegates decide to keep the proceedings of the Philadelphia Convention secret?

*Figure 5.9.4*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Advantages and Disadvantages of Secrecy in Government Procedures**

Opponents of the proposed Constitution criticized the convention's rule of secrecy. Some of them argued that secrecy alone was a reason to reject the Constitution. They contended that the public's business should be conducted publicly.

Today some governmental deliberations still are held in secret. For example, the Senate and House committees on military intelligence are closed to the public. The deliberations of juries, the Supreme Court, federal courts of appeal, and state appellate courts are not open to the press or the public.

Work in groups of two or three students to answer the following questions. Then be prepared to explain and defend your answers.

- What are the advantages and disadvantages of conducting some governmental matters in secret?
- In what ways can secret proceedings protect or threaten individual rights?
- In what ways can secret proceedings protect or threaten the common good?
- What proceedings, if any, do you believe should be conducted in secret?

## What Was the Virginia Plan?

Many delegates came to Philadelphia convinced that the Articles of Confederation should be scrapped, not amended. One of these was James Madison. Before the convention he already had drafted a plan for a new national government, which came to be called the Virginia Plan. The Virginia delegates agreed to put Madison's plan forward as a basis for the convention's discussions. Edmund Randolph, Madison's fellow Virginian who later would become the first U.S. attorney general, did so on May 29, 1787.

The most important thing to know about the Virginia Plan is that it proposed a strong national government. The Articles of Confederation authorized the national government to act only on the states, not on the people directly. Under the Virginia Plan the national government would have the power to make and enforce laws and to collect taxes, both actions that would directly affect individuals.

Each citizen would be governed under the authority of two governments, the national government and a state government. Both governments would get their authority from the people. The existence of two governments, national and state, each given a certain amount of authority, is known as a **federal system**. In addition, the Virginia Plan recommended the following:

- The national government would have three branches: legislative, executive, and judicial. The legislative branch would be more powerful than the other branches because, among other things, it would have the power to select people to serve in the executive and judicial branches.
- The national legislature, Congress, would have two houses. A House of Representatives would be elected directly by the people of each state. The House then would elect a Senate from lists of persons nominated by the state legislatures.
- The number of representatives from each state in both the House and the Senate would be based on the size of its population or on the amount of its contribution to the federal treasury. This system of **proportional representation** meant that states with larger populations would have more representatives in the legislature than would states with smaller populations.
- Congress would have power to make all laws that individual states were not able to make, such as laws regulating trade between two or more states.
- Congress would have power to strike down state laws that it considered to be in violation of the national constitution or the national interest.
- Congress would have power to call forth the armed forces of the nation against a state, if necessary, to enforce the laws passed by Congress.

## Key words

**federal system:**
A system of government in which entities, such as states or provinces, share power with a national government

**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

## Content Highlight:

### WHAT DO YOU THINK?

- What are the advantages and disadvantages of having two houses of Congress? Why?
- Why did the Virginia Plan give Congress the power to strike down laws made by state legislatures? What arguments could you make for or against giving Congress this power?
- In what ways did the Virginia Plan correct what the Framers perceived to be weaknesses in the Articles of Confederation?

## Conclusion

In this lesson, you learned about the organizing phase of the Philadelphia Convention. You saw that the Convention followed specific rules and agendas for civil discussion. Finally, you learned that the Convention considered the Virginia Plan, which addressed the role of national government and state governments. The Virginia Plan supported a strong national government. Much of the plan determined the way our government functions today.

## Lesson Check-up



- **How would you describe the delegates to the Philadelphia Convention? What prominent political leaders attended? Which leaders were absent and why?**
- **Why did Rhode Island refuse to participate in the Philadelphia Convention?**
- **In what ways were the Framers representative of the American people in 1787? In what ways were they not?**
- **How did the Virginia Plan propose to change the structure and powers of the national government under the Articles of Confederation?**
- **Conduct research to find out different states' roles in the Philadelphia Convention. How did each state's delegates respond to the Virginia Plan? Did the delegates from each state always vote the same way? Why or why not? As you study the next lessons, continue to examine each state's responses to proposals for representation, designs for the branches of government, and plans for the balance of power between national and state governments.**

LESSON 10

# The Debate Over Representation



## What You Will Learn to Do

Analyze the debate about representation at the Philadelphia Convention

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** the differences between the Virginia Plan and the New Jersey Plan and the importance of the Great Compromise
- **Explain** how the Framers addressed regional issues with the Three-Fifths Compromise and the provision for a periodic census of the population

## Key words

- **Great Compromise**
- **New Jersey Plan**
- **Three-Fifths Compromise**

## Essential Question

**Why was representation a major issue at the Philadelphia Convention?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on why major issues debated at the Philadelphia Convention are still on the national agenda
- **Define key words:** Great Compromise, New Jersey Plan, Three-Fifths Compromise

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## Introduction

What or whom should the national government represent—the states, the people, or both? This lesson examines that debate at the Philadelphia Convention. It also examines the so-called **Great Compromise**, which dealt with the makeup of the House of Representatives and the Senate. In addition, it examines two issues that the Great Compromise did not resolve—how population would be counted for representation in the House and how new states might receive representation in Congress.

## What Were the Disagreements About Representation?

The Virginia Plan's proposal to create a two-house Congress was not controversial. Continuing British and colonial practices, all the states except Pennsylvania and Georgia had instituted bicameral legislatures. There also was a widespread belief that a bicameral legislature would be less likely to violate people's rights than a unicameral legislature. Each house could serve as a check on the other.

What was controversial in the Virginia Plan was the principle of proportional representation. James Madison, James Wilson, Rufus King, and others believed that the number of members in both houses should be based on the number of people they would represent. They argued that a government that both acted on and represented the people should give equal voting power to equal numbers of people. From Madison's perspective states should not be represented as states in the national

## Key words

**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

government. Rather, each representative should serve a district and connect the people of that district to the national government.

Other delegates argued for equal representation of the states, as under the Articles of Confederation. Many of these delegates believed that the United States was a confederation of separate states and that national government derived from and represented the states, not the people as a whole.

The positions of many delegates in this debate reflected the size of their states. Under the Virginia Plan, a state with a larger number of people would have more votes in both houses of Congress. Many delegates from smaller states wanted equal representation. They feared that unless they had an equal voice, the larger states would dominate them.

The delegates agreed on one thing: If the national legislature had two chambers—a House and a Senate—then at least one should be based on proportional representation. This would probably be the House. Thus, the debate dealt essentially with representation in the Senate.

By mid-June disagreement over representation created a crisis for the convention. Delegates from several small states, led by New Jersey statesman William Paterson (1745–1806), asked for time to come up with an alternative to the Virginia Plan.

## What Was the New Jersey Plan?

Key words

**New Jersey Plan:**
A plan, unsuccessfully proposed at the Constitutional Convention, providing for a single legislative house with equal representation for each state

On June 15, 1787, William Paterson, who later would become the second governor of New Jersey, presented what has become known as the **New Jersey Plan**. This plan proposed keeping the framework of the Articles of Confederation, as the delegates had been asked to do. Following are some of the main parts of the New Jersey Plan:

- Congress would have only one house, as in the Confederation, and it would be given the following increased powers:
  - Power to levy import duties and a stamp tax to raise money for its operations, together with power to collect money from the states if they refused to pay
  - Power to regulate trade among the states and with other nations
  - Power to make laws and treaties the supreme law of the land so that no state could make laws that were contrary to them



What were some of the basic elements of the New Jersey Plan presented by William Paterson?

*Figure 5.10.1*

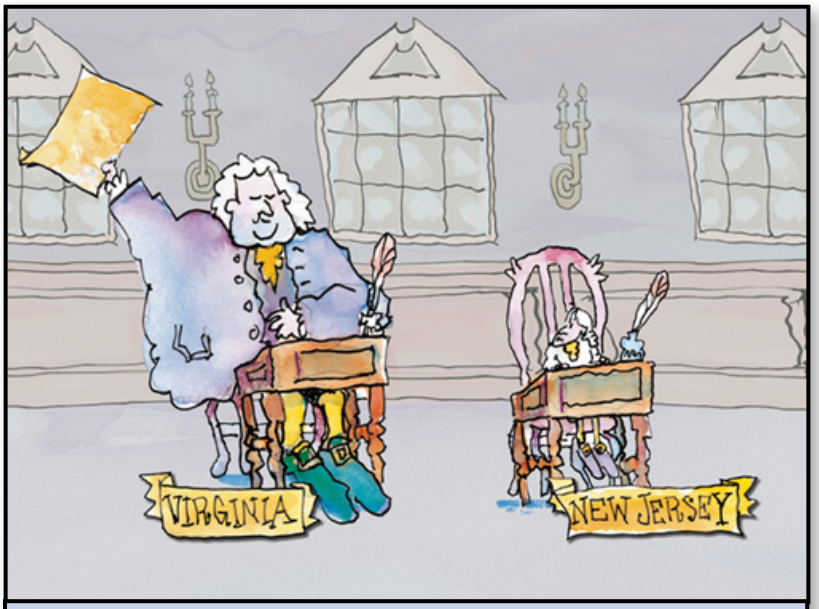
- An executive branch would be made up of several persons appointed by Congress. They would have the power to administer national laws, appoint other executive officials, and direct military operations.
- A supreme court would be appointed by the officials of the executive branch. It would have the power to decide cases involving treaties, trade among the states or with other nations, and collection of taxes.

The New Jersey Plan continued the system of government existing under the Articles of Confederation by having the national government represent and act on the states, rather than representing or acting on the people. By the time the New Jersey Plan was presented, after two weeks of debate on the Virginia Plan, many delegates had become convinced that the national government needed new powers and a new organization for exercising those powers.

When the convention voted on the New Jersey Plan four days later, on June 19, it was supported only by the delegations from Connecticut, Delaware, and New Jersey, and a majority of the New York delegation—Alexander Hamilton was always outvoted by his two colleagues—with the Maryland delegation being divided. Defeat of the New Jersey Plan meant that the Virginia Plan continued to be the basis for the convention's discussion.

The failure of the New Jersey Plan ended the idea of keeping a unicameral national legislature. But it did not mean that all the delegates had abandoned their concerns about large states' power in a bicameral legislature. On July 2, the Framers voted on whether there should be equal representation in the upper house of Congress. The result was a tie, five states to five, with Georgia divided. Neither side in this debate seemed willing to compromise, and delegates began to fear that the convention would end in disagreement and failure.

In response to this impasse, a special committee composed of one delegate from each state was formed. This committee was responsible for developing a plan to save the convention. Some supporters of the Virginia Plan, including James Madison and James Wilson, opposed assigning this responsibility to a committee. However, most of the other delegates disagreed with them, and the committee went to work.




What were the strengths and weaknesses of the Virginia and New

*Figure 5.10.2*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Developing and Defending Plans for Representation**

Work in committees of about five Cadets each. Each committee should have some Cadets who represent small states and some who represent large states. The task of each committee is as follows:

- The committee should develop a plan for how many representatives each state should be allowed to send to the Senate and the House of Representatives. Your committee may decide that there is no need for a two-house Congress and that a single house will represent the people more effectively.
- The group should select a spokesperson to present your committee's plan to the class with all members of the committee helping to defend their plan against criticisms by members of other committees.
- Following presentations of all the plans, each committee may revise its original plan if it wishes.
- The entire class should then examine the plans made by all the committees and try to reach an agreement on a single plan.

Later, individually compare the plans of the committees and the final class plan with the plan that the Framers arrived at, which is described in the next section of this lesson.

## What Was the Great Compromise?

The result of the special committee's work was the Connecticut Compromise. It is now called the Great Compromise. The committee adopted a proposal previously suggested by Connecticut delegates Roger Sherman (1721–1793) and Oliver Ellsworth (1745–1807). The Great Compromise contained the following ideas:

- The House of Representatives should be elected by the people on the basis of proportional representation (Article I, Section 2).
- There should be equal representation of each state in the Senate. Each state legislature should select two senators (Article I, Section 3).
- The House of Representatives should have the power to develop all bills for taxation and government spending (Article I, Section 7). The Senate should be limited to accepting or rejecting these bills. This provision later was changed to permit the Senate to amend tax bills developed in the House and to develop appropriations bills.

As in most compromises, each side gained a little and lost a little. The small states received the equal representation in the Senate that their delegates wanted in order to protect their interests. Those who believed that the national government derived from and represented the states saw that idea reflected in the Senate. The large states gave up control of the Senate but kept control of the House of Representatives with its important powers over taxation and government spending.

When the committee presented this compromise to the convention, Madison, Wilson, and several other delegates opposed it. They viewed the idea of state equality in the Senate as

a step away from a strong national government back toward the system under the Articles of Confederation. Some delegates from small states remained suspicious as well. Two delegates from New York, who had consistently voted with the smaller states, left the convention and did not return. But the crisis was over when the Great Compromise passed by a single vote.



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

Madison argued that the Great Compromise was fundamentally unjust, as his notes of the convention show. Madison "conceived that the Convention was reduced to the alternative of either departing from justice, in order to conciliate the smaller states, and the minority of the people of the U.S. or of displeasing these by justly gratifying the larger states and the majority of the people."

Do you agree with Madison that the Great Compromise was not a true compromise but a rejection of the principle of majority rule? Explain your position.

## What Was the Significance of the Three-Fifths Compromise?

Settling the question of representation in the Senate did not end the discussion of how representatives would be apportioned in the House of Representatives. What did proportional representation mean? Would each state receive representation based on the entire number of its people, free and enslaved? Would only free people (including indentured servants) be counted? If governments came into being for the purpose of protecting property, then should people or districts with more property receive greater representation than those with less? This debate would result in what is known as the **Three-Fifths Compromise**.

The greatest controversy centered on whether enslaved persons should be counted when apportioning representatives to the states. Delegates from the Southern states, which had the most slaves, argued that their slaves should be counted as full persons for purposes of representation. South Carolina delegate Pierce Butler (1744–1822) argued that slaves were the Southern equivalent of Northern free farmers and laborers. Echoing John Locke, Butler said that "an equal representation ought to be allowed for them in a government which was instituted principally for the protection of property, and was itself to be supported by property." Not all Southerners agreed. Virginia's George Mason concurred with Butler that slaves were economically valuable, but he "could not however regard them as equal to freemen."

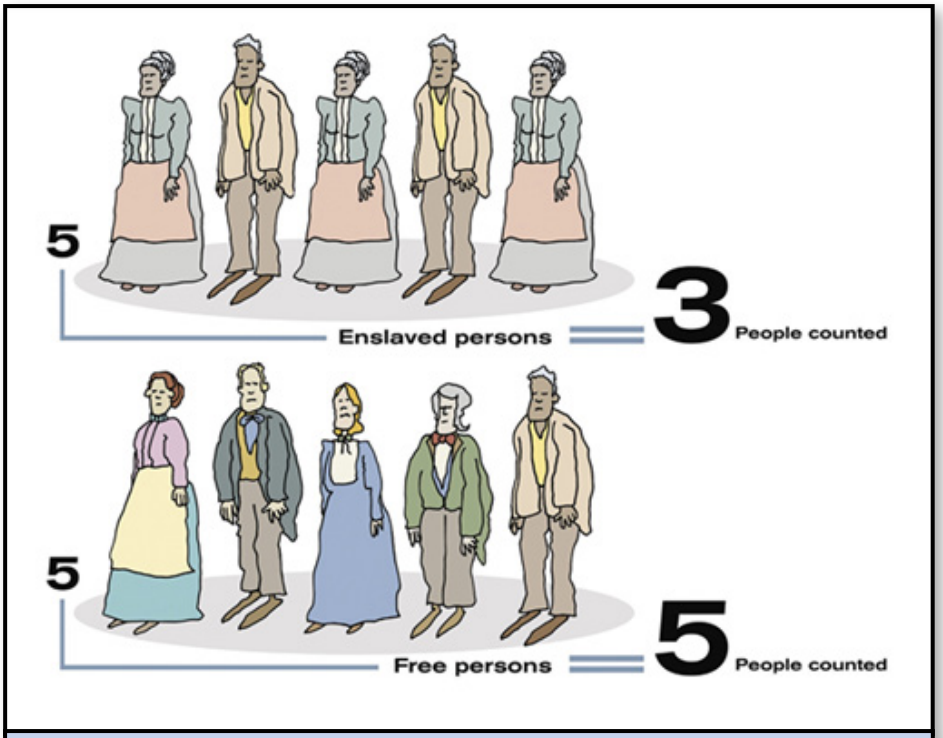
Delegates from the Northern states, where slavery had already been abolished or where it was declining, wondered why slaves should be counted for representation at all. Would not the elected representatives

### Key words

**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.

simply serve the interests of the slaves' owners? Those interests were directly opposed to the interests of slaves themselves, who would choose freedom if they could. Should slave states receive extra votes in Congress because of their slaves, votes that they would then use to perpetuate the institution of slavery itself? Also, as Elbridge Gerry of Massachusetts asked on June 11, why should "the blacks, who were property in the South, be in the rule of representation more than the cattle and horses of the North?"

The delegates ultimately agreed on a compromise that first had been proposed during discussion of the Virginia Plan in June. According to this compromise, the entire population would be periodically counted (a census). For purposes of apportioning representatives, a states' population would be equal to its entire population of free persons (including indentured servants) plus three-fifths of "all other persons," meaning slaves—hence the name Three-Fifths Compromise (Article I, Section 2). Each slave also would be counted as three-fifths of a person when computing direct taxes (taxes owed by states to the national government). The three-fifths ratio was a convenient number, because it had first been proposed in the early 1780s when Congress discussed possible amendments to the Articles of Confederation to raise money from the states.




What arguments arose over the Three-Fifths Compromise?

*Figure 5.10.3*

## How Did the Delegates Address the Representation of New States?

The Philadelphia Convention considered not only the balance between Southern (slaveholding) and Northern (non-slaveholding) states, but also the balance between existing (Eastern) and future (Western) states in the makeup of the new nation. The delegates recognized that new states might join the union when western lands owned by the national government attracted settlers. They even thought their neighbor to the north, Canada, might wish to join the United States. A few delegates worried that the population in new states soon would outnumber that of the existing Atlantic seaboard states.

Gouverneur Morris argued that the original states should be guaranteed a perpetual majority of the representation in Congress.

However, the Northwest Ordinance had mandated that new states should be admitted on the same terms as the original thirteen, with full representation in Congress. The periodic census, essential for counting free and enslaved persons for purposes of representation, also would allow new states to gain their proportional share of seats in the House of Representatives. The delegates decided to conduct such a census every ten years in order to reapportion, or reallocate, seats in the House based on shifts in America's population.




Why did the Framers agree to hold a census every ten years?

*Figure 5.10.4*

## Conclusion

In this lesson, you learned about the differences between the Virginia Plan and the New Jersey Plan and the importance of the Great Compromise. You also studied how the Framers addressed regional issues with the Three-Fifths Compromise and the provision for a periodic census of the population. Finally, you saw that major issues debated at the Philadelphia Convention are still on the national agenda.

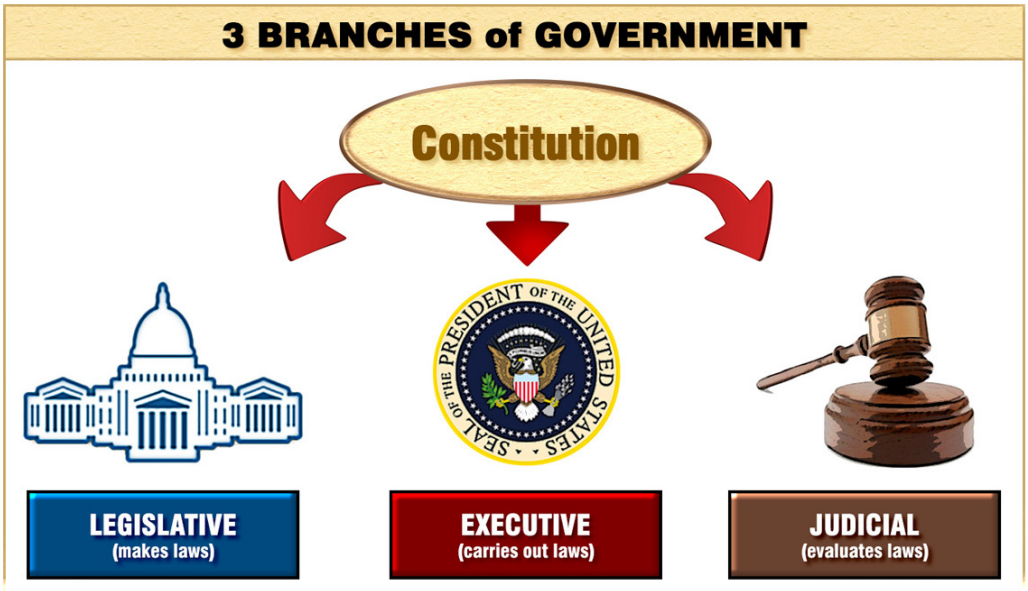
## Lesson Check-up



- **What were the major arguments for and against proportional representation of states in the national government?**
- **What were the key elements of the Great Compromise? In what ways did it address the problem of representation, and in what ways did it not?**
- **How did the Three-Fifths Compromise and the census help delegates resolve issues of representation?**
- **How might the history of the United States have been different if the original thirteen states had been guaranteed a perpetual majority of the representation in Congress?**
- **How, if at all, has equal representation in the Senate affected the principle of majority rule?**

LESSON 11

# The Branches of National Government




## Key words

- deliberative body
- Electoral College
- necessary and proper clause
- separated powers
- shared powers

## What You Will Learn to Do

Analyze how the Framers envisioned the role of the three branches of national government

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** the role of each of the three branches and describe how the Constitution organizes them
- **Explain** how and why the system of checks and balances contributes to limited government

## Essential Question

**What questions did the Framers consider in designing the three branches of the national government?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on how the president of the United States should be elected and issues relating to the appointment and service of justices of the Supreme Court
- **Define** key words: deliberative body, Electoral College, necessary and proper clause, separated powers, shared powers

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## Introduction

Political philosophers since ancient times have written that governments must do three things: make, execute, and judge laws. Unlike the British system, which concentrates power in Parliament, the U.S. Constitution assigns these competing and complementary functions to three separate branches of the national government. This lesson explains how the Framers envisioned the role of each branch.

## What Did Delegates Think About the Balance of Power Among Branches of Government?

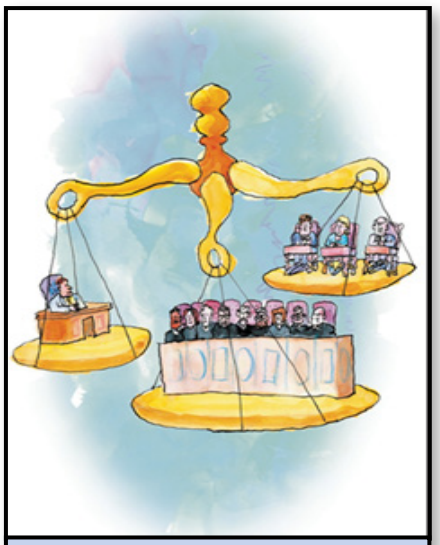
Many Americans thought that an imbalance of power among different branches of government led to tyranny. They believed that the British monarch, through the use of bribes and special favors, had been able to control elections and exercise too much power over Parliament. The British government permitted members of Parliament to hold other offices at the same time, and in the eighteenth century the Crown used its exclusive power to appoint people to office as a reward for friendly members of Parliament.

The Framers believed that these actions upset the proper balance of power between the Crown and Parliament. It was the destruction of this balance to which Americans referred when they spoke of the "corruption" of Parliament by the Crown. They believed that royal governors had tried to corrupt colonial legislatures in the same way.

Given their experiences with the king and his royal governors, it is not surprising that Americans established weak executive branches in most state Constitutions. However,

this strategy created other difficulties. Weak executives were unable to check the powers of the state legislatures. In many people's opinion, these legislatures passed laws that violated basic rights, such as the right to property.

Therefore, the challenge that faced the delegates at the Constitutional Convention was how to create a system of government with balanced powers. In order to achieve this balance, they created a government of **separated powers** or, as twentieth-century political historian Richard Neustadt called it, "a government of separated institutions sharing powers." This system is familiarly known as "checks and balances," as discussed in an earlier lesson.



What might be the strengths and weaknesses of government with separated branches?

*Figure 5.11.1*

## Key words

**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

**deliberative body:**
A legislative assembly that meets to debate issues

## What Did Delegates Think About Legislative Power and What Questions Did Organizing the Legislative Branch Raise?




*Figure 5.11.2*

Many delegates had considered the organization and powers of Congress long before the convention because of their experiences under the Articles of Confederation and in their state governments. The delegates intended Congress to be a **deliberative body**. This meant that it should thoroughly debate issues and avoid making hasty decisions. The bicameral structure of Congress made it difficult to pass laws, especially at the whim of popular majorities. The delegates agreed with Locke that the power to make laws is the greatest power a government possesses. They also sought to prevent the sort of "corruption" that Americans remembered from colonial times, when members of Parliament often received additional appointments from the King. Therefore, the delegates stipulated that members of Congress are not permitted to hold another national office while serving in the House or Senate.

The Virginia Plan would have given Congress plenary powers—plenary meaning "unlimited and undefined"—including a veto over state laws. In contrast, the New Jersey Plan would have more strictly defined legislative powers. With the adoption of the Great Compromise, Congress became a body with enumerated powers—that is, powers specifically listed, most of which are in Article I, Section 8, of the Constitution. The Framers also gave Congress the power to make all other laws that are "necessary and proper" for carrying out the enumerated powers. Article I, Section 8, Paragraph 18, is called the **necessary and proper clause** for this reason.

## What Did Delegates Think About Executive Power and What Questions Did Organizing the Executive Branch Raise?




*Figure 5.11.3*

The Articles of Confederation did not provide for an executive branch, but the Confederation Congress found it necessary to create executive officials for specific purposes, including coordination of foreign affairs and management of the treasury. The Framers wanted to give the executive branch of the new government enough power and independence to fulfill its responsibilities. In contrast to the deliberative nature of Congress, the executive needed "energy"—the capacity to act quickly when necessary for the common defense, to preserve the public peace, and in international relations. However, the delegates did not want to give the executive any power or independence that could be abused.

The Philadelphia Convention did not discuss the executive branch until after it had resolved most issues concerning Congress. No delegate had come with a plan for organizing the executive. The Virginia Plan said only that the national executive should be elected by the national legislature, not what the executive branch should look like or what its powers should be.

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

Why do you suppose the White House is a relatively modest building compared with the palaces of heads of states in many other countries?

To achieve the balance between an energetic executive and limited government, the delegates had to resolve a number of questions. Each question concerned the best way to establish an executive strong enough

### Key words

**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"

to check the power of the legislature but not so powerful that it would endanger republican government. Three key matters needed to be decided.

1. ***First - Should there be more than one chief executive?*** Many Framers agreed that there should be a single executive to avoid conflict between two or more leaders of equal power. Some delegates also argued that it would be easier for Congress to keep a watchful eye on a single executive. Others argued for a plural executive, claiming that such an arrangement would be less likely to become tyrannical. The Framers agreed that there would be one president of the United States. They also assumed that there would be an executive branch composed of departments.

2. ***Second - How long should the chief executive remain in office?*** The Committee on Detail recommended a seven-year term for the president, but many delegates thought seven years was too long. The Committee on Postponed Matters changed the term to four years, and the convention adopted that proposal.

3. ***Third - Should the executive be eligible for reelection?*** Under the Committee on Detail's proposal for a seven-year term of office the president would not have been eligible for reelection. When the term was reduced to four years (Article II, Section 1), the Framers decided to allow the president to serve more than one term. The Constitution originally set no limit on the number of times a president could be reelected.

## How Should Presidents Be Selected?



What qualifications should one have to become president of the United States?

*Figure 5.11.4*

The delegates knew that the group with the power to select the president would have great power over the person who held the office. They were concerned that this power might be used to benefit some people at the expense of others. It also might make it difficult for the executive branch to function properly.

The delegates briefly discussed the idea of direct election by the people but rejected it because they believed that the citizens of such a large country would not know the best candidates. As George Mason put it, allowing the people to elect the president directly was like entrusting "a trial of colours to a blind man." Many delegates from small states also feared that direct election would give the most populous states an advantage.

Supporters of direct election, including Gouverneur Morris and James Wilson, replied that the populous states were unlikely to agree on the same candidates. They also worried that indirect election—by Congress or by state legislatures, the most common proposals—would lead to "corruption and cabal [cliques or self-serving groups]."

The main method under consideration involved the indirect election of the president. The delegates considered election bodies including Congress, state legislatures, state governors, and a temporary group elected for that purpose.

If Congress were given the power to choose the president, then limiting the term of office to a single, long term—seven years in the initial plan—would be a way to protect separation of the executive and legislative branches. Congress would not be able to manipulate a president who in turn would not have to worry about being reelected. This is why the Framers also decided that Congress could neither increase nor decrease the president's salary once the president was in office. If a president were not to be chosen by Congress, then providing for a shorter term of office would make the president more accountable to the people. But selection by state legislatures or governors might make the president too sensitive to local rather than national matters.

The problem was given to the Committee on Postponed Matters. The committee proposed a clever compromise (Article II, Sections 2, 3, and 4). It did not give any existing group the power to select the president. Instead, it proposed what now is called the **Electoral College**.

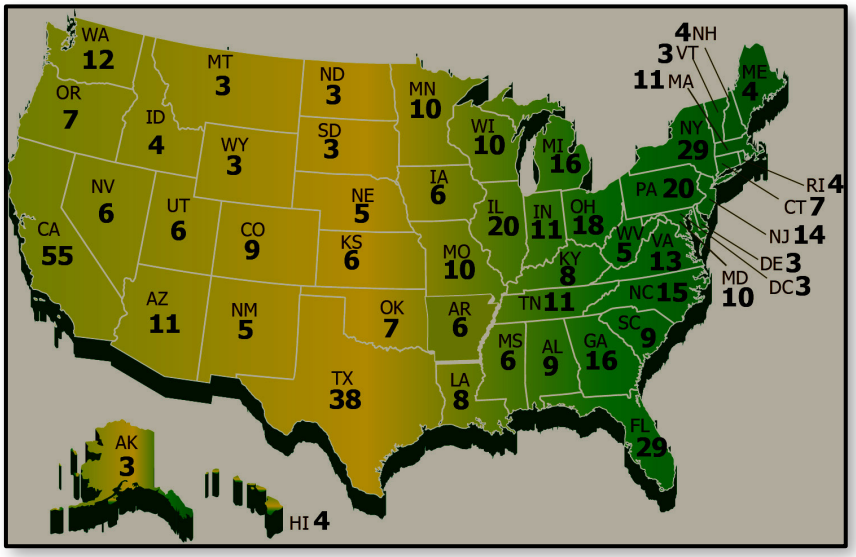



*Figure 5.11.5*

The main parts of the plan for the Electoral College were as follows:

- The Electoral College would be organized once every four years to select a president. After the election, the college would be dissolved.
- Each state would select members of the Electoral College, called electors, "in such manner as the legislature thereof may direct." In other words, each state legislature maintained control over how and by whom that state's electors would be chosen.

## Key words

**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

- Each state would have the same number of electors as it had senators and representatives in Congress. This proposal built both the Great Compromise and the Three-Fifths Compromise into the process of electing a president, as a state got additional electors simply for being a state (having two senators) and for its enslaved population, which increased its representation in the House of Representatives.
- Each elector would vote for two people, at least one of whom had to be a resident of a state other than the elector's state. This forced the elector to vote for at least one person who might not represent his particular state's interests.
- The person who received the highest number of votes, if it was a majority of the electors, would become president. The person who received the next largest number of votes would become vice president, which at the time was a vaguely defined office devised near the end of the convention.
- If the top two candidates received the same number of votes or if no one received a majority vote, then the House of Representatives would select the president by a majority vote, with each state having only one vote. In case of a vice-presidential tie, the Senate would select the vice president, with each senator casting one vote.

Although complicated and unusual, this compromise seemed to be the best solution. There was little doubt in the delegates' minds that George Washington would be elected the first president. However, there was great doubt that anyone after Washington would be enough of a "national character" to get a majority vote in the Electoral College. The delegates believed that in almost all future elections, the House of Representatives ultimately would select the president.

## Should the Electoral College Be Changed?

At the Philadelphia Convention, the Framers rejected proposals to have the president elected by Congress or state legislatures. Some delegates worried that direct election by the people would be unwise. The people might not be able to make informed judgments because it was unlikely they would know candidates from other states or regions, or they might simply splinter and support favorite candidates from their states or regions. They devised a plan called the Electoral College, although that name is not used in the Constitution. The plan is set forth in Article II, Section 1. It provides that each state gets the number of votes equal to the number of its representatives and senators. Because all but two states and the District of Columbia distribute all their votes to the statewide winner, the popular-vote victor can lose the Electoral College.



Does the Electoral College make the outcomes of presidential elections more clear and less disputable? Why or why not?

*Figure 5.11.6*

Since the nation's first presidential election in 1792 there have only been a few times when the winner of the popular vote has not won the election. The most recent example was the 2016 election. Donald Trump received less of the popular vote, 46.1 percent, than his opponent, Hillary Clinton, who received 48.2 percent. To win the electoral vote a candidate must win 270 of the 538 electoral votes.

Trump won with 304 votes to Clinton's 227. The 2000 election was closer, with George W. Bush winning 48.4 percent of the popular vote and Al Gore receiving 48.6 percent. Bush won 271 votes in the Electoral College, winning his first term in office.

In 1969, an attempt was made in Congress to amend the Constitution and replace the Electoral College with a system based on the national popular vote. Although the amendment was supported by a large majority in the House of Representatives, it failed to pass in the Senate due to a filibuster by senators from several small states who argued that eliminating the Electoral College would reduce the influence of small states. However, since the elections of 2000 and 2016 there have been a number of calls for change.

Critics of the Electoral College make the following claims:

- It is undemocratic and should be abolished in favor of direct popular vote for president and vice president.
- It unfairly gives disproportionate power to small states.
- The electoral votes of each state should be allotted to candidates in proportion to the popular votes they receive.

Defenders of the Electoral College make the following claims:

- Since presidential candidates cannot gain enough electoral votes in any one region of the United States to win, they must appeal to voters in most, if not all, of the regions of the country and represent their interests as well. The result is that winning candidates must be supported by voters from throughout the country, which contributes to the unity of the nation.
- The outcomes of elections are clearer and less disputable because the winner typically gets a larger proportion of the electoral votes than popular votes. This reduces the chances of a call for a recount of votes to decide an election when compared with popular-vote systems.
- The disproportionate power given to small states helps to protect their interests from possible abuses by larger, more populous states.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Analyzing the Advantages and Disadvantages of the Electoral College**

Work with two or more other Cadets to answer the following questions. Be prepared to discuss your answers with your class.

1. What democratic principles, if any, are furthered or violated by the Electoral College?
2. What arguments can you give for and against the use of the Electoral College to select the president?
3. If you think the Electoral College should be reformed or replaced, what kind of changes for electing the president would you support? Why?

## What Did the Delegates Think About Judicial Power, and What Questions Did Organizing the Judicial Branch Raise?

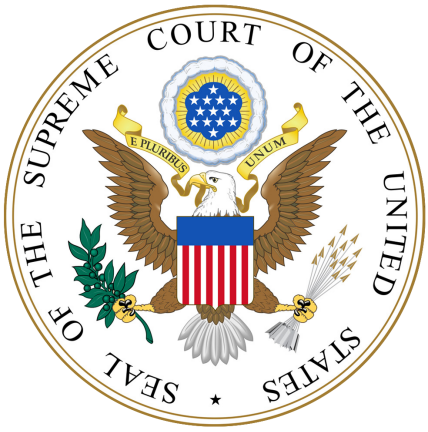



*Figure 5.11.7*

A national government needed a system for deciding cases involving its laws. This function could be left to state courts, but then the national laws might be enforced differently from state to state.

A judicial branch also would complete the system of separation of powers. The delegates had fewer problems agreeing on how to organize the judiciary than they had with the other two branches. They agreed that judges should be appointed by the president and confirmed by the Senate. They also agreed that all criminal trials should be trials by jury. This was a very important check, they believed, on the power of the government.

The delegates created only the Supreme Court as the head of the national judiciary and left to Congress the power to create lower federal courts (Article III, Section 1). They also reached other important agreements, among them the following:

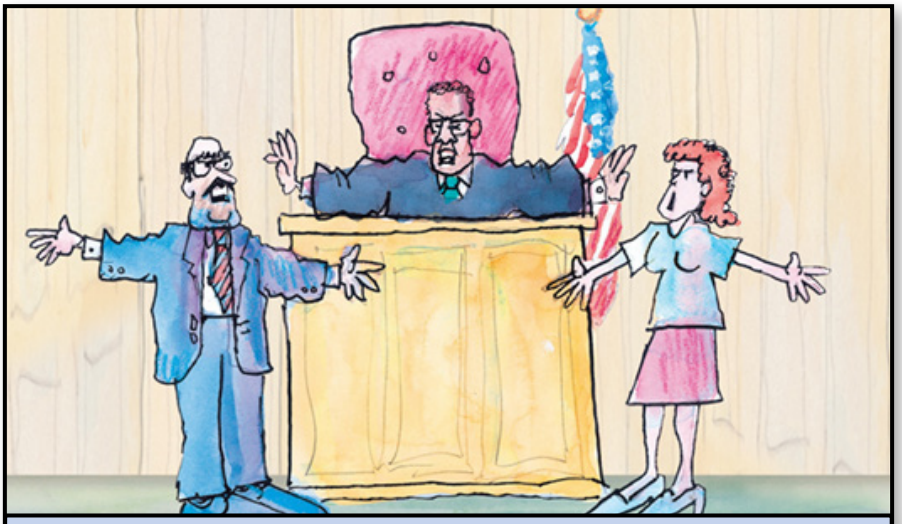
- Judges should be independent of politics. They would use their best judgment to decide cases free from political pressures.
- Judges should hold office "during good behavior." This meant that they would not be removed from office unless they were impeached (accused) and convicted of "treason, bribery, or other high crimes and misdemeanors."

There also was considerable agreement about the kinds of powers that the judicial branch should have. The judiciary was given the power to decide conflicts between state governments and to decide conflicts that involved the national government.



What powers does congress have over judicial appointments?

*Figure 5.11.8*



Should judges be independent of politics? Why or why not?

*Figure 5.11.9*

## Content Highlight:

### WHAT DO YOU THINK?

1. What are the advantages and disadvantages of having judges appointed, not elected, to serve "during good behavior"?
2. Should the composition of the Supreme Court be required to reflect the political, economic, racial, ethnic, geographical, and gender diversity of our country? Why or why not?
3. Should the Constitution be amended to require judges to retire at a specific age or after a certain number of years as a judge? Why or why not?
4. It has been argued that the judiciary is the least democratic branch of our national government. What arguments can you give for and against this position?

## How Are Powers Divided and Shared Among the Three Branches?

Implementing their belief in separated powers, the Framers limited the powers of each branch and provided that they had certain **shared powers**. Shared powers, such as the power to make treaties and appoint cabinet members and ambassadors, are powers that are not completely separated between branches of government but are shared among them. This system of separated and shared powers—checks and balances—was accomplished using several strategies, including the following:

## Key words

**shared powers:** Legislative powers not completely separated between the branches of government

- ***Veto***. The president shares in the legislative power through the veto. Although the president can veto a bill passed by Congress, the bill can still become a law if two-thirds of both houses of Congress vote to override the veto. The veto power appears in Article I, Section 7, although the term veto is not used.
- ***Appointments.*** The power to appoint executive branch officials and federal judges is shared with Congress. The president has the power to nominate persons to fill those positions, but the Senate has the power to approve or disapprove the persons nominated (Article II, Section 2).
- ***Treaties.*** The president has the power to negotiate a treaty with another nation, but the treaty must be approved by a two-thirds vote of the Senate (Article II, Section 2).
- ***War.*** Although the president is commander in chief of the armed forces (Article II, Section 2), only Congress has the power to declare war (Article I, Section 8). Congress also controls the money necessary to wage a war. Therefore, the power to declare and wage war also is shared.
- ***Impeachment.*** Article I gives Congress the power to impeach the president, members of the executive branch, and federal judges and to remove them from office if they are found guilty of treason, bribery, or other high crimes and misdemeanors. Only the House of Representatives can bring the charges (impeachment). The Senate holds a trial to determine the official's guilt or innocence (conviction or acquittal). If convicted by two-thirds of the Senate, the official is removed from office.
- ***Judicial review.*** The Constitution does not specify that the Supreme Court can decide whether acts of Congress are constitutional. However, many of the Framers assumed that the judicial branch would have this power because the judiciary of many states already played this role.



## Content Highlight:

**WHAT DO YOU THINK?**

How does each branch of government check and balance the power of the other branches?

## Conclusion

In this lesson, you learned about the role of each of the three branches and describe how the Constitution organizes them. You also saw why the system of checks and balances contributes to limited government. Finally, you learned that our government makes use of shared powers between the three branches of government.

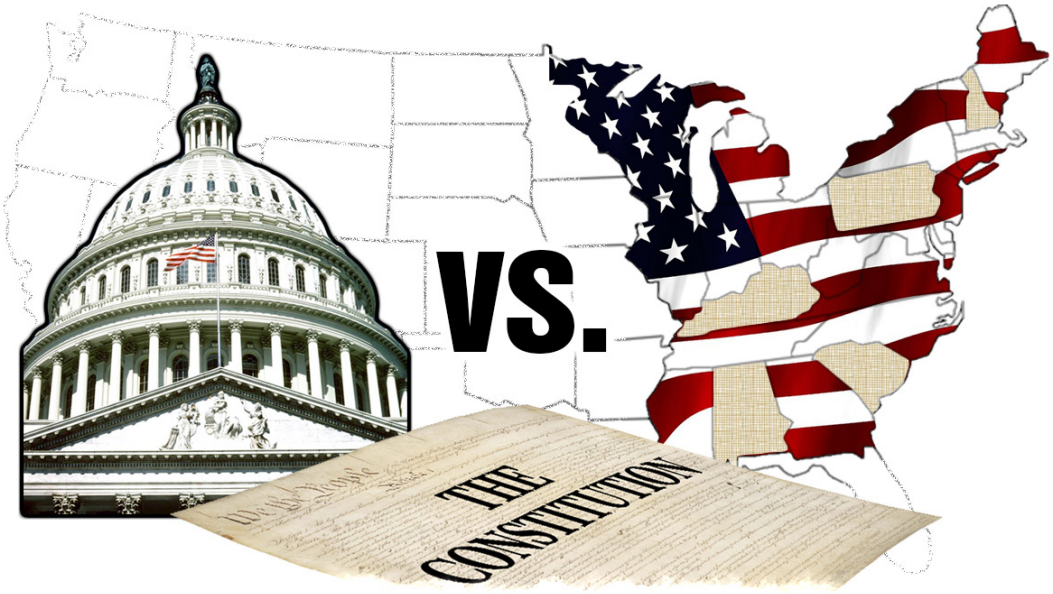
## Lesson Check-up



- **Why did the delegates enumerate the powers of Congress? Why do you think it did not enumerate the powers of the executive and judicial branches in the same detail?**
- **What is the Electoral College, and why did the delegates decide to create it?**
- **What issues did the delegates have to decide regarding the organization of the executive branch of government, and how did they resolve these issues?**
- **How did the delegates make sure the executive branch would have enough power to fulfill its responsibilities but not so much power that it could dominate the other branches of government?**
- **The Framers designed the national judiciary with the goal of making it independent of partisan politics. What constitutional provisions contribute to judicial independence? What constitutional provisions might threaten that independence?**
- **Has the checking and balancing relationship among the three branches intended by the Framers been maintained? Explain your response and support it with evidence.**

LESSON 12

# Balancing National and State Powers




## Key words

- ex post facto law
- bill of attainder
- secede
- supremacy clause
- tariff

## What You Will Learn to Do

Explain how the delegates distribute power between national and state government

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the major powers and limits on the national government, the powers that were specifically left to states, and the prohibitions the Constitution placed on state governments



## Essential Question

**How did the delegates distribute powers between national and state governments?**

## Learning Objectives (cont'd)

- **Explain** how the Constitution did and did not address the issue of slavery, as well as other questions left unresolved in Philadelphia
- **Evaluate**, take, and defend positions on how limited government in the United States protects individual rights and promotes the common good and on issues involving slavery at the Philadelphia Convention
- **Define** key words: ex post facto law, bill of attainder, secede, supremacy clause, tariff

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## Introduction

The relationship between national and state powers, more than any other issue, explains the need for the Constitutional Convention. This relationship was at the core of the first major debate, the one between supporters and opponents of the Virginia Plan. After forging the Great Compromise, the delegates worked out a series of other regulations and compromises that defined what the national and state governments could and could not do. Several of those compromises involved the question of slavery, the most potentially divisive issue among the states.

## What Powers Did the National Government Have Over State Governments and the People?

One reason the delegates agreed to meet in Philadelphia was their concern about some things that state governments were doing. They believed that some states were undermining Congress's efforts to conduct foreign relations, and they feared that state governments might threaten individual rights. They also knew that the national government under the Articles of Confederation had no power to enforce its decisions. The delegates all agreed that they had to create a national government with more power than Congress had under the Articles of Confederation. However, they did not agree

about how much power the new national government should have over citizens and the state governments.

The delegates included a number of phrases in the Constitution that set forth the powers of the national government over the states. These include the following:

- Article I, Section 4, grants state legislatures the power to decide the "times, places, and manner" of holding elections for senators and representatives but also grants Congress the power to make or change such regulations at any time.
- Article I, Section 8, gives Congress the power to set a procedure for calling the militia into national service "to execute the Laws of the Union, suppress Insurrections, and repel Invasions."
- Article IV, Section 3, gives Congress the power to create new states.
- Article IV, Section 4, gives the national government the authority to guarantee to each state "a Republican Form of Government." (Virginia delegate Edmund Randolph argued in the convention that no state should have the power to "change its government into a monarchy.")
- Article IV, Section 4, also requires the national government to protect the states from invasion or domestic violence.
- Article VI, Section 2, also known as the **supremacy clause**, makes the Constitution and all laws and treaties approved by Congress in exercising its enumerated powers the Supreme Law of the Land. It also says that judges in state courts must follow the Constitution, or federal laws and treaties, if there is a conflict with state laws.

## Key words

**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




What limitations does the Constitution place on the powers of the states?

*Figure 5.12.1*

## What Limits Did the Delegates Place on the National Government?

The Constitution also includes several limitations on the powers of the national government. Each of these provisions was designed to prevent a type of abuse that the delegates had seen in British history, in their own colonial and state governments, or in the national government under the Articles of Confederation.

Several provisions protect individual rights against violation by the national government:

- The national government may not suspend the writ of habeas corpus, "unless when in Cases of Rebellion or Invasion the public Safety may require it" (Article I, Section 9).
- The national government may not pass **ex post facto law**s and bills of attainder (Article I, Section 9). An ex post facto law changes the legality of an act after it has occurred. A **bill of attainder** is a punishment ordered by a legislature rather than by a court—that is, a law that declares a person guilty of a crime and decrees a punishment without a judicial trial.
- The national government may not suspend the right to trial by jury in criminal cases (Article III, Section 2).
- The Constitution also offers protection from the accusation of treason by defining this crime specifically and narrowly (Article III, Section 3). Congress cannot modify this definition. It can be changed only by a constitutional amendment.

Several other limitations protect the political independence and other rights of public officials:

- Members of Congress cannot be arrested "during Attendance at the Session of their respective Houses," unless they commit "Treason, Felony, and Breach of the Peace." Their speech or debate in the halls of Congress also is protected (Article I, Section 6).
- Congress cannot impose a religious test on people who hold national office (Article VI, Section 3). This means that people cannot be required to express certain religious beliefs as a qualification for holding office.
- If members of the executive or judicial branches are accused of misconduct in office, then the impeachment clauses (Article I, Section 3) protect their right to a fair trial.
- The national government cannot take money from the treasury without an appropriation law, nor can it grant titles of nobility (Article I, Section 9).




Why do you think the Constitution prohibits Congress from imposing religious tests on people nominated for public office? Do you agree with this prohibition? Why or why not?

*Figure 5.12.2*

### Key words

**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

**bill of attainder:**
An act of the legislature that inflicts punishment on an individual or group without a judicial trial

## What Limits Did the Delegates Place on State Governments?

The Constitution also limits the powers of state governments but not nearly as much as Madison had hoped for in the Virginia Plan. Many of the Constitution's limitations on state power are in Article I, Section 10, which prohibits states from:

- Coining their own money
- Passing laws that enable people to violate contracts, such as those between creditors and debtors
- Making ex post facto laws or bills of attainder
- Entering into treaties with foreign nations or declaring war
- Granting titles of nobility
- Laying duties (taxes) on imports or exports, except as necessary to pay for inspections
- Keeping troops or ships of war in times of peace

In addition, Article IV prohibits states from:

- Unfairly discriminating against citizens of other states
- Refusing to return fugitives from justice to the states from which they have fled

Many of these provisions, including the prohibitions on states making treaties, declaring war, or keeping armed forces in times of peace, were not new. They also had been part of the Articles of Confederation. Other limitations, such as the prohibition on "impairing the obligation of contracts," arose from the delegates' experiences in the 1780s, when some state legislatures attempted to pass laws releasing people from the responsibility to pay their debts.



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

- In what ways do the limitations on the national and state governments protect individual rights?
- In what ways do the limitations on the national and state governments promote the common good?

## How Did Slavery Affect the Distribution of National and State Powers?

Many delegates opposed slavery, and several Northern states had begun to take steps toward abolishing it. Virginian James Madison stated at the convention that he "thought it wrong to admit in the Constitution that there could be property in men." Therefore, the words slave and slavery never appear in the Constitution, even though several provisions clearly protected the institution.

Slaveholders considered their slaves to be personal property. Many delegates, not only Southerners, argued that slavery was fundamentally a state institution, like other matters related to property rights. Oliver Ellsworth of Connecticut stated, "The morality or wisdom

of slavery are considerations belonging to the states themselves." If the Constitution interfered with slavery, North Carolina, South Carolina, and Georgia made it clear that they would not become part of the new nation and might instead form their own confederacy.

In addition to the Three-Fifths Compromise described earlier, other provisions in the Constitution reflected the differences between states that depended on slavery and those that did not.

The third paragraph of Article IV, Section 2, often called the "fugitive slave clause," shows how the delegates sought to balance these views. This clause provides that if a person "held to service or labor" in one state escaped into another, they had to be delivered back to the person who claimed them. In an early draft, this clause began with the words "No person legally held to Service or Labour in one State." On the next-to-last day of the convention, the delegates changed this to "No person held to Service or Labour in one State, under the Laws thereof." This alteration was significant because it showed that the delegates did not intend to make slavery legal on a national level or in abstract terms. Instead, this clause reinforced the fact that slavery was a state institution, but it gave slaveholders the right to claim escaped slaves.



What provisions of the Constitution protected slavery?

*Figure 5.12.3*

Another agreement between Northern and Southern delegates involved the issue of commerce. Congress gained the power to regulate commerce among the states, which the Northern states wanted. The delegates defeated a Southern attempt to require a two-thirds vote of both houses to pass laws regulating commerce. Many Southern delegates feared that Northern congressmen would seek **tariff**s, which are taxes on imports of manufactured goods. To satisfy the Southern states, the Constitution provided that the national government would not interfere with the importation of slaves to the United States earlier than 1808 (Article I, Section 9). This gave slave owners an additional twenty years to bring new slaves from Africa or the West Indies to the United States.

## Key words

**tarriff:**
A tax on imported or exported goods; also known as a duty

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Understanding Positions on Slavery at the Philadelphia Convention**

Although the delegates voted to give constitutional protection to slavery, many of them were not proud of having done so. They considered slavery to be a necessary evil at best, and many hoped it would go away by itself if left alone. As we now know, this protection of slavery almost destroyed the United States.

Work in small groups to develop positions for and against the following propositions:

1. John Locke argued that an essential purpose of government is to protect property. Therefore, the value of all property, including enslaved Africans, should be counted in allocating representatives to each state.
2. The Declaration of Independence asserts that all people are created equal and endowed with inalienable rights. Therefore, property in people should not be taken into account in allocating representatives to each state.
3. The settling of fundamental issues, such as whether or not to allow slavery, should be left up to each state.

## What Issues Did the Philadelphia Convention Leave Unaddressed?

Slavery was not the only issue that the delegates did not directly address. The Constitution they drafted said nothing about national citizenship. Questions of citizenship were implicitly left to each state because the delegates could not agree on the answers. Some Northern states considered free African Americans to be citizens, while Southern delegates objected to that practice.

Similarly, the Constitution was mostly silent on the issue of voting rights. Each state had its own laws about who could vote. Usually those laws defined the amount of property a person had to own in order to qualify to vote as well as the amount of property required for a person to hold public office. No two states had the same qualifications, which is why the delegates left the "times, places, and manner" of electing members of Congress to the individual states. Only once does the Constitution prescribe voting rights. Article I, Section 2, states that anyone entitled to vote for "the most numerous Branch of the State Legislature" also is entitled to vote in elections for the House of Representatives.

- What was the largest group in the United States denied the right to vote and one of the last groups to attain that right?
- What arguments might states use to claim the right to secede from the Union?



This clause provoked debate among the delegates when Gouverneur Morris argued that suffrage for the House of Representatives should be restricted to landowners. Other delegates responded that the states would not be able to agree on such a qualification and that any nationwide qualification would disenfranchise people who already possessed the right to vote in some states. Besides, argued Benjamin Franklin, many of the sailors who had fought for America's independence were ordinary people who owned no land, and the adult sons of wealthy farmers often did not possess their own land until later in life. If the Constitution disenfranchised these people, Franklin said, it would deny their contributions to the United

States. On a practical level Americans were unlikely to ratify a Constitution that stripped them of voting rights.

In practice, the powers and limitations on national and state power have proved far more complicated than the provisions in the Constitution. Apart from the specific prohibitions in Article I and elsewhere, the Constitution barely suggests where national power ends and state power begins. In particular, the necessary and proper clause of Article I, Section 8, remains a source of controversy about the extent of national power.

In the seventy years after the Philadelphia Convention it became clear that another fundamental issue had not been resolved. Did states possess the right to **secede**, or withdraw, from the United States once they ratified the Constitution? Under the Articles of Confederation the states made up a "firm league of friendship," a looser confederation than under the Constitution. At several points between the 1790s and 1861 states argued that they retained the right to secede if the national government enacted measures that they considered to be intolerable. A bloody civil war, not the civil discourse of the Philadelphia Convention, would ultimately resolve this question.

## Key words

**secede:**
Formal withdrawal by a constituent member from an alliance, federation, or association

## Conclusion

In this lesson, you learned about the major powers and limits on the national government, the powers that were specifically left to states, and the prohibitions the Constitution placed on state governments. You also saw how the Constitution did and did not address the issue of slavery, as well as other questions left unresolved in Philadelphia.

## Lesson Check-up



- **How does the Constitution balance state powers with powers granted to the national government? How does it limit each set of powers?**
- **How did the delegates at the Philadelphia Convention deal with the issue of slavery? Why did they choose to take the approach they did?**
- **What is the supremacy clause? Why is it important?**
- **Examine Article I, Section 8, of the Constitution. List any powers of Congress that are not included that you believe should be and be prepared to explain your choices.**

LESSON 13

# The Anti-Federalist Position




## Key words

- **Anti-Federalist**
- **Bill of Rights**
- **ratification**

## What You Will Learn to Do

Evaluate the Anti-Federalist position in the debate about ratification

## 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 the Anti-Federalists opposed ratifying the Constitution
- **Explain** the role of the Anti-Federalists in proposing a bill of rights and to identify other contributions their views have made toward interpreting the Constitution
- **Evaluate**, take, and defend positions on the validity and relevance of Anti-Federalist arguments

## Essential Question

**What was the Anti-Federalist position in the debate about ratification?**



## Learning Objectives (con't)

- **Define** key words: Anti-Federalist, Bill of Rights, ratification

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## Introduction

Most of the delegates at the Philadelphia Convention signed the Constitution on September 17, 1787. Their product would become the law of the land only if ratified by at least nine of the thirteen states. This lesson explains the process of **ratification** and the opposition that erupted immediately after the draft Constitution became public. Supporters of the proposed Constitution called themselves Federalists and labeled their opponents **Anti-Federalist**s. The names stuck, even though the opponents argued that they—not the Constitution's supporters—were the real believers in a truly "federal" system, a confederation of equal states.

## Why Was a Ratification Process Required?

Amending the Articles of Confederation required approval by Congress and confirmation by the legislatures of all thirteen states. The Philadelphia Convention originally was conceived only to recommend amendments to the Articles of Confederation. The convention was expected to submit its work to Congress for approval or disapproval, followed by deliberations in the state legislatures.

Delegates knew that many members of Congress and the state governments would oppose the draft Constitution, largely because it reduced state powers. They also knew that it would be impossible to get all thirteen states to approve the Constitution, because Rhode Island had not sent delegates to Philadelphia.

## Key words

**ratification:**
Formal approval of some formal legal instrument such as a constitution or treaty

**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

James Madison developed the plan presented in Article VII of the Constitution: "The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states." The plan was to go directly to the voters to get them to approve the Constitution. The Constitution would be presented to special ratifying conventions in each state, rather than to the existing state legislatures. Delegates to the conventions would be elected by popular vote for the sole purpose of debating and approving the Constitution. Madison's plan was consistent with the idea in the Preamble to the Constitution, which says, "We the People...do ordain and establish this Constitution...." It also allowed the Constitution to go into effect without ratification in every one of the thirteen states.

The plan for ratification also was an example of social contract theory. The people who were to be governed by the new national government were asked to consent to its creation, consistent with John Locke's natural rights philosophy and the Declaration of Independence—Just governments derive "their just Powers from the Consent of the Governed."




Why was the ratification process an example of social contract theory?

*Figure 5.13.1*

The idea of ratifying conventions also reflected recent history in America. When the states wrote new state constitutions during and after the Revolutionary War, they were submitted to the people for ratification, rather than to the existing state legislatures.

## Where and How Did Americans Debate the Proposed Constitution?

The debate over adopting the Constitution began within the Philadelphia Convention itself. A week before the convention ended Virginia's George Mason wrote a list of his objections on a draft copy of the Constitution and then departed without signing the finished document.

Ratification was not a foregone conclusion. As soon as the delegates released the proposed Constitution to the public, opposition emerged. In particular, heated debate erupted in the populous states of New York, Massachusetts, Pennsylvania, and Virginia. The United States would have little chance of surviving as a single nation if any of these large, commercially important states failed to ratify the Constitution.

Ratification debates took place largely in the pages of newspapers and pamphlets. The Anti-Federalists opened the discussion by stating their objections to the Constitution. Mason's concerns were printed as a pamphlet. Many other distinguished Americans also wrote in opposition. Several, like Mason, had been delegates in Philadelphia, including Maryland's Luther Martin, Massachusetts's Elbridge Gerry, and New York's Robert Yates. Yates wrote sixteen Anti-Federalist essays under the pseudonym Brutus, who helped assassinate Julius Caesar, supposedly in order to preserve the Roman Republic. Other important writers against the Constitution included Mercy Otis Warren, a Massachusetts playwright from a distinguished Revolutionary family, and Richard Henry Lee, a leading Virginia revolutionary and signer of the Declaration of Independence. Lee was once thought to have written Anti-Federalist essays under the pseudonym Federal Farmer. However, most historians now believe that Federal Farmer was Melancton Smith, an Anti-Federalist from New York. As opponents published their criticisms of the Constitution, supporters responded with defenses of the document.

On both sides writers believed in an essentially republican idea, namely, the use of reasoned discourse to educate the citizenry. They drew on political philosophy and ancient and recent history to make their arguments. Most of them employed pseudonyms so that their arguments would be read on their merits, rather than on the reputations of the authors. Ordinary Americans read and discussed the arguments in their homes, in coffeehouses and taverns, and in public meetings, thereby creating a truly nationwide debate.

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

1. Were the delegates justified in creating new rules for the ratification of the proposed Constitution? Why or why not?
2. If a convention were called today to consider major changes to the United States Constitution or to draft a new constitution, what rules would ensure an informed civic discussion of fundamental issues?
3. Today most newspapers refuse to publish letters to the editor or opinion statements without identifying the authors. By contrast, many people express opinions on the internet using pseudonyms. Does the use of pseudonyms today improve or diminish the quality of civil discourse? Explain your reasoning.

## What Were the Key Elements of the Anti-Federalists' Opposition?

Like many Federalists, Anti-Federalists believed in the basic ideas of republicanism. These ideas included the concept that the greatest governing power in a republic should be placed in a legislature composed of representatives elected by the people.

Anti-Federalists believed in another idea that dated back to classical republicanism that representative government could work only in a small community of citizens with similar interests and beliefs. Only in such a community can people agree on the common good or their common interest, and only in such a community will representatives truly reflect the beliefs and characteristics of their constituents. A large, diverse state or nation cannot sustain a republic, Anti-Federalists believed. In such a nation, a single national government will impose uniform rule over a heterogeneous population of diverse economic pursuits, varied religious and secular beliefs, and differing traditions and customs. In addition, in a large geographical territory many citizens live far away from the seat of government, making it difficult for them to watch over the activities of their representatives.

Once a government operates at a distance from most of its citizens, Robert Yates argued (as Brutus) in the first of his essays, it can no longer reflect those citizens' character or wishes. To maintain its authority, such a government will resort to force rather than popular consent. It will require a standing army, and it will tax the people in order to sustain that army. As a result, truly republican governments (those at the local or state level) will lose their power. The distant national government's taxation of citizens also will leave little money for local governments.

Anti-Federalists also believed that people living in small, agrarian communities are more likely to possess the civic virtue required of republican citizens. Living closely together,

they are more willing to set aside their own interests when necessary and to work for the common good. Moreover, the social and cultural institutions that best cultivate civic virtue—such as education and religion—work most effectively in small, homogeneous communities. Many Anti-Federalists argued that stronger institutions to foster civic virtue, not a stronger central government, would best overcome the problems that America faced in 1787 and in the future.

## How Did the Anti-Federalists' Philosophy Shape Their Objections to the Constitution?

Anti-Federalists believed that the Constitution would create a government that the people could not control. The size and diversity of the United States were exactly the opposite of a homogeneous small republic. A strong national government in a large nation, the Anti-Federalists argued, would be prone to the abuses that had destroyed republics since ancient times.



Are people living in small and homogeneous communities more likely to be able to agree on their common good than people in large and diverse communities? Why or why not?

*Figure 5.13.2*

Anti-Federalists believed that each branch of the proposed national government had the potential for tyranny. Their specific arguments against the Constitution included the following:

- The Constitution gives Congress the power to make any laws that Congress believes "necessary and proper" to carry out its responsibilities. There is no adequate limitation on its powers. Congress could grant monopolies in trade and commerce, create new crimes, inflict severe or unusual punishments, and extend its power as far as it wants. As a result, the powers of the state legislatures and the liberties of the people could be taken from them.
- The president of the United States has the unlimited power to grant pardons for crimes, including treason. He could use this power to protect people whom he has secretly encouraged to commit crimes, keep them from being punished, and thereby prevent the discovery of his own crimes.
- The national courts have so much power that they can destroy the judicial branches of the state governments. If this were to happen and the only courts available were national (federal) courts, most people would not be able to afford to have their cases heard because they would need to travel a great distance. Rich people would have an advantage that would enable them to oppress and ruin the poor.
- Anti-Federalists also argued that the celebrated system of checks and balances among the branches could be turned against the people's liberties. Following are two examples:
    - The Constitution says that treaties are the supreme law of the land. Treaties can be made by the president with the approval of the Senate, giving the Senate an exclusive legislative power in this area. This means that the Senate can act without the approval of the House of Representatives, the only branch of the legislature that is directly answerable to the people.
    - The powers of the executive and legislative branches are more mixed than separated.

Rather than check each other, the president and Congress could collude to enact legislation, make war, or pass taxes that would undermine state and local governments.



Has the Anti-Federalists' fear that an elite, privileged group would dominate the national government proven true?

*Figure 5.13.3*

Anti-Federalists also believed that the Constitution did not create a truly representative national government. The initial House of Representatives would have only sixty-five members from a population of more than three million, roughly one representative for every forty-six thousand citizens. Elected members of Congress would not be able to know, much less reflect the characteristics of, their constituents. An elite, privileged group soon would dominate the national government.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Analyzing the Positions of Some Anti-Federalists**

Working in small groups, read the following statements by three Anti-Federalist writers. Summarize each writer's concern. What views of republican government are expressed in each statement? How, if at all, do the statements form a chain of reasoning for opposing the proposed constitution?

1. *If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encreasing in such rapid progression as that of the whole United States.… History furnishes no example of a free republic, anything like the extent of the United States.*

   --Brutus, probably Robert Yates of New York, No. 1

2. *Give me leave to demand, what right had they [the drafters of the Constitution] to say, We, the People. My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask who authorized them to speak the language of, We, the People, instead of We, the States? States are the characteristics, and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated National Government of the people of all the States.*

   --Patrick Henry of Virginia

3. *There is no security in the proffered system, either for the rights of conscience or the liberty of the Press: Despotism usually while it is gaining ground, will suffer men to think, say, or write what they please; but when once established, if it is thought necessary to subserve the purposes, of arbitrary power, the most unjust restrictions may take place in the first instance, and an imprimatur on the Press in the next, may silence the complaints, and forbid the most decent remonstrances of an injured and oppressed people.*

   --"A Columbia Patriot," probably Mercy Otis Warren of Massachusetts

## Should There Be a Bill of Rights?

The lack of a **Bill of Rights** proved to be the Anti-Federalists' strongest and most powerful weapon. State constitutions listed the rights that state government could not infringe, and the Philadelphia Convention had considered but rejected including a bill of rights.

Not adding a bill of rights proved to be the delegates' greatest tactical error because the omission galvanized Anti-Federalists. The Anti-Federalists often disagreed with one another about specific objections to the Constitution, and they were not a well-organized group. But they soon realized that the best way to defeat the Constitution was to use the issue of a bill of rights.

The Anti-Federalists used the following arguments most often:

- The organization of the national government does not adequately protect rights. Only the House of Representatives is chosen directly by the people. The national government is too far removed from average citizens to understand or reflect their concerns. The national government's power could be used to violate citizens' rights.
- The national government's powers are so general and vague as to be almost unlimited. The necessary and proper and general welfare clauses seem particularly dangerous.
    - There is nothing in the Constitution to keep the national government from violating all the rights that it does not explicitly protect. There is no mention, for example, of freedom of religion, speech, press, or assembly. These are omitted from the Constitution. Therefore, the Anti-Federalists reasoned, the national government is free to violate them.
- State constitutions contain bills of rights. If people need protection from their relatively weak state governments, then they certainly need protection from a vastly more powerful national government.
    - A bill of rights is necessary to remind the people of the principles of our political system. As the Anti-Federalist writer, Federal Farmer put it in Federal Farmer 16, there is a necessity of "constantly keeping in view...the particular principles on which our freedom must always depend."

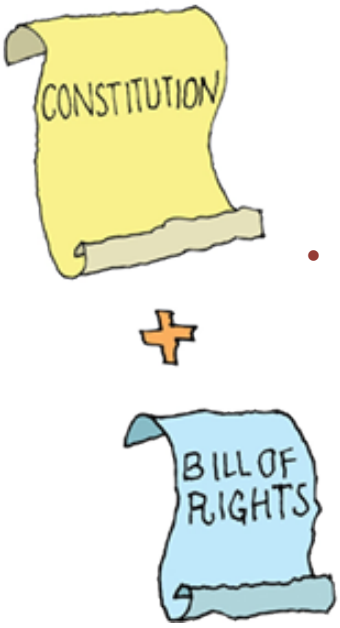


*Figure 5.13.4*

Many Anti-Federalist leaders hoped to defeat the Constitution so that a second constitutional convention would be held. There, the Anti-Federalists hoped, they would have more influence in creating a new government.

### Key words

**Bill of Rights:**
The first ten amendments to the U.S. Constitution

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

1. What criticism of the Constitution by Anti-Federalists seems to be the most valid? Why?
2. What criticism of the Constitution by Anti-Federalists seems to be the least valid? Why?
3. Which fears of Anti-Federalists do people express today? Are those fears justified? Why?



According to the Anti-Federalists, which branch of government should have the greatest governing power? Why?

*Figure 5.13.5*

## Conclusion

In this lesson, you learned about opposition to the proposed constitution of 1787. Much of the debate was about what makes up a "true" federal system. Both sides agreed on the basic ideas of republicanism. But the Anti-Federalists also relied on classical republicanism for their ideas about what was needed to sustain a representative government. In the next lesson, you'll learn more about the position of the Federalists.

## Lesson Check-up



- **What process did the Philadelphia Convention devise for ratifying the Constitution ?**
- **What philosophical ideas guided the Anti-Federalists' opposition to a stronger national government?**
- **What arguments did the Anti-Federalists make with regard to the need for a bill of rights?**
- **Do you agree with the Anti-Federalist position that people living in agrarian communities are more likely to possess republican civic virtue? Why or why not?**

LESSON 14

# The Federalist Position





## Key words

- faction
- The Federalist
- Federalists
- majority tyranny

## What You Will Learn to Do

Evaluate the arguments and strategies the Federalists used to win support for the Constitution

## 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 key arguments of the Federalists and the process by which the Constitution was finally ratified
- **Evaluate**, take, and defend positions on the continuing relevance and validity of the Federalists' arguments
- **Define** key words: faction, The Federalist, Federalists, majority tyranny



## Essential Question

**What was the Federalist position in the debate about ratification?**

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## Introduction

The people who supported ratification of the Constitution, which created a stronger national government, called themselves **Federalists**. This lesson describes the arguments and the strategies that the Federalists used to win support for the Constitution.

## What Strategies Did Federalists Use in the Struggle for Ratification?

Once the Philadelphia delegates agreed on their strategy to use state ratifying conventions, supporters of the Constitution, known as Federalists, encouraged their associates in the states to organize as quickly as possible. They knew that the Anti-Federalists had not had enough time to organize their opposition. They believed that if the state conventions acted quickly, then the Anti-Federalists would have little time to oppose ratification.

In Pennsylvania, for example, Federalists knew that significant opposition in the western part of the state might defeat the Constitution. They scheduled the ratifying convention for early December 1787 in Philadelphia, too quickly for westerners to organize or to send many delegates. As a result, many Pennsylvania Anti-Federalists believed that their state had illegitimately ratified the Constitution. Anti-Federalists in New York, Virginia, and Massachusetts would not be defeated so easily.

The ratification debates in the states lasted ten months. It was an intense and sometimes bitter political struggle, especially in New York. To help the Federalist cause, three men—Alexander Hamilton, James Madison, and John Jay—published a series of essays in three New York newspapers under the pseudonym Publius (in honor of Brutus's friend, the Roman consul Publius Valerius Publicola, whose surname means "friend of the people"). These essays also were used in the contentious Virginia ratification debates and are an important source of information about the conflict over the Constitution. The essays were not intended to be objective. Their purpose was to rebut Anti-Federalist arguments and to convince people to support ratification. Historians and legal scholars consider these essays, now collectively called **The Federalist**, to be the most important work written to defend the new Constitution.

## Key words

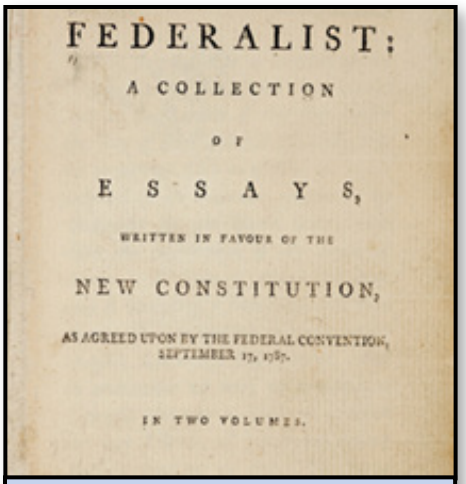
**Federalists:**
Advocates for a strong central government who urged ratification of the U.S. Constitution in 1787-1788

**The Federalist:**
A collection of essays used in the debate over ratification of the U.S. Constitution

## Key words

**faction:**
In this case, a number of citizens who are united by some common self-interest and uncommitted to the interests of the community

**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




What was the purpose of the essays contained in *The Federalist?*

*Figure 5.14.1*

The writers of The Federalist were skilled at using basic ideas about government that most Americans understood and accepted. They presented the Constitution as a well-organized, agreed-on plan for national government. They did not stress the conflicts and compromises that had taken place during its development. Instead, they argued that the Constitution reflected a "new science of politics" that made the Anti-Federalist critique obsolete.

## How Did the Federalists Respond to the Anti-Federalists Fears About a Large Republic?

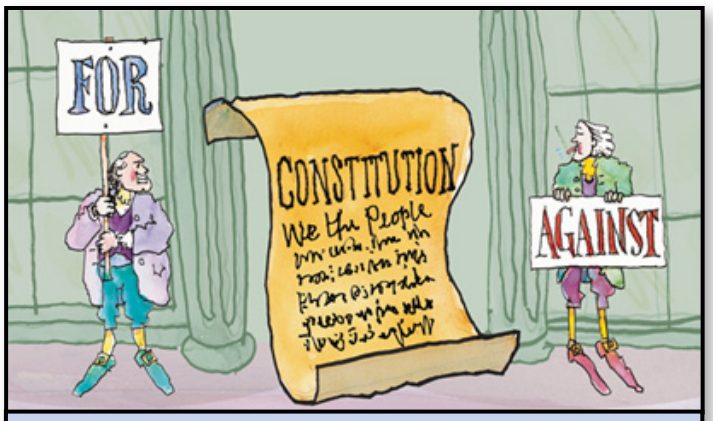
Most Americans probably agreed with the main Anti-Federalist argument that a republican government could not be sustained over a large and diverse nation. This argument had support in well-known political theory going back to Aristotle. History supported it as well. No republic had ever survived when the nation grew large. The transformation of ancient Rome from a republic into a monarchical empire seemed like a lesson in the way large republics collapse.

To solve the problem of republican government in a nation as geographically vast and culturally and economically heterogeneous as the United States, the Federalists needed a new political theory. James Madison expressed one most clearly in the tenth Federalist essay, which responded to Robert Yates's first Brutus essay.

In Federalist 10, Madison turned classical republican arguments upside down. He began with a central premise that **faction** posed the greatest danger to governments of the people. By faction Madison meant any group, majority or minority, within a society that promoted its own self-interest at the expense of the common good. He did not define the common good or explain who decided what the common good was.

- If a faction consisted of a minority, a democracy worked well because the majority could outvote the faction.
- But if the faction consisted of a majority, then the risk of **majority tyranny** arose. Democracy would fail the common good. A republic, in which citizens elected representatives to tend to the people's business, might work better.
- However, in a small, homogeneous republic—the type of society that classical republicanism prescribed—majority tyranny also could arise. Because people were relatively similar in occupations, habits, and manners, there would probably be no

more than two sets of ideas on any question. If those opposed to the common good commanded a majority, and the representatives simply reflected their constituents' views, then the outcome would still defeat the common good and the people's rights.




What were some of the main arguments for and against the ratification of the Constitution?

*Figure 5.14.2*

Madison next explained the benefits of a large, diverse republic. Such a nation was likely to have so many different factions that none would be able to command a majority. Moreover, in a large nation there were likely to be more "fit characters" for leadership—in other words, more eminent citizens able to see the common good. Unlike Anti-Federalists, who argued that good representatives reflected constituents' views and characteristics, Madison and many other Federalists argued that good representatives "enlarged" or "refined" the public's views by filtering out ideas that were based solely on self-interest. A large, diverse republic would therefore defeat the dangers of faction. No single faction would emerge supreme, and elected representatives would be most likely to see beyond the narrow views of ordinary citizens.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Modern Relevance of Federalist 10**

Madison wrote Federalist 10 at a time when people in geographically distant states, for example, Georgia and Massachusetts, were unlikely to know one another or one another's "passions and interests." Today modern technologies enable people in distant regions to know and communicate with one another. Working in small groups, respond to the following questions:

1. Do modern communications technologies promote the formation of "majority factions" in America today? Why or why not?
2. Have modern communications technologies contributed to a country that is at least as factional as Madison observed in 1787? Why or why not?
3. How relevant do you think Madison's arguments in Federalist 10 remain today? To what extent, if any, does majority or minority factions appear to threaten the common good?

## What Were the Federalists' Central Arguments?

The following chain of arguments helped the Federalists convince a substantial number of people to support ratification:

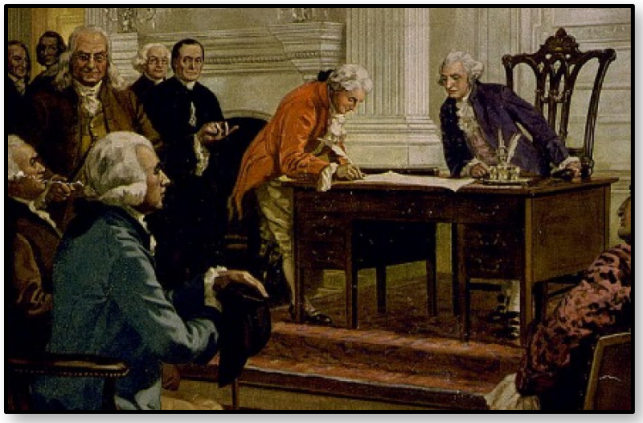


*Figure 5.14.3*

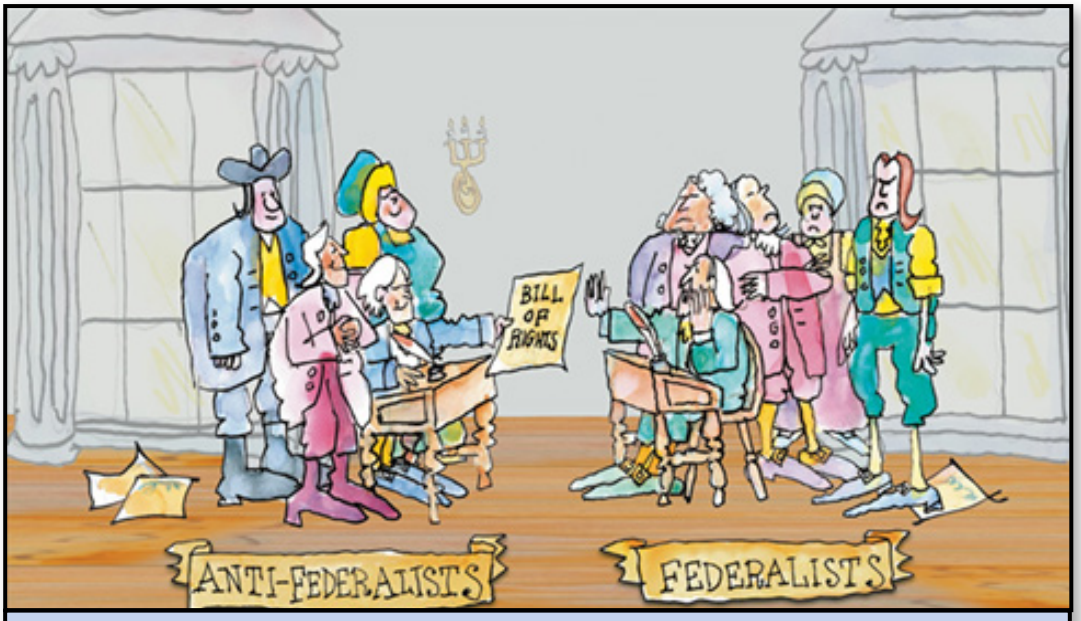
1. Civic virtue can no longer be relied on as the sole support of a government that can protect people's rights and promote their welfare. Throughout history, the Federalists argued, the greatest dangers to the common good and the natural rights of citizens in republics had been from the pursuit of selfish interests by groups of citizens who ignored the common good. Consequently, for almost two thousand years political philosophers had insisted that republican government was safe only if citizens possessed civic virtue. By civic virtue they meant that citizens had to be willing to set aside their own interests in favor of the common good. Recent experiences with their state governments had led a number of people, including many delegates at the Philadelphia Convention, to doubt that they could rely on civic virtue to promote the common good and to protect the rights of individuals. Many of the state legislatures had passed laws that helped people in debt at the expense of those to whom they owed money. Creditors and others saw these laws as infringing on property rights, which were one of the basic natural rights for which the Revolution had been fought. The national government created by the Constitution does not rely solely on civic virtue to protect rights and promote the common welfare. Federalists argued that it is unrealistic to expect people in a large and diverse nation, living hundreds of miles apart, to sacrifice their own interests for the benefit of others. At the same time, the size and distance of the nation serve as a check on any single interest. So many interests and factions would be represented in the national government that it would be unlikely that any one of them would dominate.
2. The way the Constitution organizes the government, including the separation of powers and checks and balances, is the best way to promote the goals of republicanism. The Federalists argued that the rights and welfare of all are protected by the complicated system of representation, separation of powers, checks and balances, and federalism that the Constitution created. They also believed that the method of electing senators and presidents would increase the probability that these officials would possess the qualities required for good government. By filtering the people's votes through state legislatures (for senators) and the Electoral College (for the president) the Constitution would help to ensure that the most capable people were elected. The Federalists also argued that this complicated system would make it impossible for any individual or faction—even a majority faction—to take control of the government to serve its own interests at the expense of the common good or the rights of individuals. Madison rejected the argument that the system was so complicated that it would be difficult to get anything done. One of his criticisms of the state legislatures was

that they passed too many laws. Most of the Federalists believed that the best way to prevent a bad law from being passed was to prevent a law from being passed at all.

3. The representation of different interests in the government will protect basic rights. The branches of the national government, the power that the Constitution distributes to each, and the interests each is supposed to represent are as follows:

    - ***Legislative Branch.*** The House of Representatives protects the people's local interests because representatives are chosen from small congressional districts. The Senate protects the people's state interests because senators are elected by state legislatures.
    - ***Executive Branch.*** The president safe-guards the national interests because electors choose him from among leaders who have achieved national prominence.
    - ***Judicial Branch.*** The Supreme Court ensures good judgment in the national government because it is independent of political manipulation and therefore responsible only to the Constitution.

To counter Anti-Federalists' demand for a bill of rights, Federalists employed a number of arguments, described by Alexander Hamilton in Federalist 84. Among other things, Hamilton, who later would become the first U.S. Secretary of the Treasury, argued that the Constitution allowed the national government to exercise only enumerated powers. Nothing gave the national government authority over individuals. Adding a bill of rights would imply that the national government had powers that the Constitution did not give it. Hamilton also claimed that a bill of rights is unnecessary in a nation with popular sovereignty. Previous bills of rights, such as the English Bill of Rights, protected people from a monarch over whom they had no control. Under the U.S. Constitution, the people can remove elected officials who abuse their power.




What arguments did the Federalists make against adding a bill of rights to the Constitution?

*Figure 5.14.4*

## Content Highlight:

### WHAT DO YOU THINK?

1. Why did the Federalists believe that they could not rely solely on civic virtue to make the new nation work properly? Do you agree? Why or why not?
2. How would Anti-Federalists (discussed in the previous lesson) respond to each aspect of the Federalists' philosophy and defense of the Constitution?
3. Is a good representative one who reflects and directly states their constituents' views and characteristics or one who enlarges those views in pursuit of a greater, common good? Explain your response.

## How Did Ratification Succeed?

The Federalists worked hard to overcome Anti-Federalist objections. By June 1788, nine states had voted to ratify the Constitution, enough for it to take effect. But neither New York nor Virginia had ratified. Without them the United States could not survive as a nation. New York and Virginia each had a large population, both were wealthy states, and each occupied a key geographical position. Without either state the nation would be split in two. Moreover, New York was America's primary commercial hub.

Finally, a compromise was reached. To get some Anti-Federalists to support the Constitution, or at least to abstain from voting in the state ratifying conventions, the Federalists struck a deal. When the first Congress was held, Federalists would support adding a bill of rights to the Constitution. This agreement reduced support for the Anti-Federalists and deprived them of their most powerful argument against the Constitution.

At that point, Anti-Federalist opposition seemed futile, and Virginia ratified the Constitution on June 26, 1788, by an 89 to 79 vote. New York's debate continued for another month, but ultimately enough Anti-Federalists abstained for the Constitution to be ratified by a vote of 30 to 27.

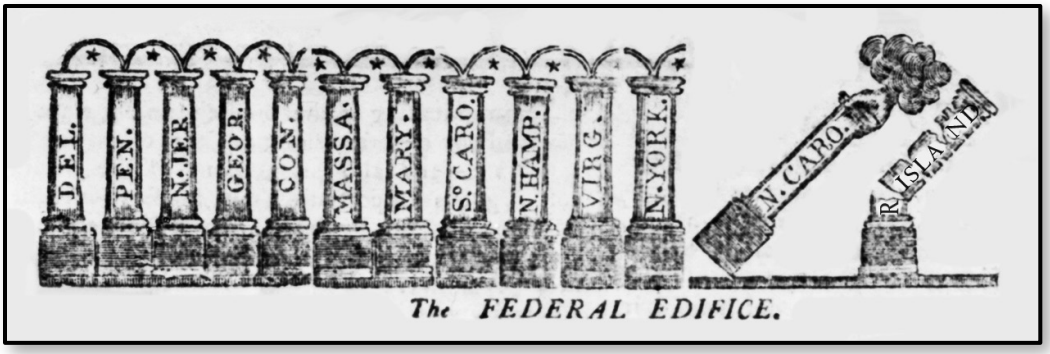



*Figure 5.14.5*

Ratification by eleven states still did not end the debate, because North Carolina and Rhode Island refused to approve the Constitution. North Carolina had called a ratifying convention that adjourned without voting. Rhode Island sent the Constitution to town meetings across the state, where it was overwhelmingly rejected. Once the first Congress proposed the ten amendments that became the Bill of Rights, North Carolina ratified the Constitution. Finally, on May 29, 1790, Rhode Island was forced to ratify when its largest city, Providence,

threatened to leave the state to join the Union and after the United States' first president, George Washington, inaugurated slightly more than a year earlier, had threatened Rhode Island with commercial restrictions as if the state were a foreign country.

## Content Highlight:

### WHAT DO YOU THINK?

1. Explain the Federalists' argument that the Constitution did not need a bill of rights. Do you agree with their position? Why or why not?
2. Why do you think the delegates in Philadelphia protected some rights in the body of the Constitution but not other rights?
3. What do you think were the most important reasons put forth by the Federalists to support the Constitution? What do you think were the least important reasons?

## Conclusion

In this lesson, you examined the arguments for and against adoption of the Constitution. You also saw that while ratification succeeded, it was a close vote in some states. Today, the conversation continues over some of the same issues raised in the ratification debate. Issues about diversity, a strong national government, states' rights, and the power of factions remain part of our national political debate.

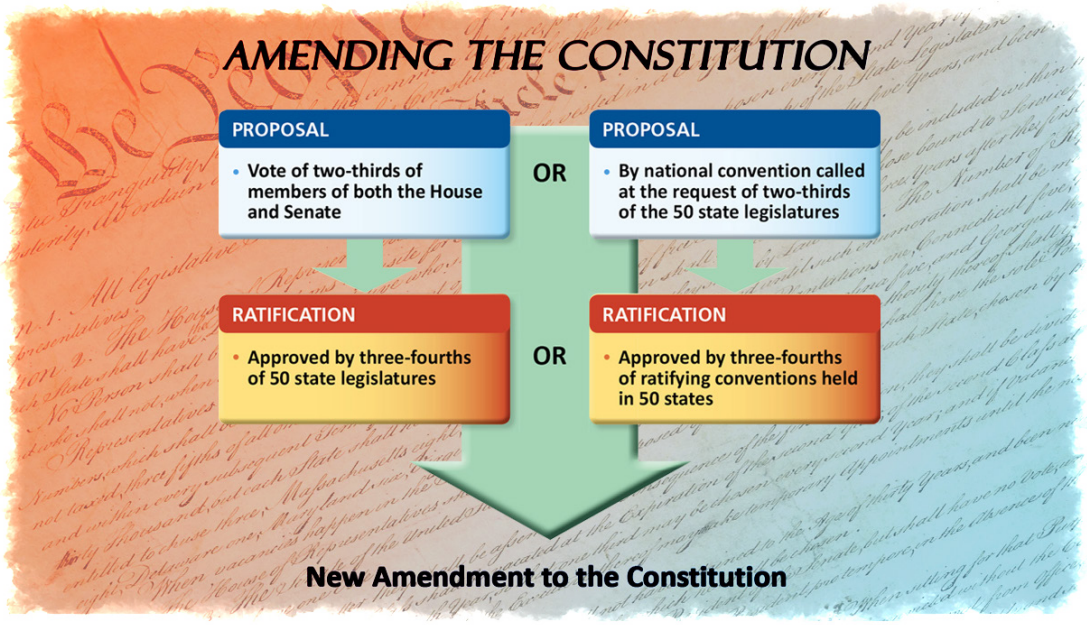
## Lesson Check-up



- **What strategies did Federalists employ to win the struggle for ratification of the Constitution?**
- **What is The Federalist? How and why was it written?**
- **What arguments did Federalists make to support the ratification of the Constitution?**
- **What arguments did Federalists make to resist the demand for a bill of rights?**

LESSON 15

# Amendments and Judicial Review




## Key words

- amendment
- judicial review

## What You Will Learn to Do

Describe how amendments and judicial review changed the Constitution

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the two ways in which the Constitution can be amended
- **Identify** major categories of constitutional amendments
- **Explain** why James Madison introduced the Bill of Rights

## Essential Question

**How have amendments and judicial review changed the Constitution?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on the amendment process and judicial review
- **Define** key words: amendment, judicial review

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## Introduction

This lesson describes the process that the Founders devised for amending the Constitution and the first application of that process—adoption of the Bill of Rights. It also explains the power of **judicial review**, a process not provided for in the Constitution, and the arguments for and against judicial review.

## How and Why did the Framers Devise an Amendment Process?

The Framers intended the Constitution to be, and to remain, a fundamental framework of law. They did not want the Constitution to become confused with ordinary laws and regulations, or to be changed in response to transient whims. However, they also recognized that American society and conditions would change over time in ways they could not predict in 1787. The Constitution that they proposed, George Mason argued, would "certainly be defective," just as the Articles of Confederation had proved to be. Mason said, "**Amendment**s therefore will be necessary, and it will be better to provide for them, in an easy, regular, and Constitutional way than to trust to chance and violence."

The Framers made the Constitution difficult to amend, but not as difficult as it had been to amend the Articles of Confederation. Under Article V of the Constitution, amendments may be proposed by two-thirds of both houses of Congress, or by a petition of two-thirds of the states calling for

## Key words

**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

**amendment:**
A change in or addition to a legal document

a special convention. Congress has the power to decide how a proposed amendment will be ratified, either by approval of three-fourths of state legislatures or by approval of three-fourths of special state conventions called to consider ratification. Congress also has the power to determine how much time states have to approve an amendment. If a proposal is not ratified within that time, then the amendment fails.

Americans have not been reluctant to suggest changes. Since 1789 more than ten thousand proposed amendments have been introduced in Congress. Only thirty-three amendments have gained enough votes to be submitted to the states for ratification. Of those thirty-three, twenty-seven have been ratified by the required three-fourths of the states. The other process for proposing amendments—by two-thirds of the state legislatures calling a convention—has never been used.



Why did the Framers make the Constitution so difficult to amend? Should the Constitution be easier to amend? Why or why not?

*Figure 5.15.1*

## Content Highlight:

### WHAT DO YOU THINK?

1. Read Article V of the Constitution. What are the advantages and disadvantages of each amendment process described in Article V?
2. The U.S. Constitution has only been amended seventeen times since 1791. Some scholars have claimed that it is more difficult to amend than any state constitution or the constitutions of other advanced democracies. What are the advantages and disadvantages of making it difficult to amend a constitution?
3. Find a copy of your state constitution. Identify the amendment process it contains and compare it with Article V of the U.S. Constitution. Which do you prefer? Why?
4. Some critics of the amending process argue that amendments, once proposed, should be put before a national popular referendum. They point out that forty-nine of the fifty states now submit state constitutional amendments to popular vote. Delaware is the only exception. Do you think the amendment process should be revised to bypass state legislatures and allow for a national popular referendum? Why or why not?

## What Types of Constitutional Amendments Have Been Adopted?

The Constitution has been amended twenty-seven times since 1789. These amendments can be grouped into six categories.

### BILL OF RIGHTS

***First Ten Amendments.*** Adopted in 1791, the first ten amendments are referred to as the Bill of Rights. Many consider this collection of amendments to be part of the original Constitution. James Madison proposed the Bill of Rights in response to debates surrounding the ratification of the Constitution. Congress sent the states twelve amendments for consideration as the Bill of Rights. The states ratified only ten. However, in 1992 another of the original twelve was ratified as the Twenty-Seventh Amendment, limiting Congress' power to raise its own salaries. The twelfth proposed amendment, dealing with the number and apportionment of members of the House of Representatives, never became part of the Constitution.



A Bill of Rights

as provided in the Ten Original Amendments to

The Constitution of the United States

in force December 15, 1791

**Article I**

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

**Article II**

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

**Article III**

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

**Article IV**

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

**Article V**

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

**Article VI**

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

**Article VII**

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

**Article VIII**

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

**Article IX**

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

**Article X**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Do you think a bill of rights would cause such intense debate today? Why or why not?

*Figure 5.15.2*

## FUNDAMENTAL CHANGES

***13th and 14th Amendments.*** As later lessons will explain, the Thirteenth and Fourteenth Amendments made changes that go to the core of the constitutional system. They outlaw slavery, define national citizenship, impose equal protection and due process requirements on the states, and give Congress expansive enforcement powers. Both amendments resulted from the Civil War and resolved issues not settled at the Constitutional Convention. Some scholars argue that the Thirteenth and Fourteenth Amendments are equivalent to a second American constitution because of their effect on the American governmental system.




*Figure 5.15.3*

## EXPANSION OF SUFFRAGE

***15th, 17th, 19th, 23rd, 24th, and 26th Amendments.*** Later on, you'll learn more about six constitutional amendments that expand the right to vote, or increase the opportunity for direct political participation in elections. The Fifteenth, Nineteenth, Twenty-fourth, and Twenty-sixth Amendments prohibit states from denying the franchise based on race, gender, age of persons eighteen or older, or failure to pay "any poll or other tax." The Seventeenth Amendment provides for the direct election of senators. The Twenty-third Amendment gives residents of the District of Columbia the right to vote in elections for president and vice president.

## OVERTURNING SUPREME COURT DECISIONS

***11th and 16th Amendments.*** Two Supreme Court decisions proved so controversial that they led to successful efforts to amend the Constitution. The Eleventh Amendment overturned *Chisholm v. Georgia (1793),* which many interpreted as improperly expanding the jurisdiction of federal courts at the expense of state courts. The Sixteenth Amendment overturned *Pollock v. Farmers' Loan & Trust Co. (1895)*, which barred Congress from levying an income tax.

## REFINEMENTS

***12th, 20th, 22nd, and 25th Amendments.*** Four amendments address matters affecting Congress and the president that delegates to the Constitutional Convention did not anticipate:



*Figure 5.15.4*

- The Twelfth Amendment changed Article II, Section 1, by requiring electors to make separate choices for president and vice president.
- The Twentieth Amendment shortened the time between an election and when the president, vice president, and members of Congress take office. The amendment reflected communications and travel changes that made it possible for officials and the public to know election results sooner and for newly elected officeholders to travel to the nation's capital more quickly.

- The Twenty-second Amendment limits presidents to two terms in office. The amendment gave the force of law to what had been an established custom until President Franklin D. Roosevelt stood for election an unprecedented four times.
- The Twenty-fifth Amendment addresses gaps in Article II about what should happen on the death, disability, removal, or resignation of the president.

## MORALITY

***18th and 21st Amendments.*** In the 1880s, the Woman's Christian Temperance Union and the Prohibition Party argued that alcohol consumption had an unhealthy influence on American families and politics. Aided by organizations such as the Anti-Saloon League, these reformers persuaded Congress to propose the Eighteenth Amendment, outlawing the manufacture, sale, and transport of alcohol (private possession and consumption were not outlawed). The amendment was ratified in 1919. However, Americans soon concluded that the amendment was a mistake, and states ratified the Twenty-first Amendment, repealing the Eighteenth, in 1933. The Twenty-first Amendment is the only amendment that has been ratified using the state convention method.

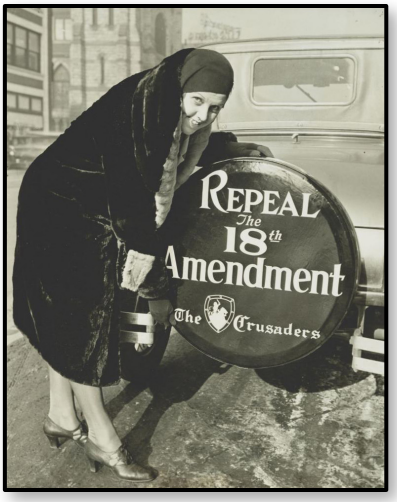



*Figure 5.15.5*

## Why Was a Bill of Rights Proposed for the United States Constitution?

Near the end of the Constitutional Convention, George Mason (author of the Virginia Declaration of Rights), Massachusetts delegate Elbridge Gerry, and young South Carolina delegate Charles Pinckney argued unsuccessfully for a bill of rights. Other delegates were not opposed to the idea, but they believed that the Constitution already contained many protections commonly found in a bill of rights, such as the right to jury trial in criminal cases, habeas corpus, prohibitions against bills of attainder, ex post facto laws, and religious tests for holding office.

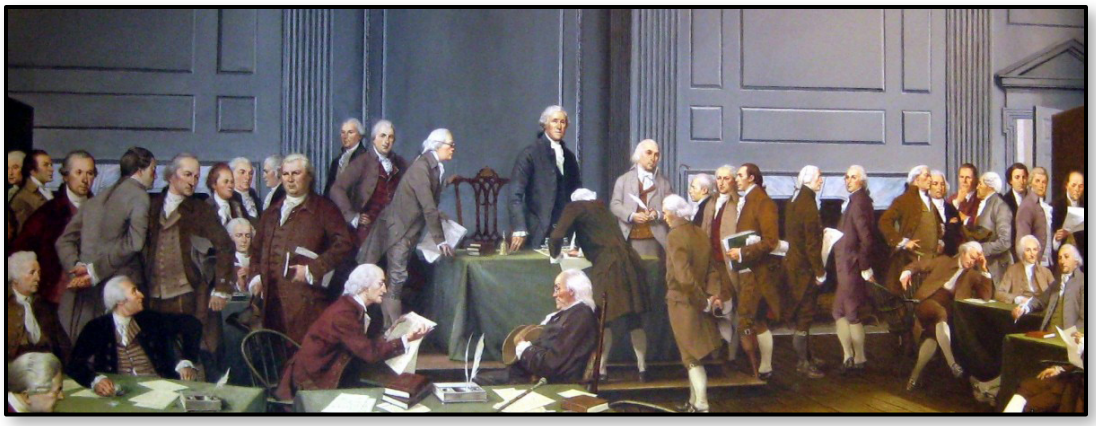


*Figure 5.15.6*

During the ratification debates, some opponents argued that the lack of a bill of rights opened the door to tyranny in the national government. Several states directed their

delegates to “exert all their influence and use all reasonable and legal methods” to obtain amendments. Eight states wanted a statement that powers not delegated to the national government should be reserved to the states. Seven wanted a guarantee of jury trial in civil cases, while six urged protection for religious freedom.

Several prominent political figures also argued for a bill of rights. Thomas Jefferson, then U.S. minister to France, wrote to James Madison expressing his concern over the “omission of a bill of rights...providing clearly...for freedom of religion, freedom of the press, protection against standing armies, and restriction against monopolies.”

In his first inaugural address, President George Washington urged Congress to amend the Constitution to express the “reverence for the characteristic rights of freemen and a regard for public harmony.”

During his campaign for a seat in the House of Representatives in the first Congress under the new Constitution, Madison promised to propose a bill of rights. He made good on that promise by suggesting fourteen amendments to Articles I and III. He also proposed to add the following “prefix” to the Constitution:

> *That all power is originally rested in, and consequently derived from, the people. That government is instituted and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and generally of pursuing and obtaining happiness and safety. That the people have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution.*

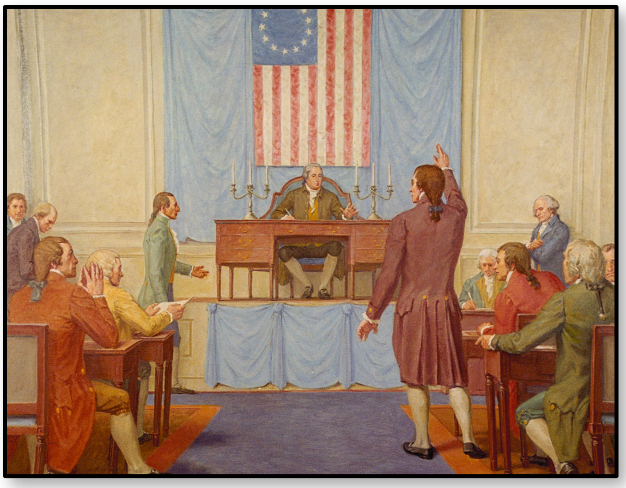


*Figure 5.15.7*

Madison also recommended other additions to the body of the Constitution in his June 8, 1789, speech to the First Federal Congress. He advocated inserting the following guarantee in Article I, Section 10:

> *No state shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in all criminal cases.*

His proposal was not accepted, but a later lesson will discuss how that guarantee has been accomplished through the Supreme Court’s interpretation of the due process clause of the Fourteenth Amendment.

Roger Sherman of Connecticut argued against inserting statements of rights into the body of the Constitution. Sherman believed it was too early to begin rewriting the Constitution itself. He also feared that if amendments were added to the body of the Constitution, then the entire ratification process would have to start over again and might not succeed. Agreeing with Sherman, the House sent a list of seventeen amendments to the Senate to be added at the end of the Constitution as a bill of rights.

The Senate reduced these amendments to twelve. As discussed previously, the states ratified ten of the twelve amendments in 1791.

## Content Highlight:

### WHAT DO YOU THINK?

1. If you had been a member of the first Congress, would you have agreed with Madison that guarantees of rights should be inserted into the body of the Constitution or with Roger Sherman that they should be added as a group at the end? Explain your reasoning.
2. The Bill of Rights now is viewed as the cornerstone of American government. Do you think the Bill of Rights would be considered as important if the same provisions appeared in the Constitution itself rather than as a separate list? Why or why not?
3. Do you think the Bill of Rights should have been placed at the beginning of the Constitution, as many state constitutions do, rather than at the end? Why or why not?

## What is Judicial Review and Why is it Controversial?

Another way that the Constitution has developed and expanded is through judicial interpretation. In 1803, in the case of *Marbury v. Madison*, Chief Justice John Marshall (1755–1835) wrote for a unanimous Supreme Court that judges have the power to decide whether acts of Congress, the executive branch, state laws, and even state constitutions violate the United States Constitution. The justices of the Supreme Court have the final say about the meaning of the Constitution. The power to declare what the Constitution means and whether the actions of government officials violate the Constitution is known as the power of judicial review.

The Constitution does not mention the power of judicial review. However, both Federalists and Anti-Federalists assumed that the Supreme Court would exercise judicial review. The practice traces its roots to the seventeenth-century English system of law. It was well known and used by most state courts before adoption of the Constitution and even by the Supreme Court before being officially acknowledged in Marbury. Alexander Hamilton defended the power in Federalist 78:

> *A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning.*

In Marbury, Marshall asserted that "it is emphatically the province and duty of the judicial department to say what the law is." According to Marshall, judicial review rests on the following premises:

- The people exercised their sovereign power when they adopted the Constitution. The Constitution is a superior, paramount law that cannot be changed by ordinary means.
- Particular acts of Congress, the executive, and the states reflect temporary, fleeting views of what the law is.
- Acts of Congress, the executive, and the states that conflict with the fundamental law of the Constitution are not entitled to enforcement and must be disregarded.

- Judges are in the best position to declare what the Constitution means. By striking down laws and acts that conflict with the Constitution, they preserve the nation's fundamental law and the true will of the people.

Judicial review was neither immediately nor universally accepted. Anti-Federalists such as Brutus feared that the Supreme Court would use judicial review to eliminate the power of state courts. America's seventh president, Andrew Jackson (1767–1845), argued against it and threatened not to enforce Supreme Court decisions with which he disagreed. Not even all judges accepted the validity of judicial review. In *Eakin v. Raub (1825)* the Pennsylvania Supreme Court decided that the state Supreme Court had the power to review legislative acts and, if the acts were contrary to the state constitution, to declare such acts void. In that court decision, Justice John B. Gibson dissented and identified several arguments against such judicial review:

- Legislatures are the repository of the people's sovereignty, and the exercise of judicial review is an act of sovereignty, which should reside with the legislatures or the people.
- Judicial review could lead to political turmoil if the other branches of government, or the states, refuse to acquiesce to the Supreme Court's interpretation of the Constitution.
- Judicial review makes the judiciary equal or even superior to the legislature, even though judges are not elected.
- All officers of the government take an oath to support the Constitution and therefore all must consider the constitutionality of their actions.
- The judiciary is not infallible. Judges' errors in interpreting the Constitution cannot be corrected at the ballot box, only by Constitutional amendment.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Evaluating, Taking, and Defending Positions on the Power of Judicial Review**

Today judicial review is accepted almost universally in the United States and increasingly throughout the world. Controversy swirls around how the Supreme Court uses this power in particular cases:

1. Which, if any, of Gibson's arguments against judicial review remains relevant today?
2. Should the executive and legislative branches, as well as the judiciary, possess the power to declare what the Constitution means? Why or why not?
3. In what circumstances, if any, should the national judiciary have the power to declare state laws unconstitutional?
4. In what circumstances, if any, should the national judiciary have the power to declare laws made by Congress unconstitutional?

## Conclusion

In this lesson, you learned about the process the Founders devised for amending the Constitution and the first application of that process, which was the Bill of Rights. You also examined the major categories of constitutional amendments. Finally, you learned about the power of judicial review, and the arguments for and against it.

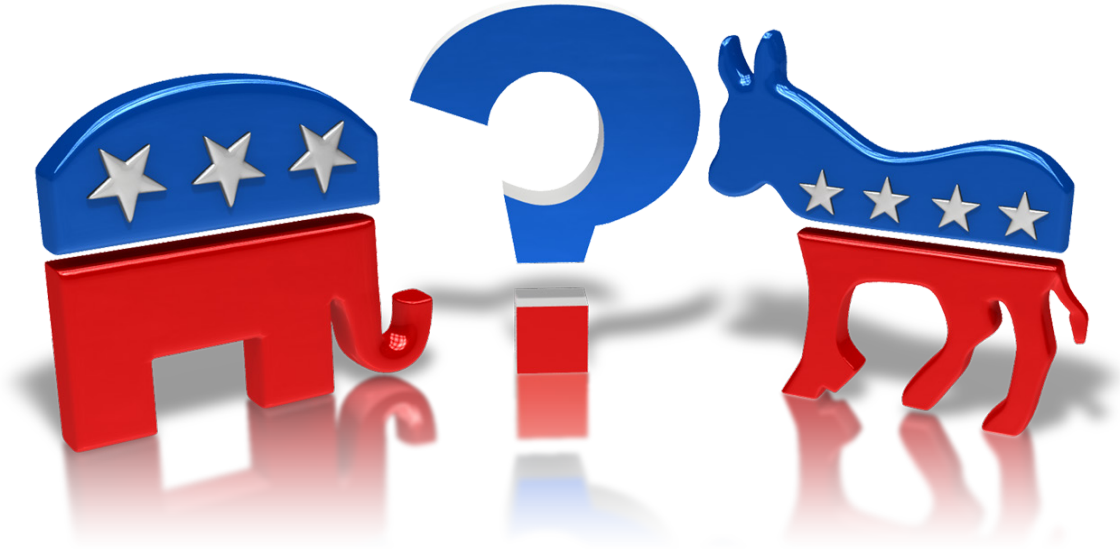
## Lesson Check-up



- **What might have been the consequences if the Framers had not provided for an orderly opportunity to amend the Constitution?**
- **Which of all the amendments to the Constitution have made the country more democratic? In what ways?**
- **What were the arguments for and against including the Bill of Rights in the body of the Constitution as opposed to adding these rights at the end of the document?**
- **Describe the doctrine of judicial review. In what ways has judicial review proven to be controversial?**
- **Find a recent example of a Supreme Court decision that demonstrates the exercise of the power of judicial review. How does that decision affect individual rights, the common good, the balance of power between the branches of government, or the balance of power between the national government and the states?**
- **What justification, if any, might be made to support President Andrew Jackson's position that he would not enforce any Supreme Court decisions with which he disagreed?**

LESSON 16

# Political Parties and the Constitutional System



## Key words

- **delegated powers**
- **party system**
- **patronage**
- **platform**
- **political party**
- **sedition**
- **ticket**

## What You Will Learn to Do

Explain the role of political parties in the constitutional system

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** why the Framers opposed the idea of political parties
- **Describe** the other ideas that helped political parties to gain acceptance

## Essential Question

**What is the role of political parties in the constitutional system?**



## Learning Objectives (cont'd)

- **Explain** the conflicting points of view that led to the development of parties and the roles that political parties have played in the American constitutional system
- **Evaluate**, take, and defend positions on the importance of political parties today
- **Define** key words: delegated powers, party system, patronage, platform, political party, sedition, ticket

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## Introduction

Soon after the federal government was established, there was an unforeseen development to which most of the Framers were opposed—the formation of political parties. This lesson describes the Framers' views on political parties and how the first parties came to be formed. It also explains how parties became an essential component of the American political system by helping to address challenges that the Constitution left unresolved.

## What Did the Framers Think About Political Parties?

James Madison's argument that the new Constitution would control the effects of factions was part of an ongoing debate within Anglo-American political thought about political parties. Some British writers, as well as Americans such as Alexander Hamilton, used the words faction and party as synonyms and viewed them as an evil to be eradicated in the society at large. Others, such as the Scottish political philosopher David Hume (1711–1776), had argued that parties were the inevitable result of diverse interests. In fact, James Madison followed this reasoning in Federalist 10 and believed that factions could be controlled. Ireland's Edmund Burke (1729–1797), another important political thinker, contended that open opposition expressed through political parties was a good thing. Without parties, Burke believed, opponents of the ruler would resort to conspiracy and

## Key words

**party system:**
A concept in political science that political parties control government

intrigue. Political parties motivated by self-defined guiding principles provided a crucial service to the body politic by fostering open debate.

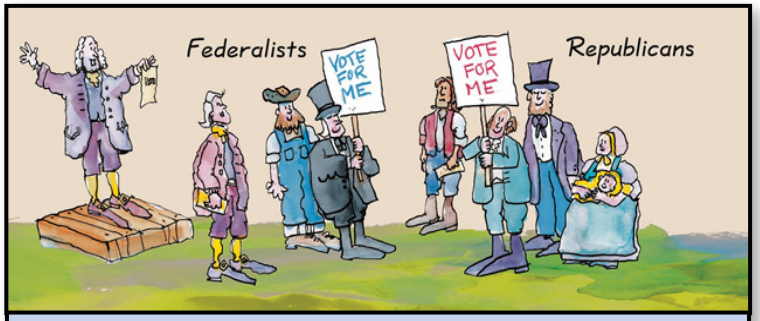
No major eighteenth-century American leaders echoed Burke's arguments. However, Americans were accustomed to factional politics in their colonial and new state governments, often because of differing regional or economic concerns. Some of the Framers recognized the potential value of political parties. For example, Alexander Hamilton argued in Federalist 70 that parties within a legislature could "promote deliberation and circumspection, and serve to check excesses in the majority." But once a decision was made, Hamilton continued, opposition should cease.

Hamilton, Madison, and the other delegates to the Constitutional Convention had no experience with an ongoing **party system**, that is, a system of organized, relatively durable political parties that accept one another's right to exist and to compete in elections and within government.

## Content Highlight:

### WHAT DO YOU THINK?

1. If political parties had not arisen, how might the constitutional system have accommodated America's tradition of free and open political debate?
2. In Federalist 10, James Madison described factions. Review his definition of faction in Lesson 14. How do political parties differ from factions?




What were some of the disagreements that led to the development of political parties?

*Figure 5.16.1*

## What Ideas and Events Led to the Development of Political Parties in the 1790s?

Political parties developed within a decade of the ratification of the Constitution. Ironically Madison and Hamilton became leaders within those parties—on opposite sides. Several issues contributed to divisions

within the national government and the nation as a whole. Those divisions became the basis for the first parties. Following are four key issues.

## 1) THE POWER OF THE NATIONAL GOVERNMENT

Alexander Hamilton, who became secretary of the Treasury in George Washington's presidential administration, argued that the Constitution created a government designed to take on national problems. The national government could address any national issue, whether or not the issue was specifically mentioned in the Constitution. Because the Constitution stipulated certain **delegated powers** to the national government, those powers could be reduced or eliminated by amending the Constitution. Thomas Jefferson, Washington's first secretary of state, disagreed. He argued that the Constitution's description of national powers was so vague that the government would be able to do whatever it wanted. The "energetic" use of the national government's power was exactly what Jefferson feared.

### Key words

**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

## 2) ECONOMIC VISION

To demonstrate the power of the national government and to strengthen the new nation's commercial economy, Hamilton in his treasury role made a number of recommendations to Congress. One was that Congress pass a law establishing a national bank. Hamilton said that using a national bank was a "necessary and proper" method of carrying out the responsibilities given to Congress by the Constitution, such as collecting taxes and regulating trade. Jefferson, who believed in the virtue of an agrarian society of independent farmers, replied that the necessary and proper clause should be interpreted as if it read "absolutely and indispensably necessary."

## 3) FOREIGN POLICY

More than any domestic issue, the Napoleonic Wars between France and Great Britain mobilized American citizens on opposite sides. Jefferson and many of his supporters wanted the United States to help France, which had supported America during the war for independence. Hamilton and his supporters wanted the United States to ally with Great Britain because Americans had more trade and cultural connection with the British than with the French. Hoping to prevent people from dividing into opposing camps, President Washington declared American neutrality.

However, American supporters of a French alliance created Democratic-Republican Clubs, which held rallies and meetings to oppose the administration's policy. Jefferson, Madison, and other leaders subsidized newspapers that had editors who supported



*Figure 5.16.2*

these views. Uniting under the name Republicans, these citizens and leaders forged America's first national political party. In response, Hamilton and his followers took the name Federalists.

Federalists and Republicans did not yet constitute a party system. Each party believed that the other was a threat to the new nation's very existence. Neither accepted the idea of a long-term, durable "loyal opposition." In the election of 1796, Federalist John Adams became president. But Republican Jefferson received the second-highest number of electoral votes and thus became vice president.

## 4) THE ALIEN AND SEDITION ACTS

**Key words**

**sedition:**
Incitement to rebellion

Many in the early republic were concerned about foreigners, called aliens, and others who might incite **sedition**, or rebellion, against the authority of the national government. In 1798, President John Adams signed the Alien Act, which gave him the power to force foreigners to leave the country if he considered them dangerous, and the Sedition Act made it a crime for editors, writers, or speakers to attack the government. These laws outraged Republicans, especially after Federalist judges fined and jailed several Republican newspaper editors and a member of Congress under the Sedition Act. Madison and Jefferson wrote the Kentucky and Virginia resolutions, which claimed that the states had a right to decide if the national government had exceeded its powers. These resolutions claimed that the state legislatures had the power to declare acts of Congress null and void. Other states did not accept these resolutions. But the Alien and Sedition Acts helped mobilize Republicans for the presidential election of 1800.



*This cartoon from 1798,* Congressional Pugilists*, shows a brawl between two members of Congress.*

Why did disputes between the Federalists and Republicans arise over the Alien and Sedition Acts?

*Figure 5.16.3*

## What Was the "Revolution of 1800" and What Was Its Aftermath?

The presidential election of 1800 was the first to feature candidates for president and vice president who were openly supported by political parties. Federalists supported the reelection of John Adams. Republicans supported Thomas Jefferson. The candidates themselves did not campaign because it was considered undignified for presidential candidates to seek the office actively. But the election heightened the bitter party disagreements.

The election of 1800 was important to the new government. Federalists and Republicans accused each other of wishing to destroy the Constitution,

yet both parties accepted the results of the election. On March 4, 1801, the Federalists turned over control of the national government to the Republicans. For the first time in recent history control of a government was given to new leaders as the result of an electoral "revolution," rather than by hereditary succession or violent overthrow.

However, the election of 1800 also exposed a problem in the Constitution. According to Article II, Section 1, each member of the Electoral College was supposed to vote for two candidates. The one receiving the highest number of votes became president, and the one with the second-highest total became vice president. In 1800, every Republican elector voted for Thomas Jefferson and Aaron Burr, resulting in a tie vote. The electors knew that Jefferson was supposed to be the president and Burr the vice president, but the Constitution did not allow electors to specify which candidate belonged in which office. Therefore, the tied election had to be decided by the House of Representatives.

By the next presidential election, the Twelfth Amendment to the Constitution had been ratified, stipulating that each elector cast one ballot for president and one for vice president. This amendment gave political parties an ongoing role in American politics.

Candidates for president and vice president would be a "**ticket**" in the modern sense and would run against the candidates of the opposing party. Nonetheless, Thomas Jefferson never believed that opposing political parties should be a permanent feature of the American system. In his inaugural address he noted, "We are all republicans—we are all federalists."

Beneath this message of unity was another idea—that the Federalists as a **political party** should wither away because Jefferson's Republicans represented the true common good. Over time, Jefferson hoped, there would be no clash of parties, but instead a national consensus around Republican principles would emerge.



What were the differences between the parties represented by John Adams and Thomas Jefferson?

*Figure 5.16.4*

## Key words

**ticket:**
The choice of candidates of a political party for president and vice president

**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

## How Did Political Parties Grow and What Functions Did They Serve?

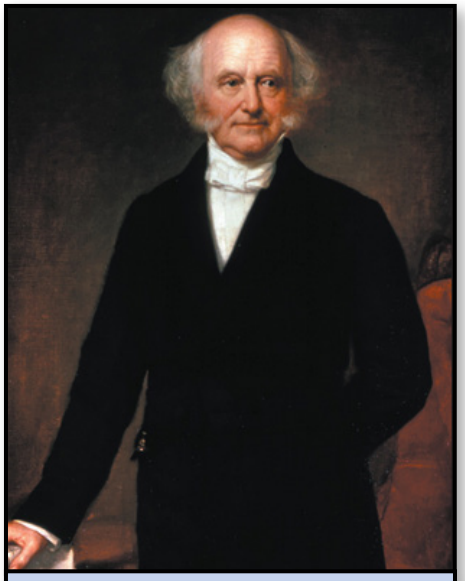
Only in the next generation did American political leaders promote a positive vision of political parties. As supporters of Andrew Jackson mobilized in the 1820s, New York politician Martin Van Buren (1782–1862), who would follow Jackson to become America's eighth president, explained how a new party could serve the public good. Echoing Edmund Burke, Van Buren argued that a political party with clear principles offered voters a clear choice. Van Buren played an important role both in electing Jackson in 1828 and in creating the Democratic Party in the modern sense, which has existed since the 1830s.

Van Buren believed that political parties could serve as a kind of glue within the American constitutional system. Although checks and balances and federalism could prevent tyrants from usurping power, these elements also discouraged the branches of government from working together. There was no mechanism for presidents to amass support for their goals in Congress.

In addition, there were great distances between national elected officials and ordinary citizens. Neither senators nor presidents were elected directly by the people, and the national government in Washington also was physically distant from most Americans' lives.

Political parties helped bridge these distances. A president would have allies in Congress, the members of his own party who shared a political vision. Through the **patronage** system of appointing members of his own party to political offices, including local postmaster jobs, the president could build connections between national and local levels of government. Local and state party committees staged elaborate entertainments, such as parades and rallies, to boost support for their candidates and to give citizens a sense of belonging to the party.

Just as revolutionary was Van Buren's idea of a party system in which two parties regularly vied for citizens' allegiance. Unlike Jefferson or Hamilton, who believed that opposition should evaporate once it recognized the true common good, Van Buren and others argued that there were valid, competing notions of the common good. Once a party was elected to power, it installed its supporters in public office and pursued its agenda.



Do political parties today serve the functions Martin Van Buren supported?

*Figure 5.16.5*

### Key words

**patronage:**
When a president appoints members of their own party to positions in government

The opposing party continued to challenge those in power, holding them accountable. Political parties thus became an additional set of checks and balances alongside the ones that the Constitution had created.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Relationship of Judicial Review and Political Parties to Constitutional Principles**

The United States boasts of having a written constitution. However, two significant elements of American constitutionalism—judicial review and political parties—are not mentioned in that document. Work in small groups. Each group should choose one the following constitutional principles to examine:

- Checks and balances
- Federalism
- Majority rule
- Individual rights
- Limited government
- Rule of law

Be prepared to explain to the other groups the ways that judicial review and political parties either do or do not support that principle.

## What Part Do Political Parties Play in Today's Political System?

Today political parties play an essential role in the American political system. Since the 1860s, the Democratic Party (founded in 1830) and the Republican Party (founded in 1854) have been the two major parties in the United States. However, their agendas and constituencies have changed dramatically over the years as new issues have created new coalitions and new divisions. Political parties serve several important purposes:

- They mobilize popular participation in the nomination and election of candidates for public office.
- They connect the executive and legislative branches of government. Presidents generally work most closely with members of their own party in Congress, and governors do the same with those in their state legislatures.
- Political parties connect the national government with state governments. However, each major party has enough internal variation to remain viable in states with very different political climates.
- By joining a political party people indicate their support for a particular **platform**, the label given to the priorities and policies of that party.

## Key words

**platform:**
List of the policies and priorities of a political party; also known as a manifesto

- Political parties provide forums for deliberating about public policies. In a sense they work in a way that is opposite from what Madison suggested about factions. Rather than fracture the citizenry and promote passion and interest over reason and the common good, parties can help organize and channel passions and interests into the system. Each major party is like a large tent, under which a variety of interests and issues can coexist. Like the "large republic" that Madison envisioned, political parties actually can work against the most divisive tendencies of faction and passion.
- In times of rapid political change, political parties can provide a way of ensuring that people demand a change of government, not a change of constitution. Parties can be an agent of stability.

In recent years, many commentators also have observed less favorable aspects of the political party system:

- The longstanding dominance of the Democratic and Republican parties, entrenched through campaign finance laws and other structures, makes it difficult for parties espousing truly alternative views and agendas to gain lasting political support. In most other nations, especially those with parliamentary systems, there usually are many more parties, each representing a particular set of policies and values. Voters in such systems may feel as though they have a wider range of choices.
- American "third parties," such as the Green, Libertarian, or Reform parties, tend to be expressions of discontent with the two major parties. They are generally small and oriented toward a narrow set of issues or are local or state based. They have little chance of becoming new major parties that are long-lasting and competitive nationally with the Republican and Democratic parties.
- If a single set of interests or a particularly passionate interest gains dominant power within a party, then the party is subject to the same threat of majority tyranny that Madison and other Framers feared in small republics and from political factions.

## Conclusion

In this lesson, you saw why the Framers opposed political parties. You learned about ideas that helped political parties gain acceptance and about conflicting points of view that led to the development of parties. You also studied the roles political parties have played in the American constitutional system.

## Lesson Check-up



- **What ideas and issues led to the development of political parties in the United States?**
- **Assess the validity of the following claim: Political parties legitimize government policies by connecting citizens to government.**
- **How did the election of 1800 contribute to the formation of political parties? Was it a "revolution," as some asserted?**
- **Are today's political parties' factions, collections of factions, or something else? Explain.**
- **In what ways does America's two-party system promote or thwart America's constitutional principles?**
- **What might be the advantages and disadvantages of the typical parliamentary systems' inclusion of more than two parties in their legislatures?**

LESSON 17

# The Constitution and the Civil War



## What You Will Learn to Do

Analyze how the Civil War tested and transformed the American constitutional system

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** several important constitutional issues raised by President Lincoln's actions, including the suspension of the writ of habeas corpus and the Emancipation Proclamation

## Key words

- **abolitionists**
- **literacy test**
- **poll tax**
- **secession**

## Essential Question

**How did the Civil War test and transform the American constitutional system?**



## Learning Objectives (cont'd)

- **Explain** the similarities and differences between the United States Constitution and the Constitution of the Confederate States of America
- **Explain** how the Civil War led to the creation of the Thirteenth, Fourteenth, and Fifteenth Amendments
- **Evaluate**, take, and defend positions on the conditions under which the writ of habeas corpus might be suspended and the constitutionality of secession
- **Define** key words: abolitionists, literacy test, poll tax, secession

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## Introduction

Between December 1860 and June 1861, eleven Southern states seceded from the United States and formed the Confederate States of America. The Civil War started in April 1861. The war raised several constitutional issues: the right of states to secede from the Union, the president's powers in wartime, the balance between individual rights and national security, and the constitutional status of slavery in the United States. Three constitutional amendments adopted after the war defined American citizenship and transformed the relationship between the national and state governments.

## How Did Constitutional Issues Lay Foundations for the Civil War?

The constitutionality of slavery, the issue of slavery in new territories, and the new Fugitive Slave Law of 1850 heightened the tensions between Northern and Southern states.

### THE CONSTITUTION AND SLAVERY

At the Philadelphia Convention, the Framers attempted to avoid the issue of slavery. Previous lessons described several provisions of the Constitution reflecting compromise on that issue.

The Three-Fifths Compromise (Article I, Section 2) gave slaveholding states additional representation in Congress based on their population of slaves. Article IV, Section 2, provided that enslaved people who fled from one state into another must be returned based on their owners' claims. And Article I, Section 9, prohibited Congress from banning the importation of slaves until 1808. When that ban expired, Congress passed—and President Thomas Jefferson signed—a law ending the importation of slaves into the United States.

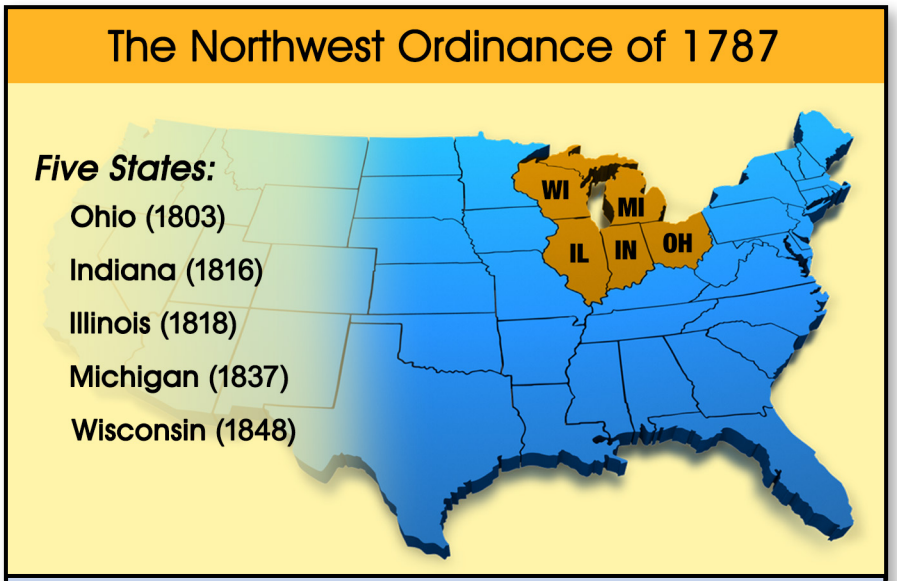
Americans before 1860 debated whether the Constitution was a pro-slavery or an anti-slavery document. Did the Framers intend to allow slavery to continue forever, regulated entirely by states? Advocates of slavery, especially in the Southern states, said yes. The Constitution gave the national government no enumerated power over slavery within states. Many opponents of slavery, known as **abolitionists**, disagreed. They argued that the words "slave" and "slavery" appeared nowhere in the Constitution because the Framers knew that slavery was fundamentally at odds with America's republican ideals. They also cited Article I, Section 9, as evidence that the Framers wanted the importation of enslaved Africans to end within two decades of ratification.

## Key words

**abolitionists:**
Opponents of slavery who wished to put an end to the institution

## THE CONSTITUTION AND NEW TERRITORIES

The Constitution did not give Congress power over slavery within the states, but it did give Congress power to make rules and regulations respecting territories and to approve the proposed constitutions of new states.




The Northwest Ordinance of 1787 banned slavery in the Northwest Territory and in all states created from it. Eventually those new states would be Ohio, Indiana, Illinois, Michigan, and Wisconsin.

*Figure 5.17.1*

The question of slavery emerged anew whenever the United States added new territories and when territories applied for statehood. In 1820, Congress passed the Missouri Compromise to deal with the vast regions of the Louisiana Purchase of 1803. Under the compromise, Missouri

became a slave state, but other parts of the Louisiana Purchase would be open to slavery only if they lay south of Missouri's southern border. North of that line would be free (non-slave) territory. For the first sixty years under the U.S. Constitution, Congress admitted slave and free states in pairs, such as Missouri and Maine in 1820. This way the Senate would always have equal numbers of slave-state and free-state members, even though free-state representatives had a growing majority in the House of Representatives.

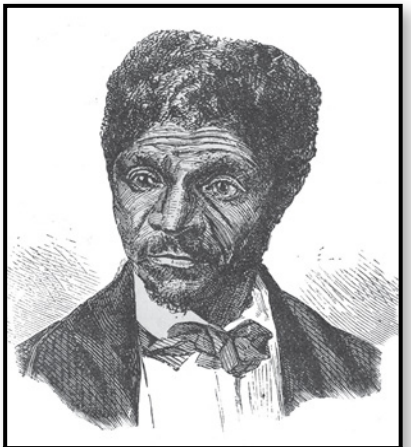
Following the U.S. annexation of Texas in 1845, the Mexican-American War of 1846–1848 disrupted that balance. The United States subsequently acquired nearly half of Mexico's territory, stretching all the way to California. Much of this land (including the future states of Utah, Nevada, and parts of Colorado and California) lay north of the Missouri Compromise line. Southerners worried that it would become impossible to maintain the equal number of slave and free states. On the other side, increasing numbers of Northerners believed that slavery should not be expanded into new territories. In 1850, Congress crafted another compromise. California, the first state created from the Mexican-American War territories, would be a free state with no slave state to balance it. But in return, the slave states would get a stronger Fugitive Slave Law, which provided mechanisms for the capture and return of alleged runaway slaves.

As settlers organized more of the new territories and envisioned future states, slavery remained a divisive issue. By the mid-1850s there were two major proposals. One, known as "free soil," argued that no new territories should be open to slavery. Another, which became law in 1854 as the Kansas-Nebraska Act, allowed the people of a territory to decide whether it should or should not allow slavery—even though that meant repealing the Missouri Compromise. Each of these concepts was based on ideals in the Declaration of Independence—human liberty in one case, majority rule in the other.

## The Fugitive Slave Law and Dred Scott v. Sandford

An earlier Fugitive Slave Act of 1793 had attempted to enforce a section of the U.S. Constitution that required the return of runaway slaves, but in practice it was rarely enforced. The new Fugitive Slave Law of 1850 was stronger and outraged many Northerners. Anyone—even an abolitionist—could now be forced to help capture African Americans who were claimed as runaway slaves. Using the argument of states' rights, several Northern states passed "personal liberty laws" to circumvent enforcement of the Fugitive Slave Law.

One of the most important and controversial Supreme Court decisions in American history preceding the Civil War was Dred Scott v. Sandford (1857). Dred Scott (c. 1800–1858) was an enslaved African American whose master had taken him to the free state of Illinois and the free Wisconsin Territory and then back to Missouri. In 1846, Scott sued the man who held him in servitude on the grounds that Scott had achieved his freedom by residing in free territory. The Missouri Supreme Court ruled against him. Scott then sued in the federal Circuit Court in Missouri, and that court also ruled against him. Scott's attorney appealed the case to the U.S. Supreme Court.



What were the effects of the Supreme Court's decision in *Dred Scott v. Sanford (1857)?*

*Figure 5.17.2*

Chief Justice Roger Taney (1777–1864) wrote the Court's majority opinion, which reached several explosive conclusions:

- African Americans, whether enslaved or free, could not be citizens of the United States. Individual states might grant them state citizenship, but these individuals could not enjoy the rights and protections of national citizenship under the Constitution, such as suing in federal courts. Taney reached this conclusion by reasoning that African Americans were not recognized as U.S. citizens when the Constitution was ratified. Taney's opinion ignored the fact that the Constitution neither defines national or state citizenship nor specifies who does or does not qualify for citizenship.
- The national government did not have the right to exclude slavery from the territories. Enslaved African Americans were property.
- The due process clause of the Fifth Amendment protected property rights. Therefore, the Constitution protected the right to own slaves, and a slaveholder had the right to own slaves anywhere in the country or its territories.

Taney hoped that the Dred Scott decision would peacefully resolve the conflict over slavery and avoid a civil war. The ruling had the opposite effect. Now, it seemed to many people that the Supreme Court itself had taken the slaveholders' side in the conflict.

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

1. How did slavery encourage different interpretations of the Constitution and the nature of the Union?
2. Examine the original Constitution. Do you think it is a pro-slavery document or an anti-slavery document? Cite evidence for your response.
3. What basic rights were in conflict in the Dred Scott case? What are some examples of similar conflicts today?

## What Was Secession, and What Were the Arguments For and Against Its Constitutionality?

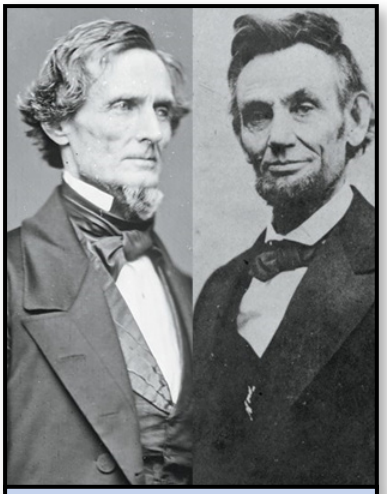
In 1860, Abraham Lincoln was elected president of the United States. Lincoln belonged to the new Republican Party, which was committed to "free soil" principles. Faced with the prospect of a national administration committed to restricting and eventually abolishing slavery, eleven Southern states responded with **secession**. One by one, they voted to leave—secede from—the Union. From December 20, 1860, to June 8, 1861, the eleven states seceded in this order: South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, and Tennessee. They formed a new union

### Key words

**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

called the Confederate States of America and adopted a Constitution in March 1861 to govern its population of nine million, including 3.6 million slaves.

The states that seceded made two basic arguments for their constitutional right to do so. First, they argued that the Union was a compact of sovereign states. No state gave up its sovereignty when it ratified the Constitution. They wrote that concept into the beginning of their new Confederate Constitution: "We, the people of the Confederate States, each state acting in its sovereign and independent character." Second, based on the ideals of the Declaration of Independence and the American Revolution, the leaders of the Confederacy believed that states and citizens possessed the right of revolution if their fundamental rights—in this case, the right to own slaves, who were regarded as property—were violated. They believed that leaving the Union was a second American Revolution.



How would you respond to the Confederates' claim that their separation from the Union was justified by the ideas contained in the Declaration of Independence?
*PHOTOS: Jefferson Davis (left) president of the Confederacy; and Abraham Lincoln, president of the United States*

*Figure 5.17.3*

President Lincoln and most Northerners denied the constitutional right of any state to secede from the Union. They believed that the Framers had created a perpetual union, a national bond expressing the sovereign authority of the American people as a whole. As Lincoln said in his inaugural address, "No government proper ever had a provision in its organic law for its own termination." Southern states seceded, Lincoln argued, not because any constitutional rights had been violated, but because they feared they would lose the right to own slaves. Secession was therefore an act of rebellion.

The Constitution of the Confederate States of America drew most of its provisions and language from the U.S. Constitution. There were the three branches of government, including a bicameral legislature; the enumeration of congressional powers; and the provisions of the Bill of Rights. However, there were several important differences. The Confederate president would serve a single, six-year term. Congress was barred from making tariffs to benefit industry and from appropriating money for most internal improvements. Most important, the Confederate Constitution explicitly protected slavery, stating that no "law denying or impairing the right of property in negro slaves shall be passed." Slaveholders were guaranteed the right to take their slaves anywhere in the Confederacy, including new territories; and the fugitive slave clause used the word slave.

## What Constitutional Issues Did the Civil War Provoke?

Slavery was the main reason that Southern states seceded from the Union. However, once the Civil War began, President Lincoln maintained that his paramount goal was to preserve the Union. Lincoln was opposed to slavery, but he believed his public duty as president was to defend the Constitution, even if that meant allowing slavery to continue. He refused to recognize the right of secession and always called the war a "domestic insurrection." He hoped it would be concluded quickly, but the war became a bloody, four-year conflict that hardened views on both sides.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Understanding the Constitution of the Confederate States of America**

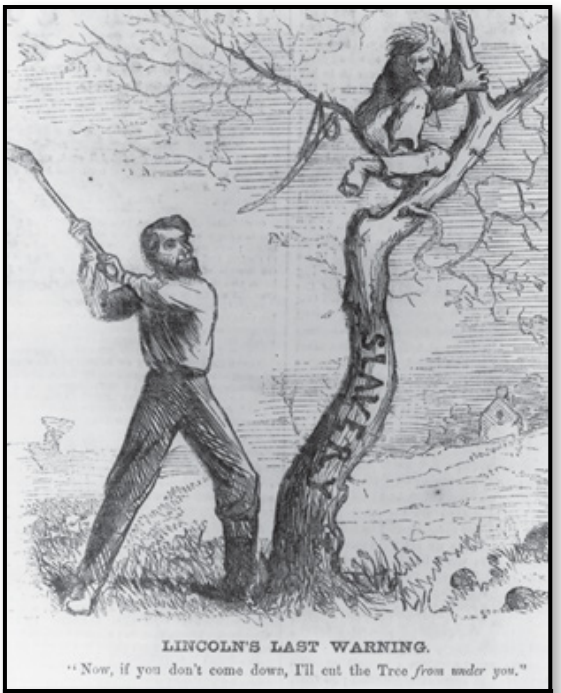
Obtain a copy of the Constitution of the Confederate States of America. Work in small groups. Each group should examine one article of that constitution. The groups should then come together to respond to the following questions:

1. In what ways did the Constitution of the Confederate States of America draw from the U.S. Constitution?
2. In what ways did the Constitution of the Confederate States of America adapt the U.S. Constitution to fit the circumstances of the Confederacy?

Lincoln asserted unprecedented presidential powers on behalf of the Union. The Constitution authorized some of his actions, such as calling up the militia. Other actions appeared to contradict congressional powers listed in Article I. For example, Lincoln expanded the regular United States Army when Congress was not in session, even though Article I gives Congress the power to "raise and support armies." However, Congress quickly approved Lincoln's action when it convened in the summer of 1861.

Lincoln also exercised extraordinary power in curtailing individuals' rights in wartime. He suspended the writ of habeas corpus. Serving as a federal district judge when the Supreme Court was in recess, Chief Justice Taney held that only Congress had the power to suspend the writ. Lincoln defied that order. The result was that at least thirteen thousand civilians were held under military arrest and without judicial hearings during the war, mostly in the rebellious states and in the border states of Delaware, Kentucky, Maryland, and Missouri. These states bordered the Confederacy and permitted slavery but remained within the Union. Another border state, West Virginia, broke away from Virginia and became a new state in 1863. Lincoln also authorized military trials, not only for Confederates in rebel territory and war zones but also for some Union civilians in friendly territory. At various times during the war, people were arrested for "treasonable language" and publications that appeared to threaten the Union cause.

The Emancipation Proclamation illustrates the use of the president's power as commander in chief of the armed forces. In the summer of 1862, Lincoln became convinced that abolishing slavery in the rebellious states was a military necessity. Doing so, he believed, would undercut the




Why did the Emancipation Proclamation free slaves in the rebellious states but not in the border states?

*Figure 5.17.4*

South's main labor source and consequently its ability to make war. That September, Lincoln announced that all persons held as slaves in states or parts of states still in rebellion on January 1, 1863, "shall be then, henceforward, and forever free." The president justified his action as a "fit and necessary war measure." Some critics denounced it as an empty gesture because it left slavery alone in areas under Union control.

For all its limitations, the Emancipation Proclamation had profound political and symbolic significance. The fight for the Union was now committed to America's founding principle of liberty. In his annual message to Congress, delivered a month before the Emancipation Proclamation took effect, Lincoln outlined a plan for the total abolition of slavery:

> *Fellow-citizens, we cannot escape history.… The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.…In giving freedom to the slave, we assure freedom to the free—honoring alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth.*



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

1. What provisions of the Constitution, if any, allow the president to take extra-ordinary action in wartime?
2. What do you think should be the limits on the president's authority in wartime? Did President Lincoln exceed those limits? Why or why not?

## How Did the Civil War Resolve Issues that the Framers Left Unanswered?

The Civil War resolved the great constitutional and human issue of slavery. Even before the war ended, Congress began considering a constitutional amendment to complete the Emancipation Proclamation. The Thirteenth Amendment, ratified in 1865, abolished slavery "within the United States, or in any place subject to their jurisdiction."

Northern victory also ended the idea of secession as a constitutional right and with it the vision of the Union as a mere federation of states. States continued to enjoy significant power and independence in the system of federalism, but the Civil War marked the beginning of a development that has continued to the present day, namely, the supremacy of the national government.

The Union victory also led for the first time to a definition of national citizenship. Soon after the war, as Union troops withdrew from the defeated states, white Southerners quickly began passing laws called Black Codes. These statutes, which appeared to protect the rights of African Americans, in fact prevented former slaves from developing the political power they might have gained with education and the right to vote. The Black Codes severely limited the rights of African Americans to own property, travel, and work for pay on acceptable terms.

It soon became clear to members of Congress that the Thirteenth Amendment was not enough to protect the rights of former slaves. In an attempt to provide help, Congress

passed the Civil Rights Act of 1866—over the veto of President Andrew Johnson, who had succeeded to the presidency on April 15, 1865, following Lincoln's assassination. Despite this legislation, little changed.

As a result of continuing concerns, Congress drafted the Fourteenth and Fifteenth Amendments to the Constitution. The Fourteenth Amendment (1868) declared among other things that all persons born or naturalized within the United States are citizens. The amendment thereby nullified the Supreme Court's decision in Dred Scott. The Fourteenth Amendment also prohibits states from making or enforcing any law that abridges the privileges or immunities of citizens or denies due process or equal protection of the law.

The Fifteenth Amendment (1870) prohibited both national and state governments from denying citizens the right to vote because of their race, color, or status as former slaves. From the late 1860s and into the 1890s large numbers of African Americans voted. They gained considerable political power and used it to protect their rights. All three amendments gave Congress power to enforce them by "appropriate legislation." That power would transform the relationship between the national government and the states, as later lessons will explain.

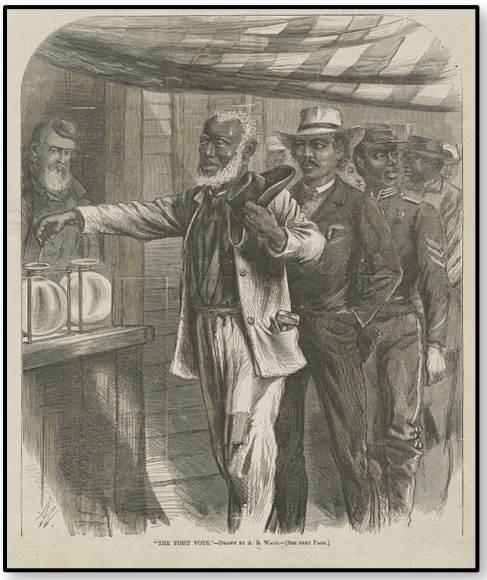


*Figure 5.17.5*

Eventually public support for protecting the rights of the newly freed people weakened. In less than a decade since their ratification, the Fourteenth and Fifteenth Amendments had become ineffectual as tools for protecting these people's rights. In the 1880s and 1890s, Southern states began passing laws to destroy the political power of African Americans. These laws included **poll tax**es, which required citizens to pay a tax, in order to vote; **literacy test**s, which required citizens to take tests proving they could read or write before they were permitted to vote; and grandfather clauses, which allowed people to vote only if their grandfathers had been eligible to vote.

When the U.S. government failed to enforce the Fourteenth and Fifteenth Amendments, African Americans learned to look to themselves and their own community institutions for help. Ministers, teachers, and community leaders became the backbone of a continuing struggle for the rights of African Americans for the next hundred years. By the 1910s and 1920s African Americans would begin to use the Civil War amendments as bases to challenge discrimination authorized by laws.

## Key words

**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

**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

## Conclusion

In this lesson, you learned about issues that led to the Civil War creating several constitutional issues. These issues included the right of states to secede from the Union, the president's powers in wartime, the balance between individual rights and national security, and the constitutional status of slavery in the United States. You were also introduced to three constitutional amendments that were adopted that defined American citizenship and transformed the relationship between the national and state governments. You also compared the United States Constitution and the Constitution of the Confederate States of America.

## Lesson Check-up



- **What was the Dred Scott case about? Why was the Supreme Court's decision in that case important?**
- **How did Southern states justify their decision to secede from the Union? How did President Lincoln and other Northerners justify treating secession as an act of rebellion?**
- **In what ways did President Lincoln assert presidential powers during the Civil War?**
- **On what constitutional grounds did President Lincoln issue the Emancipation Proclamation? Why did the Emancipation Proclamation not free all the slaves in the United States?**
- **What are the key provisions of the Thirteenth, Fourteenth, and Fifteenth Amendments?**

# Due Process



## Key words

- adversary system
- due process of law
- fundamental rights
- incorporation
- inquisitorial system
- procedural due process
- substantive due process

## What You Will Learn to Do

Analyze how the Due Process Clause of the Fourteenth Amendment changed the Constitution

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Explain** the historical origins of due process
- **Explain** the difference between procedural and substantive due process
- **Define** the concept of incorporation and describe its effect on powers of the states

## Essential Question

**How has the Due Process Clause of the Fourteenth Amendment changed the Constitution?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on historical and contemporary issues involving due process
- **Define** key words: adversary system, due process of law, fundamental rights, incorporation, inquisitorial system, procedural due process, substantive due process

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## Introduction

The Fifth Amendment limits only the national government, but the Fourteenth Amendment guarantees that states shall not deprive people of life, liberty, or property without "**due process of law**." The Constitution does not define "due process of law." However, the concept has deep roots in English history, and it has played a central role in Americans' understanding of whether government actions affecting life, liberty, and property are valid. This lesson explains how the interpretation of due process has changed in American law since the adoption of the Fourteenth Amendment and how the requirement of due process has been used to protect the rights of individuals against actions by state governments.

## What Is Due Process of Law?

Due process of law is an ancient principle. Most scholars trace the idea of due process of law in the Anglo-American tradition to Chapter 39 of the Magna Carta of 1215. King John promised among other things not to imprison, exile, or destroy any free man or his property "except by the lawful judgment of his peers or by the law of the land." The phrase "by the law of the land" meant that government, like the governed, must obey the law. The phrase "due process of law" first appeared in the

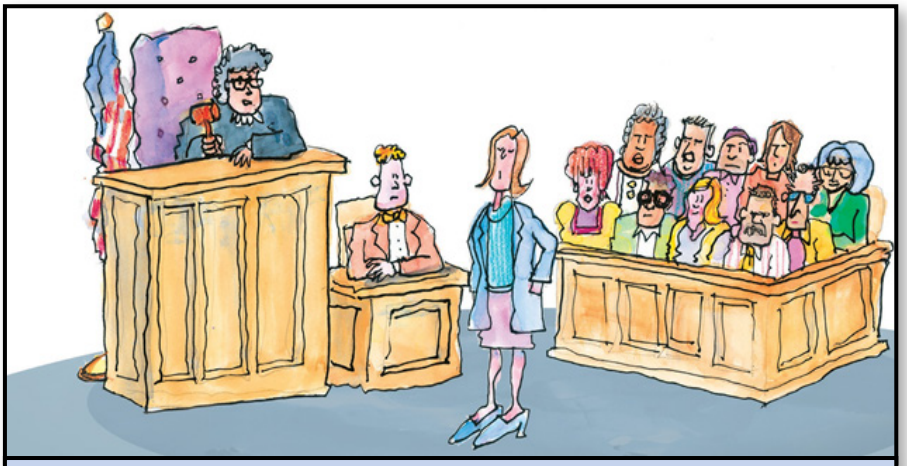
## Key words

**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

subsequent 1354 version of the Magna Carta. Both phrases—"due process" and "law of the land"—mean that government must follow known and established procedures and may not act arbitrarily or unpredictably in negatively altering or destroying life, liberty, or property.

As discussed in Lesson 1, John Locke argued that the purpose of government is to protect life, liberty, and property. Beliefs about what are fair, just, and right when government seeks to affect life, liberty, or property change over time. Therefore, due process is both an ancient and an evolving concept.

The Fifth Amendment contains the Constitution's first reference to due process of law. That amendment limits only the national government. Other constitutional provisions also address due process concerns. For example, Article I prohibits Congress and the states from passing ex post facto laws. But it is the Fourteenth Amendment that imposes the requirement of due process on the states and gives Congress the power to enforce the requirement through "appropriate legislation." The courts determine whether legislation satisfies the requirements of due process in the Fifth and Fourteenth Amendments.



How does the right to due process of law protect an individual's rights to life, liberty, and property?

*Figure 5.18.1*

## What Is Procedural Due Process?

Historically, due process of law meant that government officials must follow recognized procedures and not act arbitrarily when they make and enforce laws. This is called **procedural due process**, which requires government officials to act in certain ways before they regulate or take life, liberty, or property. In England, due process requirements initially focused on the rights of criminal defendants. For a criminal proceeding to be fair, for example, the laws must be clear. The defendant must know the charges that the government seeks to prove and be given a fair trial by a jury of his or her peers and the right to confront witnesses.

In the United States, due process guarantees apply to both criminal and noncriminal (civil) matters. For example, the Due Process Clause of the

### Key words

**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

Fourteenth Amendment addresses property, in addition to life and liberty. Property is a broad term. It refers to everything that a person can own, from tangible things such as land and buildings to intangible things such as copyrights and patents. People also have property interests in other intangibles, such as their jobs, welfare or unemployment benefits, and their reputations. In addition to constitutional guarantees, many laws enacted by state legislatures and Congress also contain provisions ensuring due process in matters such as public school discipline. Due process guarantees include the requirement of notice, the opportunity for a fair hearing, the opportunity to present evidence, and the opportunity to appeal an initial decision.

## Why Are Procedural Rights Important in an Adversary Legal System?

The legal systems in England and the United States are known as **adversary system**s of justice. This means that there are opposing, or adverse, parties in all cases. This type of system assumes that justice is most likely to result from the clash of positions between contesting parties. The opposing parties are responsible for gathering and presenting evidence and witnesses to support their side and for exposing weaknesses in the other side's case. Both parties seek to persuade a neutral, impartial decision maker—a judge or a jury—that they should prevail.

In a criminal case, where an individual's life, liberty, or property is at stake, the adversary system assumes that the defendant is innocent until proven guilty. Defendants are not required to prove their innocence. Instead, the prosecution must prove the defendant's guilt and, moreover, must do so "beyond a reasonable doubt," the most rigorous standard of proof in the law. "Reasonable doubt" has been described as a doubt that would cause a prudent person to hesitate before acting on important matters. In civil cases, the burden of proof is considerably lower. The side that presents the most credible and persuasive evidence wins. Lawyers, acting as advocates, play a central role in the adversary system. They represent clients in both civil and criminal cases.

The adversary system has been called a "fight theory of justice," because parties are pitted against one another in making their cases. Procedural guarantees ensure that the fight is fair. Both the Constitution and the Bill of Rights place great importance on procedural fairness. The Framers knew that just because a person is accused of a crime does not mean that the person is guilty. Lawyers represent criminal defendants whom they suspect, believe, or even know to be guilty to preserve the integrity of the adversary system.

By contrast, most European countries have an **inquisitorial system** of justice. The inquisitorial system uses specially trained judges to act as both investigators and decision-makers. Parties are expected to answer questions that the judge asks, and the questions usually are based on court-ordered investigations. There are fewer jury trials and fewer lawyers, and court proceedings usually are much shorter.

### Key words

**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

**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

Supporters of the inquisitorial system argue that the adversary system is based on unjustifiable assumptions—that there will be two adversaries of equal ability and resources and that the clash between these adversaries will yield the truth. Advocates of the inquisitorial system point out that often there is a great disparity in resources and ability between the two sides. They also argue that in the adversary system each side has an interest in presenting what is most likely to win for it; neither side is concerned with ensuring that the truth emerges. The inquisitorial system, by contrast, has courts with the responsibility for full investigation and presentation. Defenders of the inquisitorial system believe that this overcomes the effects of inequalities between litigants and maximizes the chance to discover the truth.

Critics of the inquisitorial system argue that it gives too much unrestrained power to judges and judicial institutions. Some claim that a trial by a jury of one's peers in an adversary system is likely to be far more impartial than a trial by members of a government.

## Content Highlight:

### WHAT DO YOU THINK?

1. The adversary system of justice has been criticized for being inefficient. Should the United States adopt elements of the inquisitorial system in order to make judicial proceedings quicker and less expensive? Why or why not?
2. Which process, adversary or inquisitorial, is more likely to discover the truth of what happened in a criminal case? Why?
3. If you were a criminal defendant, would you rather be tried under the adversary system or the inquisitorial system of justice? Why?



What evidence is there about whether the adversarial or inquisitorial system increases the chances that the truth will be discovered and the rights of individuals protected?

*Figure 5.18.2*

## What Is Substantive Due Process?

In the United States, due process of law has two meanings. Procedural due process, described earlier, refers to the processes that governments must follow when they make and enforce laws. The second meaning of due process is known as **substantive due process**. It means that the Constitution usually prohibits some kinds of laws altogether, no matter how popular those laws may be with legislatures, executives, or even the people. Substantive due process is based on the idea that some rights are so fundamental that government must have a "compelling," or exceedingly important, reason to regulate or interfere with them. It is the role of the courts, interpreting the Constitution, to determine whether a law is unconstitutional because it violates a fundamental right, and whether a governmental regulation of a fundamental right is justified by a compelling government interest.

The idea of **fundamental rights** traces to natural rights philosophy. Social contract theorists such as John Locke argued that people have natural rights that predate government. Some of those rights are so fundamental, or basic, that governments may not interfere with them or regulate them. One of the most difficult roles the Supreme Court plays is to identify which rights are fundamental and which are not. The justices' views of fundamental rights have changed over time.

For many years, the Court held that the right to buy and sell a person's labor is so fundamental that state and congressional laws establishing minimum wages and limiting the number of hours in a workday or workweek were unconstitutional. This was known as the era of economic substantive due process. In 1937 the Court abandoned the view that economic rights are fundamental rights.

However, the Court did not abandon its effort to identify other fundamental rights. It has continued to try to identify rights that are so basic that Congress or states must have a "compelling interest" in order to pass laws that interfere with or regulate such rights. The Court has identified the following rights as fundamental. Note that some but not all rights are listed in the Constitution or Bill of Rights:

- The right to marry and have children
- The right to purchase and use birth control
- The right to custody of one's own children and to rear them as one sees fit
- The right of mentally competent adults to refuse medical treatment
- The right to free speech
- The right to interstate travel
- The right of legal voters to vote
- The right to associate
- The right to religious freedom

### Key words

**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

**fundamental rights:** Rights such as those to life, liberty, and property

Whether any or all of these rights are indeed fundamental, and thus prohibit most governmental regulations, is a topic of intense controversy in the United States.

## Content Highlight:

### WHAT DO YOU THINK?

1. How is due process related to the principle of limited government? How is it related to the principle of majority rule?
2. What kinds of controversies might arise in determining whether certain rights are fundamental rights?
3. Is one branch of government more capable of identifying fundamental rights than the other branches? Explain your reasoning.

## What Is the Doctrine of Incorporation?

For the first few decades after ratification of the Fourteenth Amendment, the Supreme Court continued to rely on the states to be the principal protectors of individual rights. All the state constitutions contained bills of rights. The Court was leery of interpreting the Fourteenth Amendment in a way that would upset the balance of power between the national government and the states.

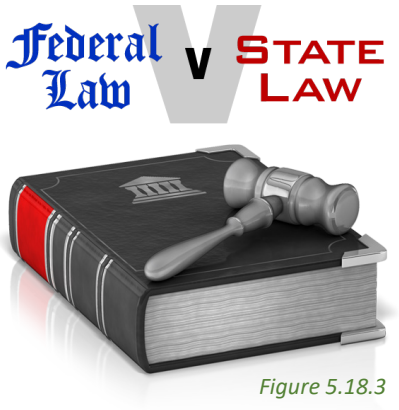


*Figure 5.18.3*

However, not all states interpreted their bills of rights to ensure due process and to protect the fundamental rights of everyone within their boundaries. In 1925, the Supreme Court began to examine the Due Process Clause of the Fourteenth Amendment with an eye to identifying the rights in the Bill of Rights that the states, like the national government, must protect. In *Gitlow v. New York* (1925), the Court recognized that the rights of free speech and free press are among the personal rights to liberty protected by the Due Process Clause. States could not infringe on these rights.

Interestingly, the Court upheld the New York Supreme Court's decision that Benjamin Gitlow, a Socialist, was guilty of criminal anarchy after publishing a "Left Wing Manifesto." The U.S. Supreme Court upheld his conviction on the basis that the government may suppress or punish speech when it directly advocates the unlawful overthrow of the government. The Court's ruling on the protected rights in the Fourteenth Amendment was incidental to the decision in this case, but it established a significant precedent.

Gitlow began a process known as **incorporation**—that is, using the Due Process Clause of the Fourteenth Amendment to decide whether various

## Key words

**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

guarantees in the Bill of Rights limit the states as well as the national government. In cases decided in the next two decades, the Court ruled that the Due Process Clause prohibits states from infringing on all the rights in the First Amendment. In determining which rights in the rest of the Bill of Rights limit the states through the Due Process Clause, the Court has followed a process called "selective incorporation." This means that the Court has examined rights on a case-by-case basis, rather than holding that all the provisions of the Bill of Rights are limitations on the states. On some occasions, it has used a test offered by Justice Felix Frankfurter, who served on the Court from 1939 until 1962. Justice Frankfurter's test involved asking whether it would "shock the conscience" if a particular right were not interpreted to limit the states.



What is the process of incorporation started by the Taft court in *Gitlow v. New York*? Can you think of any amendments to the Constitution that have been incorporated within the past ten years?

*Figure 5.18.4*

The Court was more reluctant to hold that the criminal procedural guarantees in the Fourth through Eighth Amendments limit the states. Their reasoning reflected a concern for federalism. State governments have a greater responsibility for prosecuting and punishing criminal behavior than does the national government, and procedural guarantees vary from state to state. Lesson 5 examines, among other things, the Court's approach to identifying rights of the criminally accused that the Supreme Court has held are incorporated through the Due Process Clause of the Fourteenth Amendment to limit the states.

Today, despite the Court's early reluctance regarding criminal procedure, most provisions of the Bill of Rights have been incorporated through the process of selective incorporation. The Court has refused to incorporate, or has not yet



Why do you think the Supreme Court incorporated the right to counsel in criminal trials in the Fourteenth Amendment?

*Figure 5.18.5*

considered whether to incorporate, the following rights in the Bill of Rights:

- The Fifth Amendment right to an indictment by a grand jury
- The Seventh Amendment right to a jury trial in civil lawsuits
- The implicit requirement in the Sixth Amendment that the jury in a criminal case must have twelve members and must reach a unanimous verdict

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Effects of Incorporation on Your State Supreme Court Decisions**

Consider how Supreme Court decisions may have had economic impacts on both state and national governments.

Work in one of these three groups:

- ***Group 1*** - Examine the guarantees in the Fourth Amendment.
- ***Group 2*** - Examine the guarantees in the Sixth Amendment.
- ***Group 3*** - Examine the guarantees in the Eighth Amendment.




*Figure 5.18.6*

Each group should answer the following questions, and then explain its responses to the other two groups.

- What kinds of costs do states incur by having to protect the rights in this amendment?
- Should the national government assume responsibility for any increased costs to states associated with incorporation of the Bill of Rights? Why or why not?

## Conclusion

In this lesson, you learned about historical and contemporary issues involving due process. You studied the difference between procedural and substantive due process, and the major differences between the adversary and inquisitorial systems of justice. You also explored the concept of incorporation and understand its effect on powers that states have.

## Lesson Check-up



- **Explain the difference between procedural and substantive due process. Is one more important than the other?**
- **What are the major differences between the adversary and inquisitorial systems of justice?**
- **What is the relationship between substantive due process and fundamental rights?**
- **What is the process of selective incorporation?**
- **Has incorporation of the Bill of Rights in the states validated the fears of the Anti-Federalists regarding the power of the national judiciary (see Lesson 13)? Explain your opinion.**

# Equal Protection of the Laws



## Key words

- equality of condition
- equality of opportunity
- intermediate scrutiny
- rational basis
- separate but equal
- strict scrutiny

## What You Will Learn to Do

Analyze how the Equal Protection Clause of the Fourteenth Amendment prohibits state government from denying people "equal protection of the laws"

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Define** equal protection of the laws
- **Explain** why neither state governments nor the national government can deprive people of equal protection of the laws

## Essential Question

**How has the Equal Protection Clause of the Fourteenth Amendment changed the Constitution?**



## Learning Objectives (cont'd)

- **Explain** the "separate but equal" doctrine of racial segregation and why the Supreme Court abandoned it in Brown v. Board of Education
- **Describe** the categories that the Supreme Court now uses to decide cases challenging governmental actions that treat some people differently from others
- **Evaluate**, take, and defend a position on how conflicts between or among rights should be resolved
- **Define** key words: equality of condition, equality of opportunity, intermediate scrutiny, rational basis, separate but equal, strict scrutiny

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## Introduction

The previous lesson explained how the Fourteenth Amendment prohibits state governments from depriving a person of life, liberty, or property without due process of law. This lesson examines how the Equal Protection Clause prohibits state governments from denying people "equal protection of the laws." Like the Due Process Clause, the Equal Protection Clause places limits on America's governments, not private individuals.

## What Is Meant by "Equal Protection of the Laws?"

The Equal Protection Clause of the Fourteenth Amendment says that no state may "deny to any person within its jurisdiction the equal protection of the laws." The amendment does not define "equal protection." U.S. Senator Jacob Howard (1805–1871) of Michigan, one of the drafters, explained that "the phrase establishes equality before the law, and it gives, to the humblest, the poorest, the most despised…the same rights and the same protection before the law as it gives to the most powerful, the most wealthy, or those most haughty."

Equal protection of the laws, like due process, is a constitutional guarantee of fair treatment for all persons, regardless of sex, race,

national origin, religion, or political views. It is rooted in the truth expressed in the Declaration of Independence that "all Men are created equal."

Equal protection of the laws forbids arbitrary or irrelevant barriers to the full enjoyment of rights by all persons. Two early cases are illustrative of equal protection of the laws in matters of race. *Strauder v. West Virginia (1880)* concerned an African American who had been convicted by an all white jury. West Virginia law expressly limited jury service to "all white male persons." On appeal, the Supreme Court declared that law unconstitutional because it violated the Equal Protection Clause of the Fourteenth Amendment.

Six years later the Court ruled in *Yick Wo v. Hopkins (1886)* that a San Francisco city ordinance that discriminated against Chinese laundry businesses violated the Equal Protection Clause. In a unanimous decision, the Court held that the ordinance was discriminatory and constituted class legislation prohibited by the Fourteenth Amendment. It also ruled that the Equal Protection Clause applies to all persons, citizens, and aliens alike.

Equal protection of the laws means that government must treat all persons as equals without favoritism to any individual or group. It also means that every person is entitled to **equality of opportunity** so that everyone can try to achieve the goals they seek, or as the Declaration of Independence puts it, "the Pursuit of Happiness." Equality of opportunity means that laws must not unfairly disadvantage anyone in their opportunity to seek a variety of social goods, such as education, employment, housing, and political rights. It does not mean, however, **equality of condition** or that the results or outcomes of life will be the same for all. Equality of condition means equality in all aspects of life, such as personal possessions, living standards, medical care, and working conditions.

## Key words

**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

**equality of condition:** Equality in all aspects of life, such as wealth, standards of living, medical care, and working conditions



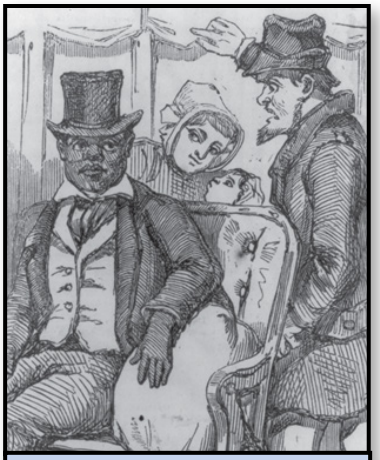

What rights are guaranteed by the equal protection clause of the Fourteenth Amendment?

*Figure 5.19.1*

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

1. What are the differences between equality of condition and equal protection of the laws?
2. Does inequality of condition undermine the ideal of equality of rights? Explain your response.

## What Was the "Separate But Equal" Doctrine, and What Was Its Effect?



What was the effect of the "separate but equal" doctrine?

*Figure 5.19.2*

After the end of Reconstruction, when U.S. troops were removed from former Confederate states and white people reasserted control of those states' governments, most Southern states adopted so-called Jim Crow laws. These laws were designed to limit the rights and freedoms of African Americans. By the end of the nineteenth century Jim Crow laws had imposed a system of racial segregation throughout the South and in many other parts of the country.

In the landmark case of *Plessy v. Ferguson (1896)*, the U.S. Supreme Court rejected the argument that a Louisiana law requiring blacks and whites to ride in different railroad cars violated the Equal Protection Clause. The Court held that **separate but equal** facilities were constitutional. Justice Henry Billings Brown, writing for the majority in the 7-to-1 decision (one justice did not participate), wrote that if blacks interpreted the "separate but equal doctrine" as a "badge of inferiority," it was "solely because the colored race chooses to put that construction upon it."

Justice John Marshall Harlan, in a strong dissent, argued that allowing state-enforced segregation of the races violated the Equal Protection Clause:

> *Our Constitution is color-blind.... In respect of civil rights, all citizens are equal before the law.... The judgment this day rendered will prove to be quite as pernicious as...the Dred Scott case.*

In fact, state-sponsored segregation under Plessy lasted almost sixty years. Laws requiring racial separation affected Asian Americans as well as African Americans.

## Key words

**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

## Why Did the Supreme Court Abandon "Separate But Equal" in Brown v. Board of Education?

The National Association for the Advancement of Colored People (NAACP) was founded in 1909. For its first twenty-five years, it appealed to the conscience of all Americans to end racial mob violence and lynching, and it filed lawsuits seeking to end discrimination at the ballot box. The NAACP then turned to ending segregation in education. The association believed that improving educational opportunities and intermingling students of different races in schools would be the most effective way to end long-term patterns of racism in the United States. Under the direction of a legal team that included future Supreme Court Justice Thurgood Marshall, the NAACP argued and proved in case after case that medical, law, and other professional schools maintained for black students were not equal to those maintained for white students.

Those legal victories set the stage to challenge the separate but equal doctrine in segregated public elementary and secondary schools that were the legacy of Plessy. In 1952, the NAACP challenged state statutes that authorized "separate schools for the education of white and colored children." The lead case was against the Board of Education of Topeka, Kansas. That school district maintained segregated schools, a situation that sometimes required students to be bused away from their neighborhoods to achieve segregation. Linda Brown, an African American third-grader, was one of the students who had to travel by bus to attend a segregated school. Her father, Oliver Brown, a railroad worker studying for the ministry, worked with the local Topeka NAACP to file a lawsuit seeking to remedy the situation. The trial court applied the separate but equal doctrine, and Brown lost.




*Figure 5.19.3*

On appeal to the U.S. Supreme Court the NAACP emphasized evidence demonstrating the severe and damaging effects of segregated schools on the psychological development of African American children. In *Brown v. Board of Education (1954),* the Supreme Court agreed with the NAACP and unanimously decided that separate education facilities are "inherently unequal." In the field of public education, Chief Justice Earl Warren wrote, "the doctrine of 'separate but equal' has no place." Justice Harlan's dissent in Plessy was now the Court's majority view. However, as will be discussed later, Brown was more difficult to enforce than the Supreme Court anticipated.

## How Has the Supreme Court's Interpretation of the Equal Protection Clause Changed Since Brown?

Many laws create classifications, or categories, of people. For example, a state law requiring a person to be at least sixteen years of age to qualify for a driver's license creates two classifications of people—those sixteen and older and those under sixteen. People in

one classification qualify to receive licenses or permits. People in the other classification do not. Therefore, the following is an important judicial question: Does a classification that results in different treatment violate the Equal Protection Clause?

The Supreme Court uses at least three levels of analysis to decide whether laws that create classifications violate the guarantee of equal protection of the laws.

## LEVEL 1: STRICT SCRUTINY

Laws that create classifications based on race, national origin, religion, or status as a legal alien are subject to the most rigorous judicial scrutiny, called **strict scrutiny**. Laws that deny or dilute the right to vote, impede interstate travel, or appear to restrict access to the courts also are subject to this level of analysis. Judges presume that such laws violate the Equal Protection Clause. The government that adopted the classification can overcome the presumption if it can persuade the Court that there is an extremely strong reason, known as a "compelling state interest," for the law and that the government has imposed the fewest possible restrictions on the disfavored group.

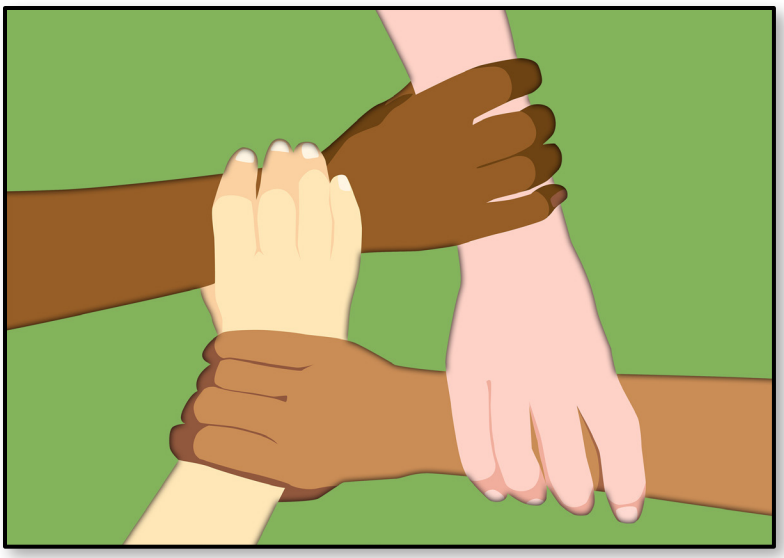


*Figure 5.19.4*

For example, during World War II the U.S. government persuaded the Supreme Court that there was a compelling state interest for racial classifications that resulted in the internment of Japanese Americans and others. All other laws classifying people on the basis of race have been struck down. For instance, in *Loving v. Virginia (1967)* the Court held that the state of Virginia had no compelling state interest for a law prohibiting interracial marriage.

## LEVEL 2: INTERMEDIATE SCRUTINY

Classifications based on gender and illegitimacy (birth to an unmarried mother) are subject to **intermediate scrutiny**. Governments that distinguish between groups because of gender or illegitimacy must prove that the laws are "substantially related to an important government purpose."

### Key words

**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

**intermediate scrutiny:** In U.S. constitutional law, the middle level of scrutiny applied by courts deciding constitutional issues through judicial review

Using this standard, in *Craig v. Boren (1976)* the Court struck down an Oklahoma law that permitted women to buy 3.2-percent beer at age eighteen but required men to be age twenty-one. It held that the gender-based distinction was not substantially related to the state's interest in promoting traffic safety. In *Rostker v. Goldberg (1981),* the Court upheld a federal statute excluding women from the military draft on the ground that women were barred from combat. Today, however, most combat positions in the military are open to women.



Should the equal protection clause protect the right of women to take combat positions in the military? Why or why not?

*Figure 5.19.5*

## LEVEL 3: RATIONAL BASIS

All other laws that create classifications—including classifications based on wealth, disability, and age—are presumed to be constitutional. Courts presume that the deliberative process that legislatures use to enact laws ensures their "rationality"—that is, that such laws have a **rational basis**. The person or group challenging the law must show that the law is not rational, or reasonable.

Only rarely has the Court held that a law was not rational. In *Stanton v. Stanton (1975),* for example, the Supreme Court overturned a Utah statute that required divorced fathers to support their sons to age twenty-one but their daughters only to age eighteen. The state argued that it was rational for divorced fathers to support girls for a shorter time because girls tend to mature and to marry earlier than boys do. The Supreme Court disagreed.

The Fourteenth Amendment's Equal Protection Clause applies only to the states. The Court has held—in *Hirabayashi v. United States (1943)*—that the Due Process Clause of the Fifth Amendment, which limits only the national government, contains an "equal protection component." Both due process and equal protection standards require government to treat people fairly. Therefore, individuals or groups who believe the national government has deprived them of equal protection of the laws may challenge their treatment under the Fifth Amendment.

### Key words

**rational basis:**
In U.S. constitutional law, the lowest level of scrutiny applied by courts deciding constitutional issues through judicial review

## Content Highlight:

### WHAT DO YOU THINK?

What level of judicial scrutiny do you think should apply in the following situations? Explain your reasoning in light of the criteria described regarding each level of scrutiny:

- Rejecting an eighty-five-pound woman from admission to the firefighter's academy
- Requiring drivers over age seventy-five or male drivers under age twenty-five to take an annual driver's exam
- Disqualifying a female student in a public high school from participating on the boy's wrestling team
- Refusing to put elevators in a county courthouse
- Incarcerating homeless persons with documented mental disabilities
- Barring the children of illegal aliens from attending public schools



Did the internment of Japanese Americans during World War II violate their right to equal protection of the laws? Why or why not?

*Figure 5.19.6*

## What Controversies Remain in the Area of Equal Protection of the Laws?

Claims of equal protection raise many difficult issues, including the following:

- Whether laws that give preferences to certain groups that historically have been denied equal opportunities (a practice known as affirmative action) are impermissible "reverse discrimination"
- Whether intermediate scrutiny is the appropriate level for analyzing classifications based on gender

Claims of equal protection raise many difficult issues *(cont'd):*

- Whether groups such as the mentally handicapped, children of undocumented immigrants, and gays and lesbians should be treated as "discrete and insular minorities" for purposes of equal protection analysis because of prejudice against them




Should private organizations be free to exclude people upon the basis of such factors as race, gender, ethnicity, or physical characteristics?

*Figure 5.19.7*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Weighing Equal Protection Against Other Constitutional Rights**

This exercise calls for you to take positions on situations in which the right to equal protection conflicts with other important rights.

Consider the following real-life situation. James Dale was an assistant scoutmaster and an Eagle Scout in New Jersey. In 1990, Boy Scouts of America (BSA) revoked Dale's membership because BSA's standards "forbid membership to homosexuals." Dale sued BSA, arguing among other things that revoking his membership violated his right to equal protection of the laws. BSA responded that the organization was merely exercising its right of association under the First Amendment. It pointed out that the Supreme Court has interpreted associational rights to include control over the political, religious, or cultural messages that an organization wishes to send.

Respond to the following questions:

1. Normally private organizations, such as the BSA, are not covered by the Equal Protection Clause. However, should they have to grant the right to equal protection and equal opportunity if they receive part of their support from the federal government as the BSA does?
2. Should private organizations be free to exclude people upon the basis of such factors as race, gender, ethnicity, or physical characteristics?
3. What level of judicial scrutiny should apply to claims of discrimination based on sexual orientation? Why? Compare your responses to the Supreme Court's analysis in *Boy Scouts of America v. Dale (2000).*
4. What standards should courts apply in resolving conflicts between First Amendment rights and equal protection guarantees?
5. Identify other situations that also may raise conflicts between equal protection guarantees and other constitutional rights.

## Conclusion

In this lesson, you learned about equal protection of the laws. You learned why neither state governments nor the national government can deprive people of equal protection of the laws. You also studied the "separate but equal" doctrine of racial segregation and why the Supreme Court abandoned it in *Brown v. Board of Education.* You explored the categories that the Supreme Court now uses to decide cases challenging governmental actions that treat some people differently from others.

## Lesson Check-up



- **What was the "separate but equal" doctrine? How did the Supreme Court justify the doctrine in *Plessy v. Ferguson*?**
- **What arguments did the Court use in *Brown v. Board of Education* to abandon the "separate but equal" doctrine it had endorsed in *Plessy v. Ferguson*?**

LESSON 20

# Expanding the Right to Vote




## Key words

- **enfranchisement**
- **franchise**

## What You Will Learn to Do

Analyze how the right to vote has been expanded since the adoption of the Constitution

## 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
- Take responsibility for your actions and choices
- Treat self and others with respect

## Learning Objectives

- **Describe** the extension of the franchise as a result of changes in voting laws in Congress and various states, amendments to the Constitution, and decisions of the Supreme Court

## Essential Question

**How has the right to vote been expanded since the adoption of the Constitution?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on how extending the right to vote is related to fundamental ideas and principles of American constitutional government
- **Define** key words: enfranchisement, franchise

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## Introduction

During the colonial period and the early years of the nation, suffrage—the right to vote—was generally restricted to white men who owned property. The majority of adult white men met this requirement, especially in rural areas. Other people—women, Native Americans, African Americans, indentured servants, and members of certain religious groups—usually were denied the right to vote. This lesson examines how the right to vote has been extended since 1787. The expansion of the **franchise** to include almost all citizens eighteen years of age or older represents one of the great themes in American history, in some respects the most important theme.

## Why Is the Franchise Important in the American Constitutional System?

The term franchise refers to a right or privilege, in this context specifically the right to vote. Therefore, **enfranchisement** is the act of giving that right to vote to a person or a group of people. Representative government is based on the principle that the people have a say—either directly or indirectly—in determining who makes, executes, and judges the laws that govern them and in holding those authorities accountable. The most basic way of participating in representative government is to vote in elections.

## Key words

**franchise:**
A right or privilege; in the context of American politics, it means the right to vote

**enfranchisement:**
Giving the right to vote to a person or category of persons

One of the legacies of the Greek and Roman democracies is that citizens should have an economic "stake" in a community in order to exercise the franchise intelligently. Greeks and Romans believed that property owners were more inclined than others to participate in politics and to act in the public interest because they had a stake in living in a healthy community. The colonists shared that view. In most colonies voting was a privilege limited to Protestant men who owned property. Property qualifications usually were low, and land was cheap, which meant that thousands of colonists who would not have been able to vote in Europe were able to do so in America. For example, Virginia required only twenty-five acres of settled land or a hundred acres of unsettled land for enfranchisement. New York allowed otherwise qualified men to vote if they held lifetime leases but did not own the land outright. By European standards in the eighteenth century the franchise in America was generous and far exceeded the scope of the voting franchise in Great Britain. Yet whole classes of Americans—women, Native Americans, religious minorities, slaves, and indentured servants—were still excluded from voting.

## How Was Suffrage Determined When the Constitution Was Adopted?

The Constitutional Convention could not agree on uniform rules for suffrage. As a result, the Constitution stated only that members of the House of Representatives were to be elected by the people in each state who, under state law, were eligible to vote for the lower house of their state legislature.

In other words, the Constitution left it to each state to decide who could vote. Because state governments granted or denied the franchise, it follows that many of the early battles over voting rights took place in the states.

An early example occurred in New Jersey. That state's constitution of 1776 granted the franchise to "all inhabitants" who met property and residency requirements. Therefore, for the next several years some African American men and women, and many widowed or unmarried women, voted in local elections. Married women could not meet the property requirement because their property automatically belonged to their husbands. In fact, a 1790 New Jersey election law expressly referred to voters as "he or she." But in 1807 in the name of so-called election reform, women were disenfranchised. African American men were disenfranchised in 1844.



Why did the early battles over the right of women to vote focus upon state governments instead of the national government?

*Figure 5.20.1*

### Content Highlight:

**WHAT DO YOU THINK?**

1. Why do you think the Philadelphia Convention declined to establish nationwide qualifications for suffrage?
2. How might the states' diverse property requirements for suffrage influence citizens' relationships to their governments?

## How Did Voting Rights Expand For White Men?

The revolutionary intellectual and pamphleteer Thomas Paine identified at least one of the problems with linking the right to vote to property ownership:

> *You require that a man shall have sixty dollars' worth of property, or he shall not vote. Very well, take an illustration. Here is a man who today owns a jackass, and the jackass is worth sixty dollars. Today the man is a voter and goes to the polls and deposits his vote. Tomorrow the jackass dies. The next day the man comes to vote without his jackass and he cannot vote at all. Now tell me, which was the voter, the man or the jackass?*



*Figure 5.20.2*

Early in the 1800s Americans became more democratic and less aristocratic in their thinking. For example, American writer James Fenimore Cooper (1789–1851), author of The Last of the Mohicans, argued, "Every man who has wants, feelings, affections, and character has a stake in society." It followed that lack of property should not be a barrier to voting.

Some states, such as Massachusetts, retained property requirements out of the fear expressed by former President John Adams that anarchy and mob rule would erupt if men with no property had the right to vote. Virginia did not abolish its property requirement until 1851. But in 1802 Ohio, then a frontier state, gave the vote to almost all white men in an effort to attract settlers. Other western states followed suit, as did the northern "frontier" state of Maine in 1820. Older states gradually amended their election laws to remove property requirements.

Most state voting reforms were accomplished peacefully. An exception was Rhode Island, one of the last states to remove the property requirement. In fact, it was the only state after 1840 not to have universal enfranchisement of white men. The leader for franchise reform there, a lawyer named Thomas Wilson Dorr (1805–1854), convened an extralegal "People's Convention" that drafted a new state constitution enfranchising all white men. This act of rebellion led to a brief, small-scale civil war. But the so-called Dorr Rebellion of 1841–1842 was quickly put down, and Dorr fled the state only to be arrested and imprisoned on his return. Rhode Island subsequently did adopt a new constitution that enfranchised both white and African American men, but the state did not eliminate the property requirement until the 1880s.

Another arena of enfranchisement involved approximately 80,000 free Mexican men residing in the territory that the United States conquered in the Mexican–American War of 1846–1848. The Treaty of Guadalupe Hidalgo that ended the war also enfranchised these men. However, states affected by the treaty resisted recognizing these rights. Violence, fraud, and discrimination forced many Mexican Americans to abandon their lands and return to Mexico. When Texas was admitted into the Union as a slave state in 1845, Mexican Americans who tried to vote risked beating, burning, or lynching. After the Civil War the same tactics used to deny voting rights to African Americans—from physical violence to literacy tests—often were also applied to Mexican Americans.

## How Did African American Men Win, Then Lose, the Right to Vote?




Why did many people in Southern states reject the Republican Party after the Civil War?

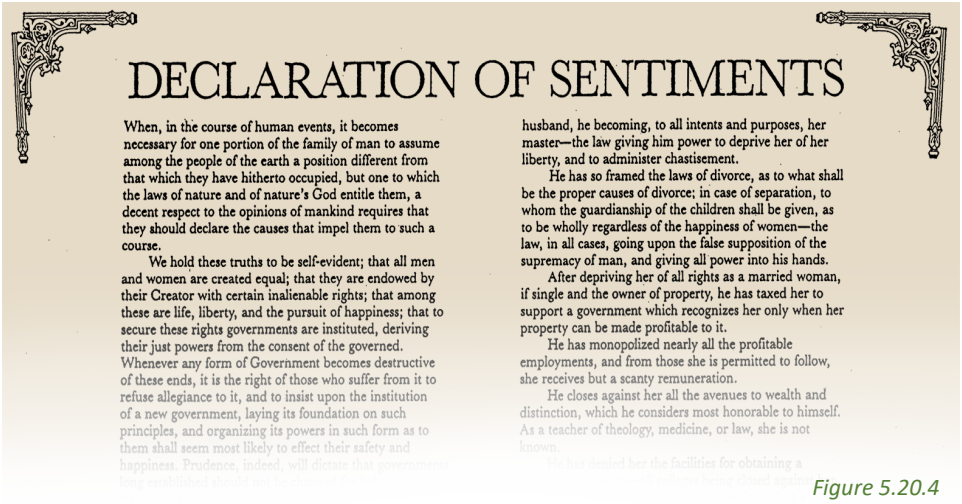
*Figure 5.20.3*

The Fifteenth Amendment was added to the Constitution in 1870, five years after the Civil War. Although the Fifteenth Amendment granted the right to vote to African American men, most states in the South and several outside the South made it almost impossible for them to exercise the right. They were required to take literacy tests and to pay poll taxes. Some states enacted so-called grandfather clauses that permitted citizens to vote only if their grandfathers had been allowed to vote. Physical intimidation and threats of economic reprisals for voting were common. An economic reprisal is an action that limits or eliminates a source of income or makes goods and services more expensive to buy. By 1910, fewer than twenty percent of African American citizens voted across most of the South. In some Southern areas fewer than two percent voted.

The civil rights movement of the 1950s and 1960s galvanized the national government to exercise its power to protect African Americans against voting discrimination. Only then, almost a century later, was great progress made in ensuring the right to vote as guaranteed by the Fifteenth Amendment.

## How Was Suffrage Extended to Women?

During the middle years of the nineteenth century, the struggle for freedom and equality for African Americans was closely linked to the campaign for woman suffrage. Many abolitionists worked for woman suffrage, just as many women worked to end slavery. For example, abolitionist Frederick Douglass (1818–1895), who had been born into slavery, participated in the meeting at Seneca Falls, New York, in 1848 that produced the Seneca Falls Declaration of Sentiments. The declaration was crafted by Elizabeth Cady Stanton (1815–1902) and other suffrage leaders.



DECLARATION OF SENTIMENTS

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of Government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments

husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes of divorce; in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon the false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration.

He closes against her all the avenues to wealth and distinction, which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

*Figure 5.20.4*




*Figure 5.20.5*

Echoing the Declaration of Independence, this declaration stated:

> *We hold these truths to be self-evident: that all men and women are created equal.... Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.*

Most people who advocated equal rights for women believed that gaining the right to vote was an essential step toward achieving other rights. When Congress was considering the Civil War amendments, leaders of the women's rights movement tried to get the right to vote extended to women as well as to all men. These leaders, including the prominent suffragist Susan B. Anthony (1820–1906), whose likeness has since been featured on a one-dollar coin, hoped that their long support of the anti-slavery cause would be rewarded in the Fourteenth Amendment. But many male anti-slavery leaders refused to support suffrage for women, fearing that it would set back the cause of former slaves. Instead, they specifically included the term "male citizen" in reference to the right to vote in Section 2 of the Fourteenth Amendment.

In 1872, Anthony and other women went to the polls and insisted that they be allowed to vote. They pointed to Section 1 of the Fourteenth Amendment:

> *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.*



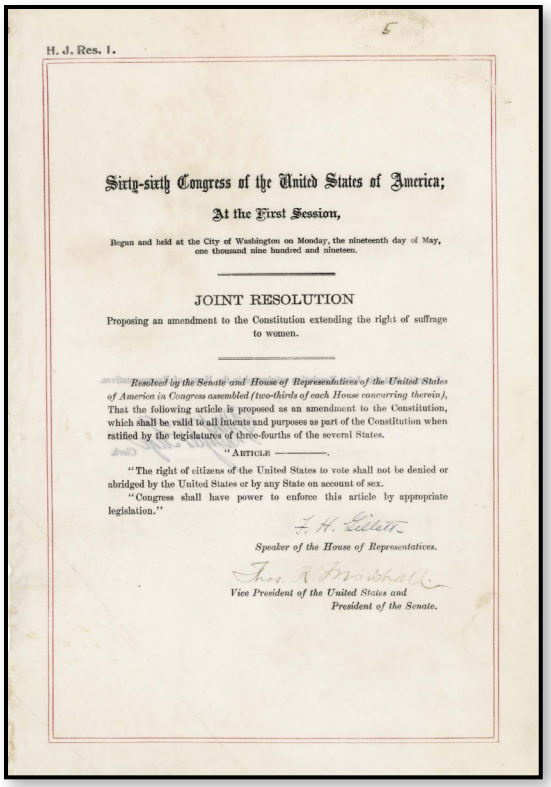

*Figure 5.20.6*

They argued that women, as citizens, could not be denied access to the ballot. However, they were denied, and so they took their cause to the courts. In *Minor v. Happersett (1875),* the Supreme Court ruled that being a citizen does not mean that a person has the right to vote and that states therefore could continue to deny the vote to women. The Court noted that citizenship and voting are not necessarily related, because aliens in the states of Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Minnesota, Missouri, and Texas who had announced their intention to become United States citizens—but were not yet citizens—enjoyed the franchise.

In 1869 Wyoming, while still a territory, gave women the right to vote. The story is told that subsequently, when considering Wyoming for statehood, certain members of Congress argued against this "petticoat provision." The Wyoming legislature replied that it would rather stay out of the Union for a hundred years than join without allowing women to vote. Wyoming was admitted to the Union. During the next fifty years, several

other western states extended the vote to women. This was the result of persistent hard work by women in those states and national leaders such as Anthony and Stanton. Eventually some eastern states joined the movement, and by 1918 more than half the states had enfranchised women.

Pressure for a woman suffrage constitutional amendment mounted during World War I, when women entered the workforce in record numbers and the United States fought a war to protect democratic rights in Europe. The uncertainty and slowness of state-by-state victories convinced suffragists to renew the fight for a constitutional amendment. They vigorously lobbied Congress and President Woodrow Wilson until finally, in 1918, Wilson withdrew his opposition. In 1920 after a national campaign that included huge parades, demonstrations, picketing, and civil disobedience in Washington, D.C., Congress passed and sent to the states the Nineteenth Amendment. The amendment forbids states and the United States from denying or abridging the right of citizens to vote on the basis of sex. Within the year enough states ratified the amendment, and women finally gained the franchise.



H. J. Res. 1.

Sixty-sixth Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

JOINT RESOLUTION

Proposing an amendment to the Constitution extending the right of suffrage to women.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE ———.

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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

F. H. Gillett

*Speaker of the House of Representatives.*

Thos. R. Marshall

*Vice President of the United States and President of the Senate.*

*Figure 5.20.7*

## How Was the Franchise Extended to Native Americans?

The original Constitution mentions Native Americans, as "Indians," twice. Under Article I "Indians not taxed"—those who remained under tribal government—were excluded from state populations for purposes of apportioning taxes and determining representation in Congress. Article I also empowered Congress to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

These provisions reflected the position of the Framers, confirmed by opinions of the Supreme Court, that Native Americans were not citizens of the United States or the states in which they resided. Native American tribes were distinct political entities, separate from states or the federal government, with whom the United States would deal on a basis similar to that with which it dealt with foreign nations.

Native Americans' early relationship with the federal government affected their rights in profound ways. They were "foreigners" and frequently were treated as enemies. The U.S. government often seemed to view them as problematic children. They were not citizens and had no right to vote. The Fourteenth Amendment did not change that status. Section 1 declares that citizenship is reserved for people subject to the jurisdiction of the United States.

In 1887 Congress enacted the Dawes Act, extending citizenship to Native Americans who were willing to give up their tribal affiliations. One effect of this act was to undermine tribal

culture. Three years later, the Indian Naturalization Act granted citizenship to Native Americans in an application process similar to immigrant naturalization. Then in 1924 Congress enacted the Indian Citizenship Act, extending the franchise to all "Indians born within the territorial limits of the United States." This stream of legislation reflected a general expectation that tribal governments would wither and that Native Americans gradually would be assimilated into "mainstream" American society.

Many states were slow to comply with the Indian Citizenship Act of 1924. Native Americans encountered obstacles to voting, serving on juries, and giving testimony in courts. For example, New Mexico did not extend the franchise to Native Americans until 1962. Finally, Congress acted to address the problems that Native Americans and other minorities encountered in exercising the franchise by two means.

The first involved proposing the Twenty-Fourth Amendment (1964), which prohibited states from denying or abridging the right of any citizen to vote for failure to pay a poll tax or any other tax to vote in elections for national officials.

The second was enacting the Voting Rights Act of 1965, which outlawed discrimination against all minorities by banning voting requirements such as literacy tests, prohibiting the use of English fluency as a requirement for voting, and authorizing the national government to take control of voter registration in states where African Americans and other groups consistently had been denied voting rights.



What were some of the similarities in state action intended to deny the right to vote to African Americans, Mexican Americans, and Native Americans?
*President Calvin Coolidge (center) with Native Americans in front of the White House, 1925*

*Figure 5.20.8*

## How Did Eighteen-Year-Olds Win the Right to Vote?

Before 1971 only Alaska, Georgia, Hawaii, and Kentucky allowed persons younger than age twenty-one to vote. In 1970, facing widespread protests against the Vietnam War and resistance to the draft, Congress amended the Voting Rights Act to state that no one age eighteen or older could be denied the right to vote on the grounds of age.

## Content Highlight:

### WHAT DO YOU THINK?

1. What criteria should be used for determining whether changes in the franchise should be made constitutionally by statute? Why?
2. What principles of American constitutional government are served by expansion of the franchise?
3. What arguments can you make for removing or denying the franchise to particular groups or individuals? Explain your reasoning.
4. Should the voting age be lowered even further?

This move was not without controversy. In *Oregon v. Mitchell (1970),* in a deeply divided vote, the Supreme Court held that Congress could regulate the voting age in national elections but not in state elections.

In response to the Supreme Court's decision, Congress proposed and sent the Twenty-Sixth Amendment to the states. Ratified in 1971, this amendment prohibits both the United States and the states from denying or abridging the right to vote of citizens age eighteen or older.



Should all people serving in the armed forces have the right to vote regardless of their age? Why or why not?

*Figure 5.20.9*

## Conclusion

In this lesson, you learned how voting rights were expanded by changes in voting laws in Congress and various states, amendments to the Constitution, and decisions of the Supreme Court. You also saw that extending the right to vote is related to fundamental ideas and principles of American constitutional government.

## Lesson Check-up



- **What processes did women use to obtain the right to vote? What factors explain why it took women more than three generations to secure the franchise?**
- **What reasoning supported tying the right to vote to property ownership? Is that reasoning still valid today? Why or why not?**
- **How have states differed in expanding the franchise?**
- **People between the ages of eighteen and twenty-five vote less often than any other age group. Why do you think this is so?**
- **What reasons can you give for providing the right to vote for citizens eighteen and older?**

LESSON 21

# The Role of Congress



## What You Will Learn to Do

Determine the role of Congress in 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** basic differences between Congress and the British Parliament and how Congress reflects America's commitment to representative government and federalism
- **Identify** several constitutional sources of congressional power

## Key words

- **delegate theory of representation**
- **enforcement powers**
- **enumerated powers**
- **federalism**
- **gerrymandering**
- **implied powers**
- **inherent powers**
- **trustee theory of representation**

## Essential Question

**What is the role of Congress in American constitutional democracy?**

## Learning Objectives (cont'd)

- **Identify** some of the challenges that members of Congress face in representing and serving their constituents
- **Evaluate**, take, and defend positions on contemporary issues about congressional representation and organization
- **Define** key words: delegate theory of representation, enforcement powers, enumerated powers, federalism, gerrymandering, implied powers, inherent powers, trustee theory of representation

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## Introduction

Congress often is called America's first branch of government because of its lawmaking powers and its control over the nation's purse. More than any other branch of the national government, it is the people's branch. Members of Congress are directly accountable to those who elect them. This lesson examines Congress' constitutional powers and how Congress represents both the people and the states.



How does the placement of Congress on Capitol Hill reflect its place in the Constitution?

*Figure 5.21.1*

## How Does Congress Differ From the British Parliament?

The Founders considered many models of governance—ancient and contemporary—when they designed America's constitutional system. One of those models was the British parliamentary system. Although the Founders drew on one aspect of the parliamentary system by creating a two-house legislature, they proposed a U.S. Congress that would differ from Parliament in four essential ways:

### 1) REPRESENTATION

In the eighteenth century each chamber of the British Parliament represented a specific order in society. Members of the House of Lords inherited their seats from ancestors who had been given a peerage, a title of nobility, generations or even centuries earlier. In 1999, the Labor government abolished the hereditary right to a seat in the House of Lords. Today most members hold honorary life peerages. They are appointed because of distinguished service in law, the clergy, business, or the sciences. There are now about twelve hundred members in the House of Lords. It is the final court of appeal for civil cases throughout Great Britain and for criminal cases in England, Wales, and Northern Ireland.

The House of Commons is the preeminent body of Parliament. Its members are elected and hold office until Parliament is dissolved or for a maximum of five years. Each member represents a geographic division. Ministers are required to attend Parliament regularly to answer questions about their department, both to the full House and to its committees.

The Framers of the U.S. Constitution believed that Congress should represent all the people, not particular social classes. Therefore, they designed the House of Representatives to express the sentiments and viewpoints of diverse constituencies in electoral districts and to permit frequent turnover if voters choose to replace their representatives at elections that occur every two years. The Framers designed the Senate to be less influenced by popular passions and temporary impulses. Accordingly, senators serve longer terms—six years—than members of the House, and they represent people in states as a whole rather than districts within states.



*Figure 5.21.2*

### 2) SEPARATION OF POWERS

In parliamentary government there is a close link between executive and legislative functions. When citizens vote in a national election for members of the House of Commons, they are endorsing the platform of a political party. The victorious party thus claims a mandate to govern. Its leader in Parliament becomes the prime minister, the nation's chief executive as well as chief legislative officer. Members of Parliament also hold all other cabinet-level positions. This creates a unified government to legislate and to execute policy. Such a mingling of executive and legislative powers in the U.S. government is prohibited by Article I, Section 6, of the Constitution, which prohibits any member of Congress from occupying any other office in the federal government. This provision prevents the United States from establishing any form of parliamentary system.

In contrast to the British parliamentary system, Congress is one of three coequal branches of government. Congress makes laws, but it does not usually decide who will be president. It also plays an important but limited role in deciding who serves in the president's cabinet and in the federal courts.




How can the Senate influence who the president appoints to high-level positions in the administrative and judicial branches of government?

*Figure 5.21.3*

For more than a century, the House of Commons has been the more powerful house in the British Parliament. The majority party in the House of Commons determines almost everything about the government. By contrast, the House of Representatives and the Senate are equally powerful and frequently check, or limit, one another.

## 3) LENGTH OF TERMS

Elections for the House of Commons do not occur on a fixed schedule. They must occur at least every five years, but they can occur sooner. The prime minister can call for earlier elections if they believe that the party can win an even larger popular mandate, that is, more seats in the House of Commons. If the party in power loses a vote in Parliament on an important national issue, this often is seen as a vote of "no confidence" in the prime minister, which also may trigger a new election.

Members of Congress face elections at times specified in the Constitution, no matter how popular or unpopular they may be. Representatives stand for election every two years, senators every six. The elections for the Senate are staggered, that is, the Senate is divided as equally as possible into thirds so that one-third of the Senate can be elected every two years, and reelection is possible.

## 4) FEDERALISM

In the constitutional arrangement known as **federalism**, power is divided and shared between a central government having nationwide responsibilities and constituent governments having state or local responsibilities. Although cities and towns in Great Britain have their own local governments, these government entities primarily are administrative units of the central government. Most of their powers are delegated to them by the national government. By contrast, Congress is not the only legislature in the United States. State legislatures also wield considerable legislative power, leading to a dynamic and unique system of federalism.

### Key words

**federalism:**
A form of government in which power is divided and shared between a central government and state and local governments



What might be the advantages and disadvantages of the Parliament serving both the legislative and executive functions of government?

*Figure 5.21.4*

## Content Highlight:

**WHAT DO YOU THINK?**

- What are the advantages and disadvantages of the lengths of terms of members of the House of Representatives and the British Parliament? Which do you prefer? Why?
- What are the advantages and disadvantages of the American system of separated powers compared with the British system? Which do you prefer? Why?
- What are the advantages and disadvantages of the American system of federalism and the British system, where the government agencies at all levels are primarily administrative units of the central government? Which do you prefer? Why?

## What are Congress' Constitutional Powers?

John Locke claimed that the legislature is the most powerful branch of government because it makes laws. Mistrusting any concentration of political power, the Framers carefully limited Congress' powers. The following are three examples.

### ARTICLE I, SECTION 8

The Constitution limits Congress' lawmaking powers to those "herein granted." In addition to seventeen specific powers Congress has a generalized eighteenth power: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

### ARTICLE I, SECTION 9

The Constitution identifies several matters on which Congress "shall not" legislate. For example, it cannot tax "Articles exported from any state." It cannot grant titles of nobility. It cannot draw any money from the Treasury "but in Consequence of Appropriations made by Law."

## BILL OF RIGHTS

Added to the Constitution in 1791, the Bill of Rights lists rights on which Congress "shall not" infringe. For example, the First Amendment states that "Congress shall make no law" establishing a national religion or abridging free speech or press. The Eighth Amendment prohibits Congress from levying "excessive fines" and imposing "cruel and unusual punishments" on convicted criminals. Even with these limitations, Congress today has far reaching powers. These powers can be clustered under four categories: enumerated, implied, enforcement, and inherent.

### Enumerated Powers

Powers listed in the Constitution are called **enumerated powers** or express powers. Article I, Section 8, for example, gives Congress power to "regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes." Under the leadership of Chief Justice John Marshall, the U.S. Supreme Court defined Congress' commerce power broadly. That broad interpretation has enabled Congress to regulate matters such as manufacturing, child labor, farm production, wages and work hours, labor unions, and civil rights. And Congress is given full power to regulate interstate and foreign commerce. Other parts of the Constitution also give Congress powers. For example,

- ***Article II.*** The Senate must advise and consent when the president makes treaties and appoints ambassadors, other public ministers, judges of the Supreme Court, and many other public officials.
- ***Article III.*** Congress has complete control over the appellate jurisdiction of the Supreme Court and authority to create lower federal courts.
- ***Article IV.*** Congress can admit new states and adopt all rules and regulations respecting U.S. territories and properties.
- ***Article V.*** Congress, like the states, can propose constitutional amendments. Congress has proposed all twenty-seven amendments to the Constitution and many that have not been ratified.

### Implied Powers

Some express grants of authority to Congress imply, or suggest, other powers. The "necessary and proper" clause in Article I gives Congress power to legislate on at least some subjects not expressly described in the Constitution. The idea of **implied powers** was tested when the first secretary of the Treasury, Alexander Hamilton, proposed the creation of a national bank. In *McCulloch v. Maryland (1819),* the Supreme Court held that the necessary and proper clause and Congress' power to coin and borrow money both implied the power to create a national bank. The Court also held that states could not tax the national bank, a significant blow to the exercise of state power.

Most laws that Congress enacts are written in general terms. They require administrative agencies to formulate rules that more specifically define the laws. The power to create administrative agencies to make rules and execute the laws is implied in Congress' power to legislate. Congress has created hundreds of agencies, ranging from the Internal

**Key words**

**enumerated powers:** Rights and responsibilities of the U.S. government specifically provided for and listed in the Constitution

**implied powers:** Powers authorized by a legal document that are not expressly stated but can be inferred from expressly stated powers

Revenue Service to the Social Security Administration, to implement its policy mandates.

Most of the agencies and departments that Congress creates are located in the executive branch. One of Congress' most important implied powers is congressional oversight, which includes monitoring and supervising the operations of the agencies it creates.

Committees of Congress frequently question agency heads and administrators about rules and regulations that the agencies have adopted. Congress also examines agency budgets and expenditures. Congress uses the information gained from such oversight to adjust authorizing legislation and the appropriation of funds to federal agencies.

### Enforcement Powers

The Thirteenth Amendment, outlawing slavery, was the first to give Congress the power to enforce it "by appropriate legislation." Since then the Fourteenth, Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments also have expanded the power of Congress to enforce the provisions of the amendments "by appropriate legislation."

During the 1960s and 1970s, Congress used its **enforcement powers** along with its power to regulate interstate commerce to enact sweeping civil rights, voting rights, and employment laws. For example, Congress used the commerce clause to enforce the Civil Rights Act of 1964 to prevent unfair discrimination against African Americans. The authority to do so was confirmed by the Supreme Court in *Heart of Atlanta Motel v. United States (1964).* In this case the Court ruled that an Atlanta motel that discriminated against African Americans had to comply with the Civil Rights Act because it was in a business that served mostly interstate travelers. Congress' enforcement powers have significantly shifted political power away from the states and to the national government, as you learned in previous lessons.




*Figure 5.21.5*

### Inherent Powers

Some powers are so innate, or ingrained, in an institution that they do not have to be stated in words. These are termed **inherent powers**. Congress' power to investigate is such a power. The next lesson provides examples of Congress' use of this power.

## Key words

**enforcement powers:** The power of Congress to enforce laws

**inherent powers:** Powers ingrained so deeply in an institution that they need not be stated

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Evaluating the Powers of Congress**

Article I, Section 8, Clause 18 of the Constitution states that Congress has the power "To make all Laws which shall be necessary and proper" to carry out the powers that the Constitution gives to the government of the United States. This has been called the "elastic clause" and has been used to establish the implied powers of Congress. Work in groups to evaluate the effects of this clause by addressing the following questions:

1. How would you define "necessary" and "proper"?
2. Does this clause contradict the principle of enumerated and limited powers? Why or why not?
3. What are the benefits of placing elastic (flexible) power in the hands of a representative body?
4. What are the problems or dangers of placing elastic power in the hands of a representative body?

## How Does Congress Represent the People and the States?

Both the people and the states have voices in Congress. There are no constitutional limitations on how many terms a member of Congress may serve.

Article I, Section 2, provides that the number of representatives "shall not exceed one for every Thirty-Thousand" and that each state "shall have at Least one Representative." Before 1842, some states elected their representatives "at large," meaning that all qualified voters were eligible to vote for all candidates to fill that state's allotment of representatives. Since 1842, members of the House have been elected from single-member legislative districts. That means that each state with a population large enough to entitle it to more than one representative in the House is divided into as many legislative districts as the state has representatives.




What criteria should be used to create congressional districts?
*This is the 1812 political cartoon that led to the coining of the term gerrymander.*

*Figure 5.21.6*

In some states, the state legislature draws district lines after each ten-year census. In other states, independent commissions draw district lines. Groups dissatisfied with the way district lines are drawn can challenge districting maps in court. In those situations judges also have a say in how congressional districts are drawn.

## Why is Districting Controversial?

No matter where the lines are drawn, some groups and interests are benefited while others are harmed. For example, after World War I the population of the United States shifted dramatically from farms to cities. Nonetheless, many states continued to draw congressional district lines that favored rural over urban areas. In *Wesberry v. Sanders (1964*), the Supreme Court adopted the rule of "one person, one vote." Congressional district lines now must be drawn on the basis of population after each ten-year census. According to the Court, the population in each district must be mathematically equal to other districts in the state.

The "one person, one vote" requirement has not ended debates over where district lines should be drawn. **Gerrymandering**, or drawing district lines to achieve favorable political results for one political party, remains a fact of American political life.

Drawing district lines is not an issue in the Senate because Article I, Section 3, gives every state two senators no matter how large its population. California and Wyoming, for example, each has two U.S. senators. In 2010, California had a population of about thirty-seven million and Wyoming had a population of about one-half million.

The Constitution originally gave each state legislature authority to decide who would serve as that state's senators. This method of selection ensured that state legislatures would have powerful, though indirect, voices in the Senate. In 1913, the Seventeenth Amendment provided for direct election of senators. Since then, senators have been chosen in statewide elections.

In 1913, Congress fixed the size of the House of Representatives at 435 members. When Hawaii joined the Union in 1959, the size of the Senate was fixed at one hundred senators. Congress therefore comprises 535 elected legislators. This large number has significant consequences for how Congress is organized and does its work. In 2004 the average House district approached seven hundred thousand in population. Among the world's legislatures only India has larger constituencies. In addition to the 435 House members, there are five other elected representatives: a resident commissioner for Puerto Rico and four delegates—for the District of Columbia, American Samoa, Guam, and the Virgin Islands. Senators and representatives face formidable challenges simply trying to understand the diverse needs and interests of their many constituents. As explained in Lesson 5, a constituent is a citizen represented by an elected public official.

Other nations have representative bodies that are even larger than the U.S. Congress. In Germany, for example, there are 672 members of the Bundestag, which is the lower house of its parliament, and 69 members of the Bundesrat, the upper house. Mexico's Chamber of Deputies has 500 members, while its Senate has 128 senators. The populations of those countries are considerably smaller than the population of the United States.

### Key words

**gerrymandering:** Drawing the boundaries of an electoral district to favor a political party

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

- In what ways, if any, does gerrymandering violate the principle of "one person, one vote"?
- What process and criteria should be used to draw congressional districts? Why?
- How might multi-member districts reduce problems caused by gerrymandering?

## What Theories of Representation Guide Members of Congress?

Since the debate over ratifying the Constitution, Americans have argued about the role of elected representatives. Should they, as Anti-Federalists believed, be "delegates" of their constituents and mirror their constituents' views in Congress—reflecting the **delegate theory of representation**? Or should they, as Federalists argued, be "trustees" who gain the trust of their constituents and then exercise their own best judgment on matters of public policy—embodying the **trustee theory of representation**?

Most representatives say that they try to do both. America's size and diversity make that effort ever more challenging.

In the 1830s, French observer and historian Alexis de Tocqueville (1805–1859) identified regional variations in climate, economics, culture, and religion that made it difficult to govern the United States as one nation. Tocqueville's observations are even truer today. The United States has expanded across the continent and beyond, and its population of more than three hundred million reflects the diversity of the world. Members of Congress face an increasingly difficult task representing their constituents and finding common ground with legislators from other states and regions as they participate in their deliberations.

## Key words

**delegate theory of representation:** The idea that a legislative representative should exactly mirror their constituents' views in deciding on public policy

**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

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

- What qualifications, other than those listed in Article I, do you think should be used when choosing a member of Congress? Explain your suggestions.
- How might members of Congress balance their roles as delegates of their constituents and trustees of the common good?

## Content Highlight:

### WHAT DO YOU THINK?

- Does representation by states in the Senate and state-based congressional districts in the House remain a logical basis for selecting congressional representatives today? What are some alternatives? Consider, for example, that southwestern Virginia has more in common with eastern Kentucky than with eastern Virginia.
- Some countries base representation on ethnicity, race, gender, or religious beliefs rather than geography. Would you support such a system of representation in the United States? Why or why not?
- Because members of Congress are elected from single-member districts, minorities of whatever kind within a district—racial, ethnic, ideological—might be left unrepresented. Many Western nations have multi-member districts in which different representatives are elected to serve the interests of different groups within the districts. This is called proportional representation. What might be the advantages and disadvantages of having such a system in the United States?

## How Do Members of Congress Serve Their Constituents?

Members of Congress rely on their constituents to elect and reelect them. It is not sufficient for representatives merely to be perceived as honest, public-spirited individuals committed to enacting good legislation and effectively checking the exercise of executive and judicial powers. Communication and action are essential. Members of Congress use three basic strategies for maintaining positive connections with their constituents.

### COMMUNICATIONS

Members of Congress and their staffs actively communicate with constituents through letters, newsletters, media appearances, websites, blogs, town hall meetings, and other personal appearances in their districts.

### CASEWORK

Every member of Congress employs staff members in Washington, D.C., and in local offices. These staffers' job, known as casework, is to help constituents solve problems that the constituents have encountered with the national government. They also respond to constituents who want personal favors. Constituents often seek help in dealing with agencies, such as the Internal Revenue Service or the Social Security Administration. Requested favors range from arranging tours of government offices to setting up meetings with government officials. At election time a constituent who has benefited from casework or a personal favor is likely to have a positive view of the representative even if they disagree with the representative's stand on particular issues.

### SERVING CONSTITUENTS' INTERESTS AND CONCERNS

Members of Congress also create close ties to their constituents by introducing legislation and sponsoring amendments to legislation that serve constituents' interests and by working to have federal projects located in their district or state. Representatives who are

successful in sponsoring legislation that serves constituents' interests—including securing economic benefits for their states or districts in the form of highway projects, dams, military installations, research facilities, or other public projects—are more likely to be viewed favorably by their constituents than those who do not.

## Conclusion

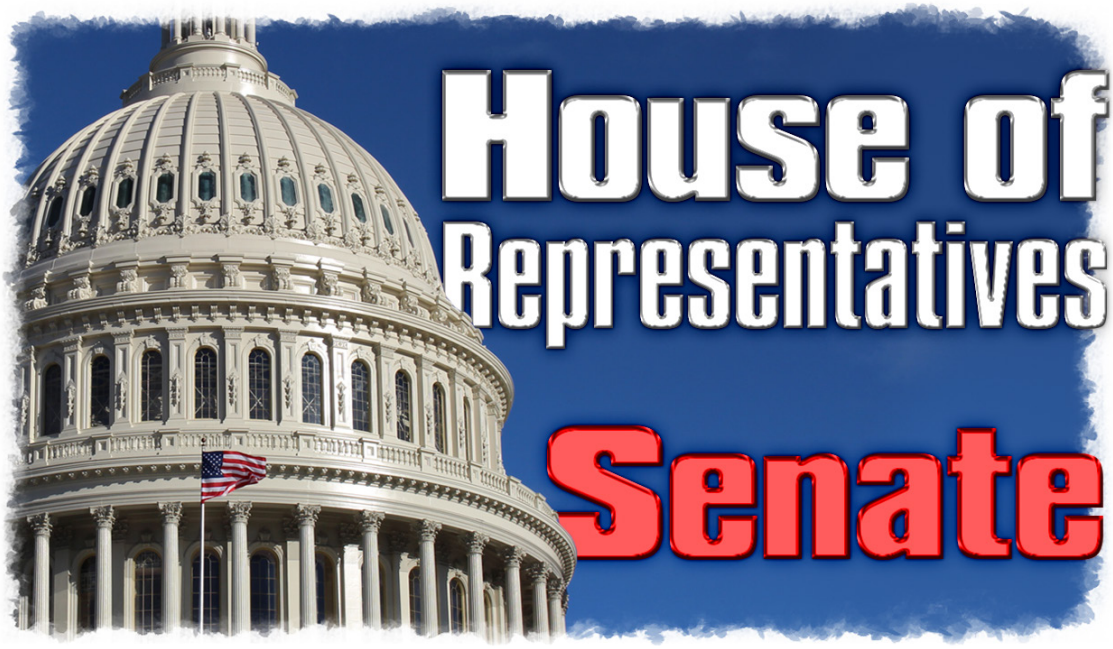
In this lesson, you learned about the historical foundations of Congress. Congress has powers to make laws and to control how federal money is spent. It is also the branch of government most directly accountable to citizens. In the next lesson, you'll learn more about how Congress performs its duties.

## Lesson Check-up



- **In what ways does the U.S. Congress differ from the British Parliament?**
- **How would you explain the following terms? Enumerated powers; implied powers; enforcement powers; inherent powers.**
- **Why has the creation of congressional districts been controversial throughout American history? Why did the "one person, one vote" rule fail to end the controversy?**
- **Describe ways that members of Congress try to maintain positive connections with their constituents.**
- **Find and examine your representative's and senators' websites. What can you learn about your members of Congress from the information presented there? Is there an interactive feature on the website that enables you to convey your views to the legislator? What additional information would you like to have found on the site?**

# Congressional Powers




## Key words

- bill
- cloture
- filibuster
- impeachment
- lobbying
- pocket veto
- power to investigate
- seniority

## What You Will Learn to Do

Explain how Congress functions to make laws and conduct investigations

## 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

- **Describe** the role of rules, committees, and political parties in the organization and operation of Congress
- **Describe** the process through which proposed legislation becomes law



## Essential Question

**How does Congress perform its functions in the American constitutional system?**

## Learning Objectives (cont'd)

- **Identify** the primary sources on which members of Congress rely for information in the lawmaking process and to explain the importance of Congress' inherent power to investigate
- **Explain** why compromise is required in the deliberative process
- **Evaluate**, take, and defend positions on how Congress functions and whether it should streamline its procedures
- **Define** key words: bill, cloture, filibuster, impeachment, lobbying, pocket veto, power to investigate, seniority

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## Introduction

The United States Congress is one of the few national assemblies in the world with the power to initiate legislation rather than simply vote on **bill**s proposed by the executive. Congress also conducts important investigations that can lead to changes in public policy and even the removal of federal judges and the president. From its earliest days Congress has relied on rules and leadership structures to facilitate its work. Today, with 535 members, Congress faces a variety of organizational challenges in its effort to represent growing and diverse constituencies.

## Key words

**bill:**
Proposed law placed before a legislature for approval

## How Do Committees and Rules Help Congress Do Its Work?

The Constitution says little about how the House or the Senate should function. Article I, Section 5, states only that each chamber "may determine the Rules of its Proceedings." The first Congress (1789–1791) set a precedent that is followed to this day by creating committees and adopting rules that govern how each house functions.

## COMMITTEES

Both the House and the Senate have standing, or permanent, committees. Each committee, such as the House Agriculture Committee or the Senate Appropriations Committee, has jurisdiction over particular subjects and appoints subcommittees to examine proposals within specific areas. In committees and subcommittees, proposals can be examined carefully, and various perspectives heard. It is common for these committees and subcommittees to hold public hearings to receive testimony from individuals and groups on matters of interest to them. Oversight hearings also may be held during which members of administrative agencies may be called on to testify regarding how they carry out laws enacted by Congress. In these committees and subcommittees, the careful, deliberative work of Congress occurs. Committee assignments shape members' careers within Congress, enable them to serve their constituents' interests, and sometimes provide them national prominence.

Both chambers also use select committees and task forces, which usually have specific assignments and exist for a limited time. For example, a select committee was created to review James Madison's proposal for a Bill of Rights during the first session of Congress because members feared that using the regular committee process might take too long. Individual members of committees, such as the Senate Foreign Relations Committee, conduct personal investigations and make on-site visits related to their committee assignments.



How can congressional committee hearings check the powers of the executive branch?

*Figure 5.22.1*

## RULES

House rules, which are adopted by each Congress, specify the size of committees. House rules also specify the jurisdiction of committees. That is, they specify the kinds of draft proposals for legislation, known as bills, such as education, energy, or defense bills, that should be handled by each committee.

House rules also place limits on the number of members on committees and subcommittees, how many committees a member can serve on, and term limits for the chairpersons of the committees. House rules also govern the form and structure of debates on the floor of the House. For important bills the Rules Committee of the House, which is controlled by the majority party, creates "special rules." Committees also make rules that specify committee procedures, such as the order in which members ask witnesses questions at hearings, how

long each member may ask questions, how proposals are amended or "marked up" in committee, and the form in which bills are reported from committees.

The Senate also operates according to rules, but the rules are treated more informally in the Senate than in the House. Traditionally, members of the Senate have been more independent than members of the House, perhaps because senators originally were regarded as "ambassadors" from their states. A single senator can use the **filibuster**, a practice of refusing to surrender the floor during a debate, to prevent a vote. In 1917, the Senate adopted a rule to limit debate with the approval of two-thirds of its members, later changed to three-fifths, known as a **cloture** vote, and thus bring a proposal to a vote by the full Senate. Senators also have the opportunity to amend bills on the floor. In 2013, the Senate modified its procedures to allow for cloture for judicial nominees, other than Supreme Court nominees, by a simple majority vote.

Political parties also have organizations and leaders within Congress whose job is to encourage members to adhere to party policies and platforms. Party control traditionally has been stronger in the House than in the Senate. Under political party control, committee chairs are appointed not only according to **seniority**, or length of service, but also on the basis of party loyalty. At this time, chairs of committees are limited to three two-year terms.

## Key words

**filibuster:**
The practice of refusing to surrender the floor during a debate to prevent the Senate from voting on a proposal

**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

**seniority:**
Length of service

## Content Highlight:

### WHAT DO YOU THINK?

1. Throughout American history deliberative bodies have used committees to facilitate their work. How does the use of committees in Congress promote or undermine the principles of representation, majority rule, and limited government?
2. What principles and values do rules and strict adherence to them serve in a representative deliberative body such as the United States Congress?

## Who Leads the House and Senate?

The Constitution states that members of the House "shall choose their Speaker and other Officers." The House selects one of its own members to be Speaker. Leadership in the House has taken essentially three forms: strong institutional speaker, committee chairs, and political party control.

### STRONG INSTITUTIONAL SPEAKER

At many times in America's history the Speaker of the House has been one of the most powerful political figures in the country and has wielded tight control over the organization and the legislative agenda of that chamber. Speakers typically control committee appointments and chair the powerful Rules Committee, called the "traffic cop" of the House

because it decides which bills will come to the floor and what the rules of debate will be. In the1890s, Speaker Thomas B. Reed was so powerful that he was known as "Czar Reed."

### DECENTRALIZED COMMITTEE LEADERSHIP

Sometimes leadership in the House has been decentralized. In the early twentieth century, for example, members of the House rebelled against the Speaker's centralized leadership by placing power in the hands of committee chairs. During periods of decentralized leadership, committee chairs frequently are selected on the basis of seniority. Powerful committee chairs often compete with one another to control the legislative agenda.

### POLITICAL PARTY CONTROL

A third model of House leadership is a strong Speaker who represents the majority party more than the institution as a whole. For example, in the 1990s, Republican Speaker Newt Gingrich championed his party's "Contract with America," an agenda to reform many aspects of American national government. Committee chairs were appointed on the basis of party loyalty rather than seniority.



Which government official is third in line of succession for the office of the president?

*Figure 5.22.2*

Leadership in the Senate always has differed from leadership in the House. The Constitution provides that the "Vice President of the United States shall be President of the Senate." However, the vice president is not a member of the Senate and often is not a member of the majority party in the Senate. (Recall that since the adoption of the Twelfth Amendment in 1804 the vice president always has been a member of the same political party as the president.) As Senate president, the vice president's only real power is to cast tie-breaking votes. In the absence of a constitutionally recognized leader, senators have elected majority and minority party leaders to guide their operations. However, leadership in the Senate never has been as formal as in the House, largely because of the tradition of individual independence in that chamber.

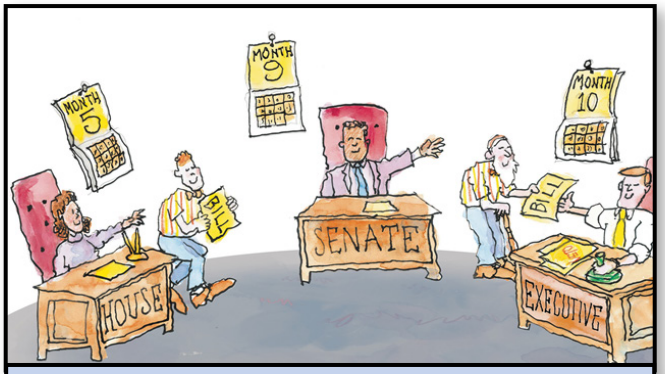
## What Roles Do Majority Rule and Compromise Play in Congressional Deliberations?

Enacting a law is one of the most complicated processes in American politics. Only about one in ten proposals survives and rarely without significant changes. The process begins when a member, either alone or with cosponsors, introduces a proposal for a law. Most proposals take the forms of bills, but they also can be resolutions. A simple resolution addresses procedural rules or expresses sentiments in each chamber. A joint resolution, introduced in both chambers at the same time, is a device for proposing constitutional amendments or other matters. If signed by the president or passed over the veto, a joint resolution has the force of law. A concurrent resolution usually expresses the "sentiment" of Congress but is not law. However, since the 1974 Congressional Budget Act, a concurrent resolution has bound Congress to budget limitations.

A bill can be introduced into either or both chambers. However, the Constitution requires revenue bills, which raise money, to originate in the House. When a bill or a joint resolution is introduced, it is assigned a number (with the prefix H in the House and S in the Senate). In general terms, the process then unfolds as follows.

## COMMITTEE ASSIGNMENT

All bills are assigned to at least one committee. The committee chair usually refers bills to subcommittees. Most bills are subjected to rigorous scrutiny, and their sponsors must agree to compromise in the form of amendments.




Why do you suppose the Constitution requires that revenue bills originate in the House of Representatives?

*Figure 5.22.3*

## HEARINGS

Once a bill has been assigned, the committee schedules a hearing, which usually is open to the public and often announced in the media and other forums. People such as representatives of interest groups and outside experts may present testimony. Testimony also may be presented by governmental organizations that support the legislative branch, such as the Congressional Budget Office, the Congressional Research Service, and the Government Accountability Office.

## DELIBERATIONS

If a committee wants to try to get a bill enacted into law, it will schedule what are called "mark-up" sessions in which committee members review the bill, modify it as they wish, approve of their final version, and then recommend the bill to the full House or Senate for approval. Bills developed by subcommittees are referred to full committees for approval before being submitted to the full House or Senate. Committee chairs determine whether the full committee will consider bills reported out of a subcommittee. During committee or subcommittee deliberations, amendments to bills can be offered and debated. If a bill is assigned to more than one committee and is defeated or significantly amended in at least one, then it is not likely to survive.

## REPORT

If the bill wins a favorable committee vote, then it is reported to the full chamber either in its original form or with recommended amendments. The written report that accompanies the bill explains why the committee acted as it did. Committee reports always are made available to the public.

## FLOOR VOTE

When a bill is reported out of committee, it is placed on a calendar for consideration and a vote by the full House or Senate.

## REFERRAL TO THE OTHER CHAMBER

Bills or resolutions passed by one chamber must be sent to the other chamber, and the process begins again. The other chamber may defeat proposals, amend them, or approve them without amendment.

## CONFERENCE COMMITTEE

Few bills that survive in one chamber emerge from the other chamber without being amended. When Senate and House versions of a bill differ, a conference committee,

composed of members of both chambers, usually is appointed to try to reach a compromise. If the conference committee reaches agreement, then it issues a conference report that is submitted to both chambers for a vote. A conference report may not be amended, although it may be the subject of a filibuster in the Senate.

### REFERRAL TO THE PRESIDENT

Bills approved by both chambers are sent to the president. If the president signs a bill, then it becomes law. If the president vetoes the bill, it will become law only if it is passed again by a two-thirds majority of those present and voting of each chamber. If the president does not sign within ten days and Congress adjourns, the bill is dead. This last action is known as a **pocket veto**.

A bill must win majority support at every stage of the process. It is not enough to win a majority vote just once. The bill also must be acceptable to those who manage the process, including party leaders. Members of Congress who sponsor bills must be persistent and willing to compromise if they are to build winning coalitions at each stage.

By the time a proposal becomes a law, many groups and individuals with different interests and perspectives usually have scrutinized and debated it. The lawmaking process demonstrates America's system of representative government, limited government, and checks and balances at work.

**Key words**

**pocket veto:**
A presidential practice that allows a bill to die if not signed within ten days and Congress is adjourned

## What Role Has Congress Played in Promoting the Protection of Individual Rights?

Attention to landmark cases in which Supreme Court decisions have resulted in the protection of the rights of minorities often has overshadowed the role of Congress and the active engagement of citizens in the political process. *Brown v. Board of Education* is an example of such a case.

Congress drafted the Bill of Rights and all the subsequent amendments that protect individual rights and extend rights to those deprived of them in the past. Congress also has passed landmark legislation that not only has given support to these amendments but also has established rights not explicitly contained in the amendments. The results have been significant changes in American life. Landmark legislation significantly changes public policy or the relationship between the national government and the states. Another example is the National Labor Relations Act of 1935 that protects the rights of workers to form and join labor unions. When the amendments to the Constitution have not been sufficient to protect individual rights, Congress has passed facilitating legislation. In the area of civil rights, for example, Congress passed the Civil Rights Acts of 1866, 1871, 1875, 1957, 1960, 1964, 1968, and 1991.

The passage of such legislation is a result of using democratic political processes made possible by our Constitution. Members of government have used these processes, as have private citizens, many affiliated with interest groups and movements. The abolition movement and the woman suffrage movement are examples.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining the Role of Congress in Promoting the Protection of Individual Rights**

Work in groups. Each group should select one piece of landmark legislation from the list below and research what rights the legislation was designed to protect and how Congress and interest groups used the political process to pass the legislation. Each group should then develop answers to the questions that follow and prepare a short presentation for the class.

- Civil Rights Act (1866)
- National Labor Relations Act (1935)
- Servicemen's Readjustment Act (G.I. Bill) (1944)
- Civil Rights Act (1964)
- Voting Rights Act (1965)
- Freedom of Information Act (1966)
- Indian Civil Rights Act (1968)
- Pregnancy Disability Act (1978)
- Americans with Disabilities Act (1990)
- Homeland Security Act (2002)

1. What historical circumstances led to the legislation?
2. What are the major provisions of the legislation?
3. What rights does the legislation promote or protect?
4. How does the legislation reflect a major shift in American public policy?
5. How has the legislation changed the course of private and public action?
6. How was the political process used to pass this legislation?
7. Was this legislation initiated by one or more members of Congress? If so, who were they and why did they initiate the legislation?
8. Was this legislation the result of members of Congress working cooperatively with interest groups? If so, what were the groups and how did they help get the legislation passed?
9. Was this legislation the result of members of Congress being pressured by other members or by interest groups? If so, who applied the pressure and what methods did they use?
10. Was this legislation the result of pressure put on Congress by an administration supported by coalitions of civil rights organizations and activists? What other factors contributed to the passage of the legislation?

## Where Do Members of Congress Get Ideas for Legislation and Information in Deciding Which Bills to Support?

Members of Congress often initiate legislation based on campaign promises to constituents, responses to problems or crises, or their own analysis of what laws are needed. They also introduce legislation at the request of others and must decide whether to support bills that are submitted by others. The Library of Congress through its

Congressional Research Service frequently assists Congress by providing information and analyzing issues. The Congressional Budget Office will provide an analysis of the budget for a bill and its projected costs. In addition, information and requests for legislation often come from the executive branch, constituents, and interest groups.

## THE EXECUTIVE BRANCH

Article II, Section 3, instructs the president to give Congress information on the "State of the Union" and to "recommend to their Consideration such Measures as he shall judge necessary and expedient." The president delivers an annual State of the Union address to Congress that outlines the president's legislative agenda, among other things. This agenda can include creating, consolidating, or eliminating departments or agencies. Members of the president's party in Congress usually sponsor the president's legislative proposals.

Executive departments and agencies are another regular source of legislative proposals. Most proposals from the executive branch are aimed at improving the functions of the departments or agencies that Congress already has created. These proposals usually are carefully crafted and ready for a member of Congress to introduce.

## CONSTITUENTS

Many of those who live in a representative's district or a senator's state communicate with their elected officials, recommending the enactment of new laws or the repeal of existing laws. Constituents make telephone calls, respond to public opinion polls, send faxes and email, write personal letters, participate in letter-writing campaigns, and use blogs to inform their elected representatives and to persuade them about the need for particular legislation. Sometimes constituents ask their representative to introduce special legislation to address an individual problem or situation.

## INTEREST GROUPS

Thousands of individuals and groups seek to influence members of Congress and legislation through **lobbying**, the practice of trying to affect legislation on behalf of organizations, industries, or interest groups through contact with legislators. Groups that participate in lobbying include businesses, civic organizations, professional associations, and nongovernmental organizations. The Lobbying Disclosure Act of 1995 requires some lobbyists to disclose the interests they represent, the issues in which they are interested, and how much they spend annually. The act does not limit the amount of lobbying in which any individual or group may engage. The activity of lobbying reflects the First Amendment rights to speak, assemble, and petition. Certain personal traits and qualities set apart the most an effective lobbyist, whether individuals or groups.

Key words

**lobbying:**
The practice of attempting to affect legislation by influencing legislators

### Well Informed

Members of Congress must be able to rely on the information they receive from lobbyists. Information must be able to withstand scrutiny, and it must be timely.

### Knowledgeable

Lobbyists need to know not only their own issues but also the intricacies of the legislative process, key players, and which groups support and oppose particular proposals.

### Organized

Interest groups must convey a consistent message and must be persistent. They must be able to explain how an issue affects their members and clients. And they must use various forms of communication effectively, including personal contact with members of Congress.



How did disabled Americans use the political process to encourage the creation of the Americans with Disabilities Act of 1990?

*Figure 5.22.4*

### Cooperative

Successful interest groups, like members of Congress, must be able to build coalitions with other interest groups in the search for workable majorities.

## How Does Congress Use Its Power to Investigate?

Legislative bodies have claimed the **power to investigate** since at least the seventeenth century. Congress has conducted hundreds of investigations since 1792. The purposes of investigations include the following:

- Finding facts on which to base legislation
- Discovering or influencing public opinion
- Overseeing administrative agencies
- Probing into questionable activities of public officials
- Securing partisan political gain

Congress began making full use of its inherent power to investigate only in the twentieth century. For example, a congressional investigation into labor practices in the 1930s resulted in federal labor legislation. Standing congressional committees most often conduct investigations. Recently, however, Congress has made greater use of special investigative commissions, such as to examine the explosion of the Challenger space shuttle in 1986 and the terrorist attacks on the United States in 2001. Today, Congress' investigations rival its lawmaking powers and have helped Congress maintain its power in relation to the executive branch.

Congress uses its power to investigate as part of its power to impeach, or to put federal officials on trial. Any member of the House may initiate **impeachment** proceedings by introducing a resolution. The type of resolution determines which committee will investigate the charges.

### Key words

**power to investigate:** The power of Congress to undertake formal inquiries into matters of public business and public policy

**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

For example, a resolution calling for the impeachment of a federal judge will be referred to the Judiciary Committee. If the committee finds that there are grounds for impeachment, then it reports "articles of impeachment"—accusations of misconduct—to the full House for debate.

If a majority of those present and voting agree on impeachment, then the matter is sent to the Senate for a trial. Conviction requires a two-thirds majority vote. If the person convicted is an executive officer, then removal from office is automatic. The House does not often use its impeachment power. Only seventeen national officers have been impeached:

- Presidents Andrew Johnson (1868) and Bill Clinton (1998) (both acquitted)
- Secretary of War William Belknap (1876) (acquitted after resignation)
- Senator William Blount (1799) (charges dismissed after expelled from Senate)
- Thirteen federal judges (seven found guilty, four acquitted, two resigned), including Supreme Court Justice Samuel Chase (1805) (acquitted)

The threat of impeachment alone can be powerful. President Richard Nixon (in office, 1969–1974) and Supreme Court Justice Abe Fortas (in office, 1965–1969), as examples, each resigned when it appeared that they would be impeached.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Restoring Congressional Power**

Congress is the lynchpin of the American constitutional system. However, several scholars and even former members of Congress believe that it is now a "broken branch." Among other things, they criticize members of Congress for not effectively using the power to investigate, for ceding power to the executive, and for using the institution for personal advancement rather than promotion of the common good. Work in small groups to respond to the following questions. Then share your responses with other groups.

1. What organizational changes might make Congress work more effectively?
2. How might Congress' procedures for reviewing, debating, and acting upon proposed legislation be made more efficient? What values would be served or not served by making Congressional procedures more efficient?
3. How could Congress make the most effective use of its power to investigate?

## Conclusion

Members of Congress have a crucial job in our government. They propose laws and conduct investigations. In this lesson, you learned that Congress has been the source of many landmark laws that have led to significant changes in American life. You also saw that Congress has taken actions to protect individual rights when the courts failed to do so. In recent years, Congress has been stymied by partisan-ship, low approval ratings from constituents, and expanding presidential powers. This has led to challenges in congressional effectiveness.

## Lesson Check-up



- **How do committees, rules, and political parties help Congress organize to do its work?**
- **What values are served by using seniority to determine committee leadership positions in Congress? What values are served by using party loyalty to determine leadership positions? Is one method more consistent with constitutional ideals? Why?**
- **Describe the responsibilities of the House, the Senate, and the president in the law-making process.**
- **Explain the roles of interest groups in making laws.**
- **How, if at all, does the complex system of separated powers and checks and balances inhibit majority rule? Explain your position.**
- **How does landmark legislation differ from ordinary legislation?**
- **Congress uses its power to investigate to assess blame for government acts in the past and to acquire information to help it enact laws. Is one use of the power to investigate more justifiable than the other? Why or why not?**
- **Research the committees on which your congressional representatives serve. How do those committees address the interests and concerns of your district or state and the nation as a whole?**

LESSON 23

# Presidential Powers



## What You Will Learn to Do

Analyze traditional and modern presidential powers

## 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 president's constitutional responsibilities and how the Executive Office of the President has evolved
- **Identify** various constitutional and political checks on the president's power
- **Explain** fundamental differences between the office of prime minister in a parliamentary system and the American presidency

## Key words

- **commander in chief**
- **executive order**
- **executive power**

## Essential Question

**What is the role of the President in the American Constitutional system?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on issues involving the exercise of Presidential power and the relationship between the President and the other branches of government
- **Define** key words: commander in chief, executive order, executive power

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## Introduction

The president of the United States is among the most powerful political figures in the world. In the international realm, the president speaks for the country and is the symbol of America. At home, the president suggests the policy agenda for Congress and is the leader of their political party. Americans look to the president for leadership, while at the same time fearing the concentration of political power in the executive branch. This lesson examines sources of presidential power and ways that checks and balances limit presidential power.

## What Are the President's Constitutional Responsibilities?

Article II of the Constitution places "the **executive power**," the powers of the executive branch of government, on the president of the United States. Unlike Article I, which gives Congress those powers "herein granted," Article II does not define executive power. The Constitution lists some of the president's powers, but those listed have never been thought to be the president's only powers. The listed powers include the following:

- Commanding the Army and Navy as **commander in chief**
- Heading the executive department (cabinet and executive departments)

## Key words

**executive power:** The authority to carry out and enforce the law

**commander in chief:** The highest ranked person of the military forces

*Presidential powers (cont'd):*

- Granting reprieves, or postponement of punishment, and pardons
- Making treaties, subject to the advice and consent of the Senate
- Nominating ambassadors, public ministers, consuls, and judges of the Supreme Court and other federal courts
- Recommending legislation to Congress
- Reviewing legislation passed by Congress and returning bills to which the president objects
- Receiving ambassadors and other public ministers (chief diplomat)

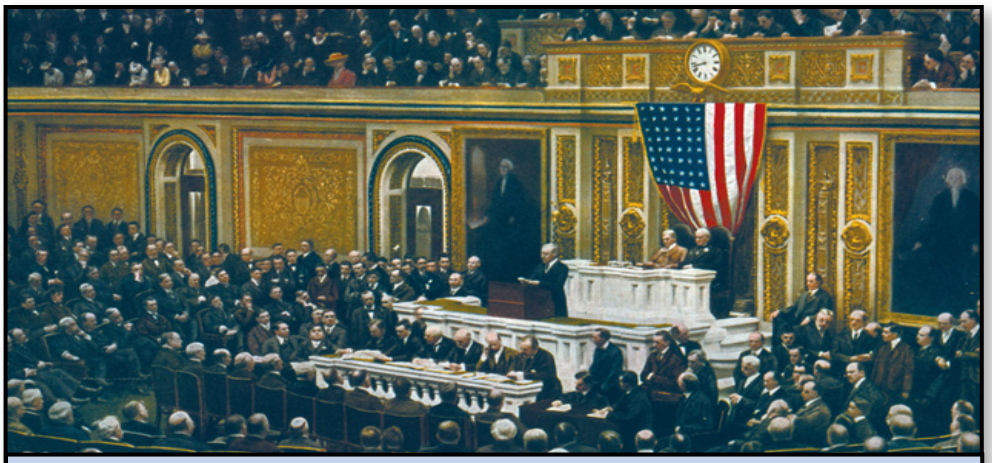
The Constitution further directs the president to "take care that the laws be faithfully executed." It also requires the president to take an oath that includes a promise to "faithfully execute the Executive Office of the President" and "preserve, protect, and defend the Constitution of the United States."

Presidents have asserted many reasons to justify a broad definition of executive powers, particularly in times of national emergency, such as the Great Depression, and war. The Constitution has proven flexible enough to adapt to changing understandings of presidential power.

## Content Highlight:

### WHAT DO YOU THINK?

1. Article II, Section 1, gives the president "executive power" but does not define what that power is. What other provisions of Article II give an indication of what the Framers meant by executive power?
2. What additional insights into the nature of executive power are provided in Article I?



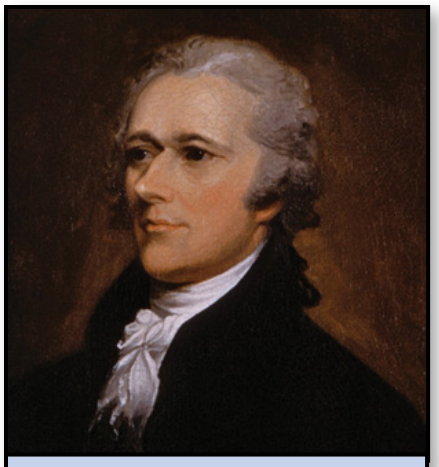
What are the president's most important responsibilities?

*President Woodrow Wilson had urged the United States to remain neutral during the First World War, which started in 1914. However, in 1917 German submarines attacked American merchant ships and Germany urged Mexico to join the war against the United States. President Wilson then asked Congress to declare war to "make the world safe for democracy." Congress declared war four days after his speech.*

*Figure 5.23.1*

## How Did the Framers Envision the Presidency?

The Framers envisioned the president as an official above partisan politics, that is, a person not devoted to a particular political party. Publius explained in Federalist 68 that they wanted the president to be a person who had earned the esteem and confidence of the entire nation, with a character "preeminent for ability and virtue." They designed the Electoral College to identify people of such character. There was no expectation that candidates would campaign for the office. The Framers thought that the president should remain above partisan politics. But their expectations were unmet even during President Washington's administration, when factions arose that led to the development of political parties.



What did Alexander Hamilton and other Framers fear about a "feeble executive"?

*Figure 5.23.2*

The Framers did not want the president to have the powers of a monarch. But they did want the president to be "energetic," a quality they contrasted with legislative "deliberation." "Energy" refers to the capacity of one person to act efficiently and vigorously on behalf of the nation. The Framers feared what they called a "feeble executive." As Alexander Hamilton argued in Federalist 70, "A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

## How Has the Presidency Evolved?

Occupants of the Executive Office of the President have varied in stature and achievements. Some have been undeniably great, others have been mediocre, and still others are regarded as failures. The precedents for the modern Presidency are the powerful figures who took a broad view of their authority under the Constitution.

Early examples of powerful presidents are our first and third presidents, George Washington and Thomas Jefferson. However, some scholars trace the rise of the powerful modern presidency to Andrew Jackson. Before Jackson, presidents used the veto power sparingly to aid Congress in the performance of its deliberative functions. They returned bills to Congress for "reconsideration," or further reflection. Jackson used the power differently. He vetoed the recharter of the Second Bank of the United States. In the resulting battle between the president and Congress, Jackson appealed directly to the public to support his position on the bank. During his two terms in office, President Jackson used the veto twelve times, more than all his predecessors




What do you suppose President Andrew Jackson wanted the people to do when he appealed to them to support his position on the bank?
*Andrew Jackson is shown in this 1833 political cartoon as a despotic king trampling on the Constitution. The artist is criticizing Jackson's veto of a bill to recharter the Bank of the United States.*

*Figure 5.23.3*

combined. He used it not only against bills that he considered unconstitutional but also against those he viewed as bad policy.

Abraham Lincoln contributed significantly to the growth of the office, even though he rarely used the veto power. Confronted with the Civil War, Lincoln asserted unprecedented, unilateral executive power. He justified actions such as imposing a blockade on Southern ports, suspending the writ of habeas corpus, nationalizing the militia, and expanding the size of the Army and the Navy as exercises of what he called an "inherent executive power" in times of emergency. Congress ultimately authorized most of Lincoln's actions.

Theodore Roosevelt and Woodrow Wilson also helped transform the presidency into the powerful institution it is today. Roosevelt used the office as a "bully pulpit" to shape public opinion and frame debates on domestic legislation that he proposed to Congress. A bully pulpit is a position of visibility and influence, often a political office, from which to advocate a particular point of view. The word bully, in this case, means "very good" or "excellent." Wilson similarly carried issues directly to the public, notably in his unsuccessful fight for America's entry into the League of Nations after World War I.

The most influential president in the twentieth century was Franklin D. Roosevelt. Roosevelt was elected during the Great Depression and served until nearly the end of World War II. He used both crises to consolidate presidential power. At home, Roosevelt took direct control of the policy process, submitting a wide range of reforms to Congress as part of his New Deal. These included Social Security, employment programs, and extensive reforms of executive agencies. As commander in chief during World War II, Roosevelt helped to establish America's preeminence in the international arena. He also was the first president to make extensive use of public opinion polls, which informed him about how Americans were responding to his proposals. He talked directly to the people through radio "fireside chats," using a conversational, personal style to establish trust and confidence.

Roosevelt left a lasting impact on the presidency. Some presidents since Roosevelt have agreed with Roosevelt's domestic policies. Others have sought to dismantle them. However, all effective presidents have relied on strategies that Roosevelt used to bolster presidential power. Ronald Reagan, for example, established himself as the Great Communicator, whereas John F. Kennedy and Bill Clinton used their personal charisma to win political allies and to persuade the American people to support their policies.




How did President Franklin D. Roosevelt use the radio to provide a civics lesson for all Americans?

*Figure 5.23.4*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining Presidential Qualifications**

The Constitution lists three formal requirements for the Executive Office of the President: natural born citizen, resident of the United States for fourteen years, and at least thirty-five years of age. Work in small groups to make a list of the informal qualifications that you think a president should possess. For example, should a president be well educated? Have previous government or military experience? Be charismatic, articulate, and personable? Why? Compare your list with the lists prepared by other groups. Are there informal qualifications that appear on everyone's list? How does your list compare with the qualifications the Founders believed were important?

## What is the President's Role in Foreign Policy?

Article II grants four powers that, taken together, establish the president as the nation's leader in foreign policy. Congress also has enormous powers over foreign policy because it establishes and collects taxes, declares war, pledges the credit of the United States, and regulates foreign commerce. Congress also funds the Armed Forces, makes rules governing them—the Uniform Code of Military Justice—and makes rules related to "Captures on Land and Water," as contained in Article I, Section 8, of the Constitution. However, Congress' role is largely one of reacting to the president. The president's powers in foreign relations include the following.

### COMMANDING THE ARMED FORCES

The nation's military power can be used both to protect the nation from hostile powers and as a threat to help persuade other countries to comply with America's policies. Congress has declared war only five times. However, every president after Roosevelt has used the commander in chief's power to send American troops to countries abroad—including Korea, Vietnam, Lebanon, Grenada, Kuwait, Somalia, Kosovo, Afghanistan, Iraq, Libya, Pakistan, and Syria—without declarations of war.



What is the president's role in shaping foreign policy?

*Figure 5.23.5*

### MAKING TREATIES

Treaties are agreements with other nations and international organizations. They can address matters ranging from economics to defense. The president has sole authority to negotiate and make treaties on behalf of the United States. However, the treaties must be approved by a two-thirds vote of the Senate. In 1949, for example, President Harry Truman made the United States one of the founding members of the North Atlantic Treaty Organization, a military alliance. The Senate approved. But other treaties, notably the Treaty of Versailles after World War I, have not been ratified.

## APPOINTING AMBASSADORS AND CONSULS

The president decides who represents the United States within other countries. The president's appointees, who must be approved by a majority vote in the Senate, help to shape the image of the United States overseas and to advise on foreign policy, including monetary assistance to other countries, or foreign aid.

## RECEIVING AMBASSADORS AND OTHER PUBLIC MINISTERS

President Thomas Jefferson helped to establish the principle that this provision of the Constitution means that the president is "the only channel of communication between the United States and foreign nations." The right to receive ambassadors and other public ministers from abroad includes the right not to recognize them. Withholding recognition can be used as a policy tool. For example, in 1913 President Woodrow Wilson's refusal to recognize the provisional government of Mexico contributed to the downfall of that government.

# How Do the President's Powers Expand in War and Emergency?



In what ways can Congress check the powers of presidents in foreign policy?

*Figure 5.23.6*

During wars and emergencies, presidents commonly exercise powers not granted by the Constitution. President Grover Cleveland deployed federal troops without congressional authorization in 1894 to put down a strike among Pullman train car workers. President Franklin Roosevelt transferred destroyers to Great Britain in 1940, a year before the United States entered World War II. And President Truman ordered the secretary of commerce to operate the nation's steel mills during a strike to ensure an adequate supply of steel during the Korean War.

On occasion Congress and the Supreme Court have tried to rein in the president. In 1952, the Supreme Court held that President Truman had exceeded his authority in seizing the steel mills. In the 1970s, Congress also debated withdrawing funding for the Vietnam War as the war continued to lose public support. In 2006, the Court held that President George W. Bush's creation of special military commissions to try alleged terrorists violated the Uniform Code of Military Justice passed by Congress in 1950 and the 1949 Geneva Convention, an international treaty that the United States had signed. These examples aside, during wars and national emergencies both Congress and the Court tend to defer to the president.

# How and Why Has Presidential Power Expanded Historically?

It sometimes is argued that the two-plus centuries of American experience have been characterized by a general drift of authority and responsibility toward the executive branch. In fact, the preponderance of power has flowed over time from one branch to another. During most of the nineteenth century Congress predominated. In the twentieth

century as the role of the United States in world affairs grew, so did the formal and informal powers of the president. The administrations of Franklin Roosevelt, Lyndon B. Johnson, Richard Nixon, and George W. Bush were marked by increased assertions of presidential authority.



Are there any limits to the president's power to conduct military operations as commander in chief?
*President Barack Obama, Vice President Joe Biden, and members of the national security team receive an update on the mission against Osama bin Laden in the Situation Room of the White House on May 1, 2011.*

*Figure 5.23.7*

There are several reasons for the increase in the powers of the presidency. One reason is that Americans have always expected their chief executives to act vigorously and to address the nation's problems. Alexander Hamilton in Federalist 70 claimed, "Energy in the executive is a leading character in the definition of good government." Thomas Jefferson contended that circumstances "sometimes occur" when the president must assume authorities beyond the law when necessity or self-preservation require. Interestingly, however, public opinion polls taken since the 1930s reflect two unchanging popular attitudes toward the presidency. The first is that people want strong, activist presidents. The second is that people fear and distrust activist presidents. Americans want and expect the other two branches of government to act as checks and balances on the executive.

A second reason for the enlargement of executive authority is that the constitutional powers of the president are stated in broad terms. It is possible to interpret them in ways that have permitted an expansion of presidential influence.

A third reason for the growth of executive power is the president's role in recommending legislation to Congress (Article II, Section 3). The executive branch proposes most of the bills that Congress considers. Enforcing decisions of the Supreme Court and carrying out and enforcing laws enacted by Congress also have led to a more central role for the executive. Moreover, the executive has played an increasingly active role in the development of federal regulations. Federal regulations are rules created by executive agencies to elaborate the often-general laws passed by Congress to make them operational. They are printed in the Federal Register, a daily government publication of notices, rules, and

other information, and are open to public comment for thirty days before they are approved and become law. As such, they are an example of the shared power of lawmaking.

A fourth reason for the growth of executive authority is the use of **executive order**s. An executive order is a rule or regulation issued by the president. The use of executive orders by presidents has greatly increased in recent years as a result of the tendency of legislative bodies to leave the details of laws they pass to be filled in by the executive branch. All executive orders issued by the federal government must be published in the Federal Register. Some states have similar publications.

Finally, presidential and executive power has increased as the federal government has assumed responsibilities that formerly were seen as the responsibilities of individuals or of local and state governments. Examples of responsibilities shifted to the national government range from education to health care, transportation, and product safety.

## Key words

**executive order:** Directives issued by the president, including Presidential Directives, National Security Directives, and Homeland Security Presidential Directives



What factors have contributed to the growth of executive power in relation to the powers of Congress?

*Figure 5.23.8*

## How Are Presidential Powers Limited?

Despite the president's immense powers, the system of checks and balances limits presidents in a number of ways. For example, the Twenty-Second Amendment limits the president to two elected terms in office. This amendment was adopted after Franklin Roosevelt abandoned the tradition begun by George Washington of stepping down after two terms. Even though Roosevelt had been immensely popular, Americans feared a president who remained in power too long.

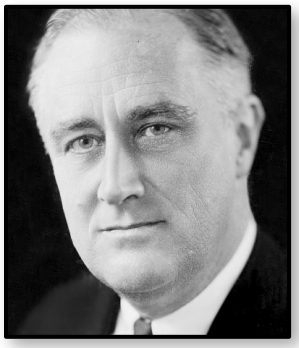


*Figure 5.23.9*

Congress can check the exercise of the president's power by doing the following:

- Rejecting the president's legislative agenda or modifying it in ways that make it unacceptable to the president. Examples include the rejection of Franklin Roosevelt's proposal to increase the number of justices on the Supreme Court and his plans to reorganize the executive branch.
- Asserting its constitutional authority. An example is the 1973 War Powers Resolution intended to reinforce the constitutional power of Congress to declare war. Among other things it requires the president to consult with Congress before initiating any foreign hostilities and regularly thereafter until American Armed Forces no longer are engaged in hostilities.
- Refusing to ratify treaties. For example, in 1996 Bill Clinton signed a comprehensive nuclear test ban treaty with 137 other nations. Ten years later the Senate had neither ratified nor held major hearings on it.
- Refusing to confirm presidential nominees to the judiciary or top administrative posts. Examples are the Senate's refusal to confirm Richard Nixon's nominations of G. Harrold Carswell and Clement Haynsworth to the Supreme Court and George H. W. Bush's nomination of John Tower to be secretary of the Department of Defense.
- Refusing to fund the president's programs. By cutting off or reducing funds, or by threatening to do so, Congress can abolish agencies, curtail programs, or obtain requested information. An example is the refusal of Congress to provide funding for emergency aid for Vietnam as requested by President Lyndon Johnson.
- Removing the president from office by impeaching, trying, and convicting him.

The Supreme Court also can check the exercise of presidential power. Examples include the following:

- ***Humphrey's Executor v. United States (1935).*** Congress must approve the president's decision to remove an official of an independent regulatory agency.
- ***United States v. Nixon (1974).*** The president is not entitled to automatic immunity from the legal process (reaffirmed in Clinton v. Jones, 1997).
- ***Train v. City of New York (1975).*** The president cannot refuse to spend money that Congress has appropriated unless Congress gives the president discretion to do so.

The executive branch itself can also limit the president, and will be discussed in the next lesson. Executive agencies and bureaus develop their own change resistant traditions and styles of performing their jobs. Career civil service employees—many of them experts in their fields—may resist the president's political priorities without fear of losing their jobs.

Finally, public opinion limits the exercise of presidential power. A president who lacks public support is handcuffed in his efforts to carry out his policy agendas at home and abroad. President Truman once lamented, "I sit here all day trying to persuade people to do the things they ought to have sense enough to do without my persuading them.... That's all the powers of the president amount to."



How did United States v. Nixon (1974) limit the power of the President?

*Figure 5.23.10*

## What Role Has the Executive Branch Played in Promoting the Protection of Individual Rights?

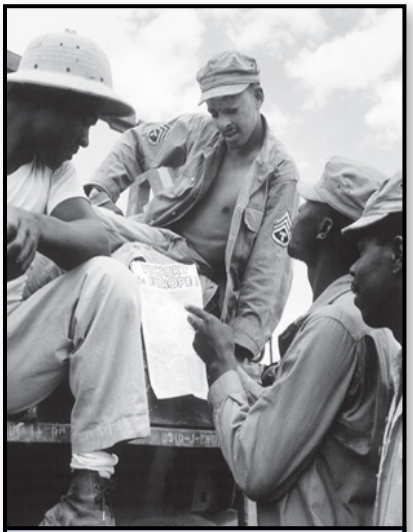
The actions of the executive branch in developing federal regulations and executive orders are subject to the same democratic political processes made possible by our Constitution. Private citizens and interest groups and movements have used these processes to influence executive branch decisions. The following exercise will give you an opportunity to examine a specific action of the executive branch that has played an important role in promoting the protection of individual rights.



What role did executive orders play in desegregating public school?



How did the Emancipation Proclamation affect the lives of slaves who lived in the South? What effect did it have on the Civil War?



What effect did the executive order to desegregate the armed forces have on American society?



What role should government play, if any, in ensuring that disabled people have access to public facilities?

*Figure 5.23.11*



# Content Enhancement:

## CRITICAL THINKING EXERCISE

**Examining the Role of the Executive Branch in Promoting the Protection of Individual Rights**

Listed below are some of the most important actions of the executive branch intended to protect individual rights. Work in groups of three to five Cadets. Each group should select one of the regulations or executive orders below and determine what rights it was designed to protect and how the political process was used to influence the actions of the government. Each group should answer the questions following the list and prepare a short presentation for the class.

- ***Emancipation Proclamation (1863).*** Freedom of slaves in territory of the Confederate States of America that did not return to Union control by January 1, 1863
- ***Executive Order 8802 (1941).*** Nondiscrimination in employment
- ***Executive Order 9981 (1948).*** Integration of the military
- ***Executive Order 10730 (1957).*** Integration of schools in Little Rock, Arkansas
- ***Executive Order 11246 (1965).*** Enforcement of affirmative action
- ***Philadelphia Plan (1969).*** Affirmative action in federal employment
- ***Code of Federal Regulations, Title 34 (C.F.R. 34) (2000).*** Implementation of parts of the Civil Rights Act of 1964 regarding nondiscrimination in education, as follows:
  - *Part 100.* Prohibits discrimination on the basis of race, color, or national origin
  - *Part 104.* Prohibits discrimination on the basis of disability
  - *Part 106.* Prohibits discrimination on the basis of sex
  - *Part 110.* Prohibits discrimination on the basis of age
- ***Code of Federal Regulations, Title 28, Part 35 (1991).*** Prohibits discrimination on the basis of disability

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1. What were the historical circumstances that led to the executive action?
2. What are the major provisions of the executive order or federal regulation?
3. What rights does the order or regulation promote or protect?
4. How does the order or regulation reflect a major shift in American public policy?
5. How has the order or regulation changed the course of private and public action?
6. How was the democratic political process used to influence the executive branch to issue this order or regulation?
7. Was this order or regulation a result of congressional action? If so, what were they and how did they help get the order or regulation enacted?
8. Was this order or regulation the result of the influence of civil interest groups? If so, what were they and how did they help get the order or regulation enacted?
9. What other factors contributed to the enactment of this order or regulation?

## How Does the American President Differ From a Prime Minister?




What is the meaning of the various symbols on the seal of the president of the United States?

*Figure 5.23.12*

What role should government play, if any, in ensuring that disabled people have access to public facilities?

In a parliamentary system, the majority party or coalition in parliament appoints the prime minister, the highest-ranking member of the executive branch of a parliamentary government. Cabinet ministers usually are the leading parliamentary figures in the majority party. In Britain, the prime minister must have served in parliament so that they come to the office of prime minister with extensive government experience. Legislative and executive powers are integrated in parliamentary systems. That integration is believed to make the government more efficient and better able to reflect the popular will. A prime minister who submits a list of measures to parliament can be confident that parliament will enact the proposals. However, if the prime minister loses the confidence of parliament, they can be removed immediately.

In the United States the legislative, executive, and judicial branches are not integrated. The country as a whole chooses the president. Congress usually has no say in who is elected, and the Constitution does not require a president to have any prior experience in national government. Neither must the majority in either the House or the Senate be of the same political party as the president. The Constitution does not require Congress to adopt legislation that the president proposes, approve treaties that the president negotiates, confirm the president's judicial or other nominees, or fund wars. The president's actions also are subject to review by the judiciary branch and may be declared unconstitutional. Unlike a prime minister, the president serves a fixed four-year term and does not lose office merely because of low public opinion or failure to persuade Congress to enact proposed legislation.

If the president of the United States has become the preeminent figure in domestic and international politics, it is because presidents have used their constitutional and discretionary powers to their advantage. Presidential power depends on the ability to persuade, to navigate through the complexities of separation of powers, to garner trust, and to shape public opinion. History also shows that the president's roles in foreign affairs and as commander in chief are great sources of power. However, as Lyndon Johnson discovered during the Vietnam War, if public opinion turns against the president's foreign policies, that president's power is in jeopardy. Finally, since the United States has become a world power, the president's standing in the eyes of the public and, in the words of the Declaration of Independence, in the "Opinions of Mankind," may enhance or detract from the international reputation of the nation.



How did public opinion during the Vietnam War affect the presidency of Lyndon Johnson?
*The Vietnam War was ended by Congress in June 1973 by the Case-Church Amendment, which prohibited further U.S. military activity in Vietnam, Laos, and Cambodia. To continue military activity in those countries the president would have had to ask Congress for approval in advance. At the time, Congress would not have granted such approval.*

*Figure 5.23.13*

## Content Highlight:

### WHAT DO YOU THINK?

1. Would you support a constitutional amendment to change the president's tenure in office from a fixed term to a vote-of-confidence system as in Great Britain? Why or why not?
2. Would you support a constitutional amendment to change the president's term of office to one six- or eight-year term? Why or why not?
3. What are the advantages and disadvantages of having the president chosen by the people rather than the legislature?
4. Should the president be required to appear before Congress from time to time to answer direct questions, as prime ministers are required to do in parliamentary systems? Why or why not?

## Conclusion

From presidents to prime ministers to dictators, the leaders of nations have a great deal of power. In this lesson, you saw how the power of American presidents has changed over time. The Framers wanted the person occupying the office to take initiative and provide strong leadership for the nation. But they also did not want the president to be too powerful. The courts and Congress are responsible for checking the president's powers. However, in times of crisis or war, presidents tend to expand their powers. Congress typically supports the president to end the crisis or defend our nation.

## Lesson Check-up



- **What factors explain the growth of presidential power during our nation's history?**
- **Has Congress relinquished too much power to the president? Explain your view.**
- **How is the system of checks and balances designed to limit the exercise of presidential power?**
- **How well does the system of checks and balances work? Why?**
- **How would you define a "feeble" executive? In what ways might a feeble executive be as dangerous as an overly "energetic" executive?**
- **What are the differences between a president and a Prime Minister?**

LESSON 24

# Administering National Laws




## Key words

- **bureaucracy**
- **cabinet**
- **civil service**
- **independent agencies**
- **quasi-judicial powers**
- **quasi-legislative powers**

## What You Will Learn to Do

Determine how federal departments and agencies administer laws

## 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 Congress creates administrative units, the circumstances that contribute to their creation, and the range of governmental functions that administrative units perform
- **Identify** some of the checks on the exercise of administrative power

## Essential Question

**How are national laws administered in the American constitutional system?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on public administration in the United States
- **Define** key words: bureaucracy, cabinet, civil service, independent agencies, quasi-judicial powers, quasi-legislative powers

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## Introduction

Departments, agencies, and bureaus that administer the laws, often referred to as the **bureaucracy**, touch every aspect of American life. For example, the Environmental Protection Agency sets standards for water and air quality. The Department of Transportation adopts rules for the development and operation of the interstate highway system. The Federal Aviation Administration oversees air traffic safety. The Food and Drug Administration approves medications. This lesson examines the role of administrative departments and agencies in America's national government.

### Key words

**bureaucracy:** Governmental departments and agencies and their staffs, principally civil service members and political appointees

## What Kinds of Administrative Units Exist in the American National Government?

The Founders understood that Congress would need to create organizations to execute the laws. Several of the Federalist essays discussed the importance of "good administration" as a condition of good government. The first Congress under the Constitution created the first administrative units: the Departments of State, War, and Treasury. It also created the Office of the Attorney General, which later merged into the Justice Department. Over the years Congress has created other administrative agencies. Today, there are basically three categories of administrative organizations, each with distinct responsibilities.

## EXECUTIVE DEPARTMENTS

At present there are fifteen primary administrative units, or departments, in the executive branch. Congress directs each department to administer particular laws. The president appoints the secretaries, or heads, of each department. The secretaries of the departments serve in the president's **cabinet**, which advises the president. The secretaries also are in the line of presidential succession if the vice president, Speaker of the House, and President pro tempore of the Senate are unable to serve. Some departments, such as the Departments of Defense and Justice, are the result of combining older departments or offices. Others, such as the Department of Health and Human Services and the Department of Education, are the result of dividing older departments. Every department contains various divisions and bureaus, each with a particular area of expertise.

### Key words

**cabinet:**
The group of advisors to the president composed of the heads of the departments of the executive branch and certain other officials

**independent agencies:**
Administrative organizations located outside the structure of executive departments

## EXECUTIVE OFFICE OF THE PRESIDENT (EOP)

President Franklin Roosevelt complained that he lacked the necessary administrative "machinery" to execute the laws. In 1939, Congress created the Executive Office of the President to help with matters such as budgeting, personnel management, and natural resources planning. The EOP has grown into an umbrella organization with more than a dozen staff agencies. These agencies include the White House Office—including Homeland Security staff—the Office of Management and Budget, the Council of Economic Advisors, the National Security Council, and the Office of the United States Trade Representative. Some presidents rely on the EOP primarily for technical and managerial advice. Others use it to try to gain greater political control over the national bureaucracy.

## INDEPENDENT AGENCIES

Since 1887, Congress has created many **independent agencies** that are located outside the structure of executive departments. These agencies do more than merely implement congressional statutes. The first independent agency was the Interstate Commerce Commission. Congress directed the commission to decide whether the rates that state imposed on interstate commerce were "reasonable"—a partial, or "quasi," legislative power—and to order the states to stop imposing "unreasonable" charges. Congress also empowered the commission to go to court to enforce its orders. In 1894, the Supreme Court held that the authority Congress had given to the commission was a "necessary and proper" exercise of its power to regulate commerce. Since then, Congress has created more than fifty other independent agencies. These agencies include the Social Security Administration, the Environmental Protection Agency, the Peace Corps, and the Federal Energy Regulatory Commission.

Not all administrative organizations fit into these three categories. For example, the Federal Emergency Management Agency (FEMA) was created as an independent agency. It is now officially located in the Department of Homeland Security, but it retains much of the autonomy that it established while it was an independent agency. The United States Postal Service is an example of a government corporation, created to

replace the Post Office Department. The Federal Communications Commission and the Occupational Safety and Health Review Commission are examples of organizations created to make and enforce regulations affecting regulated industries.



How do independent agencies help the president make and implement policy decisions? *Central Intelligence Agency Director George Bush (standing at left) discussing the evacuation of Americans from Beirut with President Gerald R. Ford (at right) during a meeting in the White House on June 17, 1976. Three days later Ford ordered hundreds of Americans and other foreign nationals to be evacuated from the Lebanese capital during the Lebanese Civil War.*

*Figure 5.24.1*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**What is "Good Administration?"**

Federalist 68 argued that the "true test of good government is its aptitude and tendency to produce good administration." Work in small groups to respond to the following questions and then compare your responses with other groups.

1. What are the characteristics of "good administration"? Have the characteristics changed since the creation of the first administrative agency in 1789? If so, in what ways?
2. What powers do Congress, the president, and the courts have to ensure "good administration?"

## Why Does Congress Create Administrative Organizations and What Powers Do They Exercise?

Laws are often written in general terms. Congress cannot anticipate and does not have the expertise to resolve problems that arise when general laws are applied to specific circumstances. Almost from the beginning Congress has had to delegate some of its

## Key words

**quasi-legislative powers:** Having a partly legislative character by possession of the right to make rules and regulations having the force of law

**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

lawmaking powers to those who administer the laws. Administrative units exercise **quasi-legislative powers** by adopting rules to implement broad congressional mandates. Rules are published in the Federal Register. Many administrative units also exercise **quasi-judicial powers** by holding hearings to resolve disputes that involve parties claiming to have been injured by administrative policies or procedures.

The Internal Revenue Service (IRS) provides an example. The Sixteenth Amendment gives Congress the power to "lay," or establish, and collect taxes on income. Congress enacts general income tax laws. It has delegated to the IRS the responsibility to make and enforce rules about tax collection, including income tax forms, deadlines, and penalties for late filing. The IRS holds quasi-judicial proceedings, including hearings and opportunities to present evidence to a neutral hearings officer, for taxpayers who are accused of violating tax rules.

In 1946 Congress adopted the Administrative Procedure Act, which established guidelines for administrative units to follow when they make rules to implement laws. Among other things, the act requires public notice and an opportunity for the public to be heard before a rule goes into effect. The act also permits judicial review of the decisions of administrative units in federal court after someone has gone through, or exhausted, all quasi-judicial proceedings within the administrative unit.

## What Factors Have Contributed to the Number of Administrative Organizations?

The national bureaucracy has grown in response to demands placed on the national government. To establish greater control over the nation's natural resources, Congress created the Departments of Agriculture and the Interior. In response to problems that arose during the Industrial Revolution, Congress created the Departments of Commerce and Labor, the Interstate Commerce Commission, and the Federal Trade Commission.

The Great Depression and President Franklin Roosevelt's New Deal caused another significant growth of the national bureaucracy. The Tennessee Valley Authority, the Small Business Administration, the Federal Communications Commission, and the Social Security Administration trace their origins to the economic crisis of the 1930s and 1940s. Many programs also were added to existing agencies and departments during that time, such as a commodity support program in the Department of Agriculture.

The Cold War spawned the creation of the Department of Defense, the National Security Council, the Central Intelligence Agency, and the National Science Foundation. Programs such as the War on Poverty in the 1960s and energy crises in the 1970s led to the creation of more agencies, including the Department of Housing and Urban Development and the Department of Energy.

Beginning in the 1970s, presidents and many members of Congress sought to reduce the size of the national government. The Civil

Aeronautics Board, which regulated commercial aviation, was abolished in 1984. The Interstate Commerce Commission and the Resolution Trust Corporation, created to respond to bankruptcies of hundreds of savings and loan institutions, were abolished in 1995. The national bureaucracy also was scaled back when greater responsibility for welfare was returned to the states. The terrorist attacks on New York and Washington, D.C., in 2001, however, led President George W. Bush to agree to the creation of a Department of Homeland Security, which Congress created in 2002.



In what ways, if any, does the Department of Homeland Security contribute to the general welfare?

*Figure 5.24.2*

## How Are Administrative Agencies Staffed?

Today the vast majority of administrative civilian employees are selected through a **civil service** program or merit system. Congress created the system in 1883 following the assassination of President James Garfield by a disappointed office seeker. In passing the nation's first civil service law, Congress substituted merit for patronage, or the practice of rewarding supporters by giving them permanent jobs in the civil service.

By law Congress continues to exercise broad control over administrative employees. Congress can establish special requirements for holding office. It can set employee performance standards, wages, benefits, and cost of living adjustments. Congress also can provide protection for "whistle blowers," employees who expose waste or corruption.

When the civil service system was developed, it was intended to create a class of administrative employees who were insulated from politics. Thus, Congress passed the Hatch Act of 1939, which prohibited political parties from pressuring administrative employees to make financial contributions or to work for their candidates as a condition of job security or promotion. Some people complained that the Hatch Act deprived administrative employees of opportunities to participate in the political life that other Americans enjoyed. Finally, in 1993 President Clinton signed the Hatch Act Reform Amendments into law. These measures encourage civil servants to participate in political activity in accordance with regulations prescribed by the Office of Personnel Management.

Title 5 of the United States Code governs the merit principle in today's administrative agencies. However, a growing number of administrative jobs are being exempted from the provisions of Title 5. Individual agencies and departments have received authority to create their own personnel services outside standard civil service laws. The United States Postal Service, the Department of Defense, the Federal Aviation Administration, and the new Department of Homeland Security are examples.

### Key words

**civil service:** Employment in federal, state or provincial, and local governmental agencies

Presidents also make appointments to federal agencies. These political appointees serve at the pleasure of the president, and their numbers have been growing. Through these appointments presidents have been able to place their own people in key leadership and support positions in all the federal agencies. Such appointments include the secretaries, or heads, of the departments that constitute the president's cabinet. By means of this network of political appointees the president can exercise considerable control over the federal bureaucracy to ensure that it furthers their policy priorities and agenda.

Whenever a new administration takes office, most political appointees lose their positions. There may be an almost complete change in the leadership of some of the administrative agencies. However, civil service employees retain their jobs and remain available to assist the new president and his or her cabinet in implementing the new administration's policies. By contrast, only a small number of senior civil service positions change hands in Great Britain when a new prime minister is chosen.




To what extent, if any, does political patronage still exist?
*This 1881 political cartoon illustrating political patronage shows President Chester A. Arthur as a magician pulling cards labeled with the names of political offices out of a hat and tossing them into the audience.*

*Figure 5.24.3*

## Content Highlight:

### WHAT DO YOU THINK?

1. What are the advantages and disadvantages of patronage? Of civil service?
2. Should individual agencies or departments be able to create their own personnel service standards outside the civil service laws? Why or why not?

## How Do Checks and Balances Affect Administrative Agencies?

Administrative agencies are subject to many checks on the exercise of their powers. Those who exercise checks include the following.

### THE PRESIDENT

Presidents use their appointment power to reward political loyalists and advance their policy agendas. Presidential appointees usually are required to pursue the president's policies in administering government programs, thereby checking the power of civil service career employees.

Presidents also check the exercise of administrative power through the use of executive orders that direct agency heads and cabinet members to take particular actions. Executive orders have become more common in recent years as a means of forcing agencies to adjust administrative policies and procedures. For example, soon after he took office President George W. Bush issued executive orders creating Centers for Faith-Based and Community Initiatives offices in several departments and agencies to help ensure that faith-based groups would receive government contracts to provide social services.

### CONGRESS

Congress can control the bureaucracy in many ways. It is responsible for the creation, consolidation, and elimination of administrative agencies. The Senate must confirm high-level presidential appointees. Many statutes direct agencies to undertake certain actions and refrain from others. Congress also must appropriate the money required for agencies to operate. Congressional committees are responsible for overseeing the actions of administrative agencies. They review agency budgets, require administrators to justify expenditures, hold investigative hearings about agency activities, and require agencies to submit their proposed rules, which Congress has the power to veto.

Although the Supreme Court declared the congressional veto unconstitutional in 1983, Congress has continued to use it and has found other ways, including joint resolutions, to prohibit agencies from implementing rules with which Congress disagrees.

### COURTS

Courts decide whether agency operations follow the Fourteenth Amendment requirements of due process and equal protection. Courts also determine whether Congress has delegated too much legislative authority to administrative agencies. The Supreme Court has never questioned Congress' power to permit administrative agencies to "fill in the details" of statutes, but the Court has insisted that Congress clearly identify the standards that agencies must meet.

### FEDERALISM

If a state policy differs from a national policy—as has occurred in areas such as education, welfare, and environmental protection—then national bureaucrats can encounter resistance or refusal to comply with the national standards. Sometimes acting alone and almost always when acting with others, states can have a significant effect on the national bureaucracy.

## CITIZENS, INTEREST GROUPS, AND THE MEDIA

Those who are directly affected by administrative policies or who are interested in particular areas of public policy also check the exercise of administrative power. Many Social Security recipients, for example, monitor actions of the Social Security Administration and report complaints to the agency or to members of Congress. Environmental activists, welfare recipients, and many other individuals and groups keep close watch over various administrative agencies. Media investigations also can alert the public and elected officials to problems and miscarriages of justice in the bureaucracy.



### Content Enhancement:

**CRITICAL THINKING EXERCISE**

**Administrative Agencies and Limited Government**

James Madison argued in Federalist 47 that the "accumulation of all powers—legislative, executive, and judiciary in the same hands—may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with this accumulation (of power), or with a mixture of powers, having a dangerous tendency to such an accumulation of power, no further arguments would be necessary to inspire a universal reprobation of the system."

Some administrative agencies exercise all three types of governmental powers to some degree. In addition to executing the laws, they exercise quasi-legislative powers by making rules and quasi-judicial powers by holding hearings on whether those rules have been violated. However, administrative agencies also are subject to checks and balances. Work in small groups to respond to the following questions and then compare your responses.

- In what ways is the exercise of all three kinds of powers by administrative agencies inconsistent with theories of separation of powers and limited government?
- What checks on the exercise of administrative authority are available to prevent agencies from coming within Madison's definition of tyranny?
- What might be some alternatives to agencies exercising all three kinds of governmental powers? Are those alternatives realistic?

## Conclusion

Our nations' businesses, technology, medicine, education, and transportation systems have grown immensely since the 1800s. And so, in turn, has our national government. In many cases, new federal agencies and departments were created to address a problem such as: air traffic safety, fair wage rules, safety in medicines, prevention of monopolies, fairness in banking and financial practices, and so on. In this lesson, you saw that federal agencies wield power by adopting rules for laws that will be implemented.

## Lesson Check-up



- **How would you define the term bureaucracy?**
- **How and why do Congress and the president rely on administrative agencies?**
- **Describe the sources of limits on the exercise of administrative power.**
- **Find an example of how the media or a citizens group in the United States or in your community has brought to light a problem in the bureaucracy.**

LESSON 25

# The Supreme Court



## What You Will Learn to Do

Determine the role of the Supreme Court in shaping our nations' laws

## 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 difference between the Supreme Court's original and appellate jurisdictions
- **Explain** four methods of constitutional interpretation
- **Explain** how America's system of checks and balances limits the power of the Supreme Court

## Key words

- **advisory opinion**
- **appeal**
- **appellate jurisdiction**
- **jurisdiction**
- **landmark decision**
- **litigant**
- **methods of constitutional interpretation**
- **original jurisdiction**
- **writ of certiorari**

## Essential Question

**What is the role of the Supreme Court in the American constitutional system?**

## Learning Objectives (cont'd)

- **Evaluate,** take, and defend positions on issues relating to the role of the Supreme Court in the constitutional system
- **Define** key words: advisory opinion, appeal, appellate jurisdiction, jurisdiction, landmark decision, litigant, methods of constitutional interpretation, original jurisdiction, writ of certiorari

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## Introduction

The U.S. Constitution provides for an independent judiciary, a significant departure from the English tradition of formally placing judicial power in the legislative branch. Alexander Hamilton predicted that the Supreme Court would be the "least dangerous branch" because it depends on the other two branches to enforce its decisions. This lesson examines how the U.S. Supreme Court has become a coequal branch of the national government and describes some of the institutional checks on its power.



How, if at all, might the philosophical positions of a majority on the Supreme Court affect the daily lives of citizens?

*Figure 5.25.1*

## What are the Constitutional Powers of the Supreme Court?

Article III of the Constitution created the Supreme Court and gives Congress power to create other courts that are inferior to, or below, the Supreme Court. The Constitution gives all judges whose authority comes from Article III, called federal judges, life tenure. It gives courts created under the authority of Article III, called federal courts, **jurisdiction**, or power to decide only certain cases. These are cases arising under national laws and involving citizens from more than one state. Finally, the article guarantees trial by jury in all criminal cases except impeachment. The Supreme Court also exercises the power of judicial review, deciding whether acts of Congress, the executive, state laws, and even state constitutions violate the U.S. Constitution.

The Constitution gives the Supreme Court jurisdiction to decide two categories of cases: original and appellate.

### ORIGINAL JURISDICTION

**Original jurisdiction** refers to the power of a court to pass judgment on both the facts of a case and the law. The Supreme Court has original jurisdiction in "Cases affecting Ambassadors, other public Ministers and Consuls,…[and]…Controversies to which the United States shall be a Party." When the Supreme Court hears a case in its original jurisdiction, it is the only court to hear the case. The Court hears very few cases under its original jurisdiction. Those cases typically involve foreign diplomats or disputes between states over land, boundaries, or water and mineral rights. The U.S. Supreme Court has held that Congress cannot add to or subtract from the Court's original jurisdiction.

### APPELLATE JURISDICTION

**Appellate jurisdiction** refers to the power of a superior, or higher, court to review and revise the decision of an inferior, or lower, court. To **appeal** means to ask for a new hearing from a higher court in the hope that it will overturn or modify a lower court's decision. The Supreme Court has appellate jurisdiction in all cases not in its original jurisdiction "with such Exceptions, and under such Regulations as the Congress shall make." Beginning with the Judiciary Act of 1789, Congress created a three-tiered system of national courts. Today, there are trial courts in each state, known as federal district courts, and thirteen courts of appeal, known as federal circuit courts. Congress frequently debates whether to limit the Supreme Court's appellate jurisdiction in areas such as school prayer and the rights of criminal defendants. Historically, however, Congress has made relatively few exceptions to the Supreme Court's appellate jurisdiction.

A **litigant**—a party involved in a lawsuit—who loses in a lower federal court or the highest court of a state can ask the Supreme Court to review the case. The party does so by filing a document called a petition, or request, for a **writ of certiorari**. The Court is not required to issue a writ. The Court's rules currently state that the justices are more likely to allow review if there is disagreement among the federal courts of appeal on a

### Key words

**jurisdiction:**
The power or authority to hear cases and make decisions

**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

**appellate jurisdiction:**
The legal authority of a court to hear appeals from a lower court

**appeal:**
Bringing a court case from a lower court to a higher court in an attempt to have the lower court's decision reversed

**litigant:**
A party involved in a lawsuit

**writ of certiorari:**
A type of writ seeking judicial review of a legal decision

legal matter. If four Supreme Court justices vote to allow review of a case, then the Court issues the writ, which commands the lower court to send the record of the case to the Supreme Court. The Court traditionally does not explain its rationale for accepting or rejecting cases for review.

Each year the Supreme Court receives thousands of petitions asking it to issue a writ of certiorari. The justices accept only a small fraction. The number of cases that the Court decides has steadily decreased in recent years. For example, in 1980 the Court decided 232 cases. In 1995, the number was 95, and in 2006 it was 72. Most of the cases that the Court decides require it to interpret only the meaning of statutes or administrative rules, not their constitutionality.



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining Landmark Supreme Court Decisions**

Some Supreme Court decisions have such profound effects on the meaning of separation of powers, checks and balances, individual rights, and federalism that they become known as **landmark decision**s. Like landmark legislation, described in Lesson 22, these decisions have far-reaching effects on how American constitutional government functions. Work in one to six groups, with each group taking a different case from the list below. Each group should study the case and then prepare a brief following the format for briefing Supreme Court decisions. Each group should then present to the other members of the class.

- *McCulloch v. Maryland (1819)*
- *Gibbons v. Ogden (1824)*
- *Gideon v. Wainwright (1963)*
- *Reynolds v Sims (1964)*
- *Nixon v. United States (1974)*
- *United States v. Lopez (1995)*

1. What are the implications of the case for the way American constitutional government should function?
2. How did the Court's decision in this case clarify the meaning of the Constitution?
3. What additional constitutional challenges might arise in response to this decision?
4. Should the decision in this case be considered a landmark decision? Why or why not?

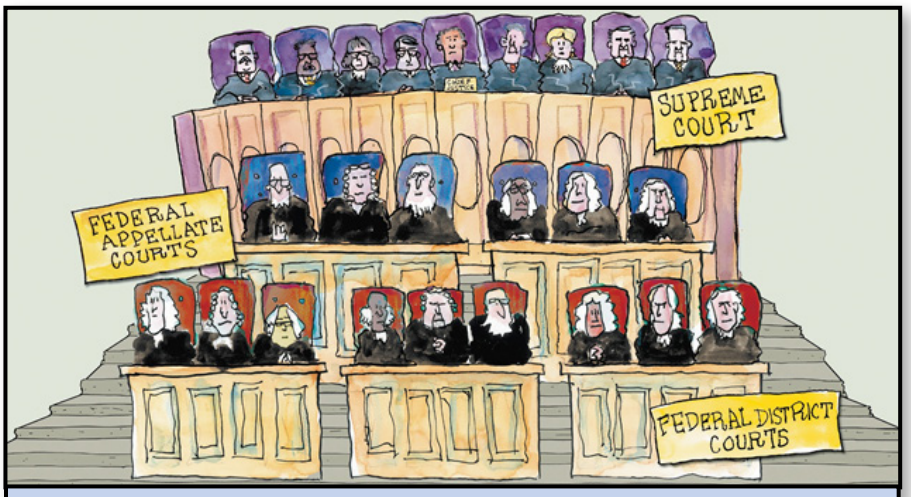
## Key words

**landmark decision:** A legal decision that constitutes a turning point or stage

## What Methods Are Used to Interpret the Constitution?

Since its inception, the Supreme Court has issued written opinions explaining its decisions. Initially each justice wrote an opinion in each case. Chief Justice John Marshall changed that practice, and since his era the Court has issued only majority, concurring, and dissenting opinions. Written opinions serve several functions. An important one is that they

hold the Court accountable to the people by making a public record of the decision and its rationale. Written opinions also establish a record that can serve as precedent for future cases.




What is the relationship between the right to appeal and the protection of individual rights?

*Figure 5.25.2*

Some parts of the Constitution are very specific. For example, Article I states, "The Senate of the United States shall be composed of two Senators from each State." Many provisions are not as clear as this one and so require interpretation. Examples include the following:

- "The Congress shall have Power...To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." (Article I, Section 8)
- "The United States shall guarantee to every State in this Union a Republican Form of Government." (Article IV, Section 4)
- "No State shall...deprive any person of life, liberty, or property, without due process of law." (Amendment XIV)

The following are four common **methods of constitutional interpretation**. All interpretation, regardless of method, begins with the words of the Constitution.

Key words

**methods of constitutional interpretation:** Ideas employed by U.S. Supreme Court justices when considering constitutional issues of some cases

## TEXTUALISM, LITERALISM, OR STRICT CONSTRUCTION

This method involves looking at the meaning of words in the Constitution and giving each word, phrase, or clause its ordinary meaning. Advocates of this method argue that interpreting the Constitution according to its plain meaning keeps the Supreme Court neutral and helps justices avoid imposing their values on the Constitution. Relying on the plain meaning of words also makes the law certain and predictable.

## ORIGINAL INTENT OR ORIGINAL HISTORY

This method is related to the method described above, but it addresses the question of how to interpret words, phrases, or clauses that are not clear. Advocates of this method seek to understand what the Founders

meant when they wrote the words. They argue that the Founders debated and chose the words of the Constitution carefully, with the goal of producing an enduring constitutional framework. Seeking and applying the original intent of the Founders helps to maintain stability and neutrality in the law.



What can Congress do if the Supreme Court declares a law it created to be unconstitutional?

*Figure 5.25.3*

### FUNDAMENTAL PRINCIPLES

This method looks to principles—such as natural rights, republican government, or limited government—to interpret the meaning of words, phrases, and clauses that may not be clear. Advocates of this method argue that identifying the fundamental principles embodied in the Constitution is a useful way to determine the meaning of words, phrases, or clauses that may not be clear.

### MODERNISM OR INSTRUMENTALISM

This method starts from the premise that the Constitution should be interpreted, and interpretation should adapt to changing circumstances and contemporary needs. Otherwise, advocates of this method argue, the Constitution will have to be amended frequently or new constitutional conventions will need to be held. Advocates of this method further argue that justices should not hold back social progress by adhering to outmoded understandings of the Constitution.

**Content Highlight:**

**WHAT DO YOU THINK**

1. What are the advantages and the disadvantages of each method of interpreting the Constitution?
2. Which method or methods do you prefer? Why?

## What Checks Exist on the Power of the Supreme Court?

The Supreme Court exercises immense power when it interprets the Constitution. However, there are many checks on the exercise of judicial power, including limitations that the Supreme Court has imposed on itself. The following are checks on the Court's power.

### SELF-IMPOSED LIMITS

The Court avoids partisan politics by refusing to decide "political questions," or questions that it believes should properly be decided by other branches or levels of government. The Court decides only cases in controversy. The Supreme Court does not issue an

**advisory opinion**. That is, the Court will not offer an opinion about how a law should be interpreted unless there is a specific case before the Court in which the interpretation of that law is actually in dispute. The Court will decide cases by interpreting statutes if possible, thereby avoiding interpreting the Constitution. Written opinions also constrain future Courts.

## PRESIDENTIAL APPOINTMENTS

Presidents seek to influence future Supreme Court decisions with their nominees to the Court. By changing Court personnel, presidents seek to change approaches to constitutional interpretation and attitudes about the role of the Court in the constitutional system.

## EXECUTIVE ENFORCEMENT

Presidents and administrative agencies are responsible for enforcing the Court's decisions. Occasionally, presidents have threatened to refuse to enforce Supreme Court decisions or have enforced them only reluctantly. For example, in 1974 Americans anxiously waited to see if Richard Nixon would comply with the Supreme Court's order in *United States v. Nixon.* The Court had ordered the president to turn over White House tape recordings to prosecutors. Once revealed, the tapes implicated Nixon and his aides in the Watergate scandal.



How can presidents check the power of the Supreme Court? How can the Court check the power of the president?

*Figure 5.25.4*

## CONGRESSIONAL POWERS

Congress determines the Supreme Court's appellate jurisdiction and controls its budget. Congress has threatened to use those powers in response to Supreme Court decisions with which it disagrees. If the Supreme Court declares a congressional statute unconstitutional, Congress may pass the statute in another form to demonstrate its resolve on the issue. Congress also can alter the size of the Court, as it has done several times over the years. It can even determine when the Court meets or suspends a term of the Court, as it did in 1802. Finally, Congress can initiate constitutional amendments in response to unpopular Court decisions, such as a decision in 1895 that struck down an income tax statute. The Sixteenth Amendment, ratified in 1913, subsequently gave Congress the power to lay and collect taxes on income.

### Key words

**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

## FEDERALISM

States, like the executive branch, are responsible for implementing Supreme Court decisions. Sometimes state enforcement is lax. For example, more than sixty years after the Supreme Court ordered public school desegregation, several states still have found ways to evade that ruling.

- Should Supreme Court hearings be televised or streamed over the Internet? Why or why not?
- What characteristics should justices of the U.S. Supreme Court have? Why are these characteristics important?

## Conclusion

In this lesson, you learned about the Supreme Court, our nation's highest court. Supreme Court decisions have changed the way our nation has operated many times over the course of its history. However, the Court rules on a very small percent of court cases and its power can be limited in a variety of ways.

## Lesson Check-up



- **Explain the difference between original and appellate jurisdiction. What is the role of Congress in determining the Supreme Court's appellate jurisdiction?**
- **Identify four approaches to interpreting the Constitution. Which approach do you think is best? Why?**
- **What criteria do you think should be used to determine whether a Supreme Court decision is a landmark decision?**
- **Would you support a constitutional amendment that placed term limits on Supreme Court justices? Why or why not?**

# American Federalism

## LIMITED GOVERNMENT

### 9th Amendment

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

### 10th Amendment

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*



## Key words

- initiative
- local government
- police powers
- recall
- referendum
- reserved powers

## What You Will Learn to Do

Describe the benefits and pitfalls of American federalism

## 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** how American federalism involves divided sovereignty and an ongoing effort to balance power between the national and state governments
- **Explain** the function of three basic kinds of local governmental units—counties, municipalities, and special districts
- **Identify** examples of governmental innovations at the state and local levels

## Essential Question

**How does American federalism work?**

## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on continuing issues related to America's unique system of federalism
- **Define** key words: initiative, local governments, police powers, recall, referendum, reserved powers

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## Introduction

The American constitutional system is made up of two levels of government: national and state. The system is called federalism. The powers of and the boundaries between the national and state governments never have been clear. Sometimes the national and state governments seem to work in harmony. Sometimes they seem locked in a struggle for power. This lesson examines constitutional provisions affecting the states in their relationship to the national government. It explains how state governments are organized, including their creation of units of local government. Finally, it describes the role of states as "laboratories of democracy."

## What Is the Constitutional Status of State Governments?

As explained in Lesson 7, states were the only units of government in the United States after the Revolution. They had complete governing authority over the people within their boundaries. Under the Articles of Confederation, states retained their "sovereignty, freedom, and independence" and all powers not "expressly delegated" to the United States.

The Constitution created a new national government, but it left, or "reserved," many governmental powers to the states. The powers referred to in the Ninth and Tenth Amendments that are reserved to the states or to

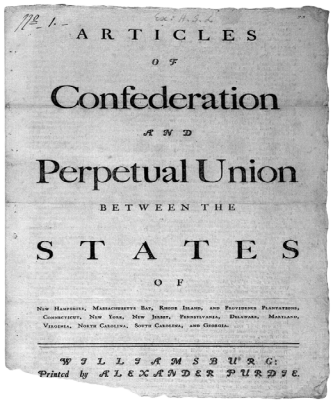

ARTICLES
OF
Confederation
AND
Perpetual Union
BETWEEN THE
STATES
OF
WILLIAMSBURG:
Printed by ALEXANDER PURDIE.

*Figure 5.26.1*

## Key words

**reserved powers:**
The powers referred to in the Ninth and Tenth Amendments that are reserved to the states or to the people

**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

the people are called **reserved powers**. James Madison argued in Federalist 45 that the powers of the states would "extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

States play an important role in the structure and operation of the national government. Article VII, for example, required the votes of "nine States" to ratify "this Constitution between the States." Article I provides that the House of Representatives will be elected by voters who have the same qualifications as are required to vote for the "most numerous Branch of the State Legislature," usually called a "house" or "assembly." States are represented equally in the U.S. Senate. States also have a role in the Electoral College.

The Constitution suggests, but does not plainly identify, many governing powers left to the states. Article I, Section 10, lists powers that the states do not have. For example, no state can enter into treaties, alliances, or confederations, grant titles of nobility, or pass laws that impair the obligation of contracts. The list of what states cannot do implies that the states can do what is not prohibited. Article I describes the powers of Congress as those "herein granted," again suggesting that governing powers not granted to Congress remain with the states. Moreover, the Tenth Amendment, added to the Constitution in 1791, states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The reserved powers referred to in the Tenth Amendment often are called **police powers**, a term that refers to the inherent power of a government to enact legislation protecting the health, safety, welfare, and morals of those within its jurisdiction. Examples of police powers are laws creating and operating public schools, making and executing criminal and civil laws, and making and enforcing land use regulations, or "zoning."

Although the states retain considerable governing powers, the Constitution, the laws made under it, and treaties made under the authority of the United States are the "supreme Law of the Land." Since the beginning there has been tension between the Constitution's Supremacy Clause and the powers of the states. Some constitutional scholars believe that ambiguities about which level of government has the power over matters of domestic politics are part of the genius of the American constitutional system. These ambiguities mean that both levels of government always must strive to win the confidence and support of the American people.



## Content Highlight:

### WHAT DO YOU THINK?

- Read the Supremacy Clause in Article VI, Section 2, and the Tenth Amendment to the Constitution. How do these two provisions help to explain why the national and state governments seem to be locked in a perpetual struggle for powers?
- How would you explain American federalism to a non-American?

## How Are State Governments Organized?

All fifty states have constitutions. The following are some common features of the state constitutions.

### BILL OF RIGHTS

All the state constitutions have bills of rights, and in most states they appear at the beginning of the constitution. The preamble of most state constitutions declares that the purpose of government is to protect those rights. State bills of rights include many of the same rights as in the U.S. Constitution, such as rights to freedom of speech, press, and assembly and the right to a jury trial. Some state constitutions contain other rights, such as the right to work or the right to an education.

### THREE BRANCHES OF GOVERNMENT

All state constitutions create legislative, executive, and judicial branches.

#### Legislative

The lawmaking branch usually is called the legislature, but some states use the term assembly. Most legislatures meet annually; some meet only biennially—that is, every other year. Most legislatures are bicameral, or two-house, although Nebraska has a unicameral, or one-house, legislature. The Supreme Court has ruled that the legislative districts for both houses of state legislatures must be based on population. Unlike the U.S. Senate, therefore, the upper house of the state legislatures must reflect population, not geography. State legislatures enact laws on subjects ranging from speed limits and crimes to health care, education, land use, environmental protection, and licensing of professionals, including teachers, doctors, lawyers, beauticians, and morticians.



Why do you suppose the Supreme Court ruled that membership of both houses of state legislatures must be based on population? *Florida state Senator Anitere Flores. Flores is a "We the People" alumna.*

*Figure 5.26.2*

#### Executive

The chief executive officer of each state is the governor. Most governors serve two or four-year terms and may be reelected for at least one additional term. Most states also

have a lieutenant governor, whose role is much like the vice president of the United States. State administrative agencies collectively employ far more people than the national administrative bureaucracy. In 2013, for example, almost three million people worked for the U.S. government, while more than nineteen million people worked for state and **local governments** (see the explanation below).

### Judicial

The judicial systems of each state consist of trial and appellate courts. Many states elect judges, although some states use an appointment process. Some courts are local and specialized, such as justice-of-the-peace and municipal courts, with jurisdiction over matters such as traffic offenses. States also have a full range of trial and appellate courts. The state court of last resort, usually called the state supreme court or the court of appeal, has the final say about the meaning of the state constitution.

Key words

**local government:** Government of a specific local area, such as state subdivisions authorized by states or governments of cities, counties, and towns

## CREATION OF LOCAL GOVERNMENTS

State constitutions give legislatures power to create local governments, which receive charters, or grants of authority, to carry out a wide range of governmental responsibilities. The laws that local governments enact usually are called ordinances. Most local government officials are elected. There are three broad categories of local governments, although there is considerable diversity among the states.



What is the role of the city council in local governments?

*Figure 5.26.3*

### Counties

Counties (called parishes in Louisiana and boroughs in Alaska) usually occupy large geographic areas within states. Their functions include record keeping, such as births, deaths, and land transfers; administration of elections, including voter registration; construction and maintenance of roads; collection of state and local taxes; and maintenance of courts, courthouses, and jails. There are more than 3,000 counties in the United States.

### Municipalities

Cities and townships usually serve urban areas, ranging from small towns of only a few hundred people to cities of many millions. They provide services such as police and fire protection, water and sewer systems, zoning and building-code enforcement, hospitals, libraries, streets, and parks. According to the 2012 Census of Governments, there were 35,879 municipalities and townships in the United States.

### Special Districts

Special districts operate independently of other local governments and usually are created to provide only one or a few services within a specific geographic area. Special districts usually operate schools or provide water and natural resource conservation; fire protection, usually in rural areas; libraries; transportation; cemeteries; and emergency services. Most special district officials are elected. In 2012 there were 12,880 independent school districts in the United States and 38,266 other special districts.



**Content Highlight:**

**WHAT DO YOU THINK?**

- Read the preamble to your state's constitution. How does it compare with the Preamble of the U.S. Constitution?
- Read the bill of rights in your state's constitution. How does it compare with the national Bill of Rights?
- How does the way in which your state's government is organized contribute to achieving the goals set forth in the preamble to your state's constitution?

## How Have State Constitutions Changed?

Since the first state constitutions were adopted in 1776, state constitutional conventions have resulted in new constitutions being adopted some 144 times. Louisiana, for example, has had eleven constitutions. Most other states have had two or three. Only eighteen of the fifty states still use their original constitutions.

State constitutions also have been amended thousands of times. Nearly every state election ballot contains proposals for constitutional amendments, either referred by the state legislature or placed on the ballot through the **initiative** process, which is explained later in this lesson. Some state legislatures, such as that of Massachusetts, regularly hold legislative sessions called constitutional conventions to consider whether to submit constitutional amendments to voters.

State constitutional amendments often reflect state responses to policy debates occurring throughout the United States. For example, beginning in the late twentieth century Americans have debated whether same-sex couples should be allowed to marry. Several states adopted constitutional amendments banning marriage between same-sex couples, whereas others adopted provisions or statutes granting same-sex couples a wide range of rights short of marriage. In 2015, this matter was taken out of the hands of the states in a ruling by the U.S. Supreme Court in the case of Obergefell v. Hodges. In a 5–4 decision, the Court ruled that same-sex marriage is a fundamental right guaranteed by the Equal Protection Clause of the Fourteenth Amendment. Other policy debates continue at the state level today. Recently proposed state constitutional

**Key words**

**initiative:**
A proposed law placed on the ballots of some states for voter decision

amendments include the use of public money for private education, authorization of casino gaming, and the use of marijuana for medical conditions.

Frequent amendments have made state constitutions much longer than the U.S. Constitution. The average length of a state constitution is 26,000 words, compared to about 8,700 words in the U.S. Constitution.



## Content Highlight:

### WHAT DO YOU THINK?

What are the advantages and disadvantages of a constitution being a concise document stating fundamental principles, such as the U.S. Constitution, compared to a document that spells out in greater detail the power and limits of government, such as many state constitutions?



## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Examining Your State Constitution**

Find a copy of your state constitution. Examine your state constitution and answer the following questions about it.

- How does your state constitution reflect principles of classical republicanism and natural rights philosophy?
- How does the bill of rights in your state's constitution compare with the national Bill of Rights? Are there rights in your state constitution that do not appear in the Bill of Rights or vice versa? What are they?
- How is your state's constitution similar to and different from the U.S. Constitution with respect to separation of powers and checks and balances?

Research the history of your state constitution to find answers to the following questions.

- Has your state had more than one constitution? Why or why not?
- How many times has your state's constitution been amended? How have those amendments been made?
- Have any of those amendments made fundamental changes to your state's government? If so, in what ways?
- What are the differences, if any, between the amendment process in your state's constitution and the amendment process in Article V of the U.S. Constitution? Which do you prefer? Why?

## How Does American Federalism Work in Practice?

Since the adoption of the Constitution, Americans have debated whether the national government, state governments, or both have governing authority over certain matters. Regulation of commerce and grant-in-aid programs, demonstrate the kinds of issues that are common in America's system of shared governmental authority.

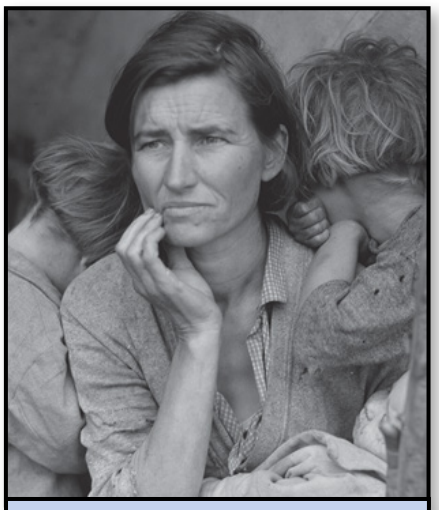
### REGULATION OF COMMERCE

The Constitution (Article I, Section 8) gives Congress the power to regulate interstate commerce. However, the states retain the power to regulate commerce within their own borders as part of their police powers. The two powers often come into conflict.

In an early example, the state of New York passed a law requiring ship captains to post bonds to pay for the care of impoverished passengers who came into the Port of New York. The purpose was to prevent an influx of foreigners who might become paupers, exhaust the state's resources, and cause crime and vagrancy. From one perspective the law was an exercise of New York's police power. From another perspective, it infringed on Congress' power to regulate interstate commerce.

Occasionally the Supreme Court has limited Congress' regulatory powers over commerce out of deference to the states. In contrast, in 2005 the Court reasserted Congress' power to regulate even purely local activities if those activities "have a substantial effect on interstate commerce."

U.S. drug policy is currently at a crossroads. Since Colorado became the first state to legalize marijuana for recreational use in 2014, an increasing number of states and some localities have followed suit. A number of states also have passed legislation to decrease the amount of time drug offenders are incarcerated and to increase substance-abuse treatment for offenders. Federal law, however, still prohibits marijuana for any use in all states and territories of the United States.



How did the Great Depression change American federalism?

*Figure 5.26.4*

### GRANT-IN-AID PROGRAMS

In the mid-1800s, the national government began giving money grants to states to help them with programs ranging from transportation to welfare. States had to submit plans for the use of the money and often had to match the monies with funds raised through state taxes. For many years, grant-in-aid programs permitted the states and the national government to work in relative harmony (known as "cooperative federalism"). The states performed their traditional functions with financial help from the national government.

The Great Depression of the 1930s and 1940s changed federalism profoundly, as people looked to the national government to solve problems such as unemployment and to help in areas such as job services and old-age assistance. Previously, people had looked to private charitable organizations or to their state governments. The Social Security Act of 1935, for example, established a number of grant-in-aid programs—but with

strings attached. In return for money from the national government, the states had to comply with congressional policies and rules adopted by the national bureaucracy.

Grants-in-aid have grown over the years and so have the conditions attached to them. They have become a device for the national government to influence state policymaking by giving or withholding money. For example, the national government lacks constitutional authority to set state speed limits. However, if a state wants grants for highway construction, then the Federal Highway Administration requires it to comply with a "national" speed limit. States such as Montana have debated whether it is worth losing the power to make decisions about speed limits to receive the grants.

Similar questions have swirled around education grants. The national government has no constitutional authority to set school policy. But for decades the national government has offered grant-in-aid programs designed to improve education from preschool through college. An example is the 2002 No Child Left Behind Act (NCLB). The Department of Education has issued rules about testing and state standards for measuring student proficiency. School districts that do not meet the proficiency targets set by the Department of Education risk losing federal funds, among other penalties. In 2005, the state of Utah risked losing its NCLB funding by subordinating NCLB requirements to state policies. Connecticut and other states filed lawsuits challenging the legality of some elements of NCLB.

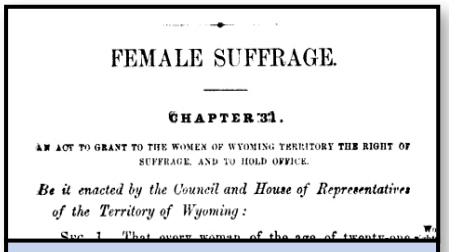


How has the national government's relationship to public education changed since the founding era?
*A teacher and children in front of their sod schoolhouse, Oklahoma Territory, about 1895.*

*Figure 5.26.5*

## How Are the States "Laboratories of Democracy?"

Supreme Court Justice Louis D. Brandeis observed that one of the principal values of American federalism is that a "single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." There are many examples of governance experiments in states and localities. Some innovations catch on in other states or in the nation as a whole. For instance, many states, starting with Wyoming, began permitting women to vote at least in local and state elections well before 1900.



FEMALE SUFFRAGE.

CHAPTER 31.

AN ACT TO GRANT TO THE WOMEN OF WYOMING TERRITORY THE RIGHT OF SUFFRAGE AND TO HOLD OFFICE.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

How did states like Wyoming pave the way for the Nineteenth Amendment?

*Figure 5.26.6*

Those experiments set the stage for adoption of the Nineteenth Amendment in 1920, which guaranteed women the right to vote in all elections. The following are other examples of states as "laboratories of democracy".

## INITIATIVE, REFERENDUM, AND RECALL

This trio of methods, begun during the Progressive era of the late nineteenth and early twentieth centuries, allows citizens to participate in direct democracy in their states. Initiative, **referendum**, and **recall** describe discrete actions, but they are related by their direct involvement of citizens. South Dakota was the first state to permit the initiative. There are two forms of initiative: direct and indirect. In a direct initiative, an individual or a group proposes and drafts a law or a state constitutional amendment. Then the initiator gathers a prescribed number of signatures to place the proposal on the ballot for approval or rejection by the voters. In the indirect process, proposals first go to the legislature. If legislators reject the proposal or take no action on it, then the proposal goes on the ballot. Twenty-four states today use the initiative.

The referendum involves placing a measure that has been approved by a legislature on the ballot for popular vote. Some state constitutions require the legislature to refer certain kinds of measures to the people. Others permit citizens to demand a vote on a law that has been passed by the legislature by gathering a prescribed number of signatures. Twenty-four states now use the referendum.

Recall is a process of removing elected officials from office. In the eighteen states that permit recall it is used most frequently at the local level. However, in 2003 enough California voters signed petitions to call an election to recall their governor and elect a new one.

## ENVIRONMENTAL PROTECTION

In response to congressional inaction on various environmental policy issues, a number of state legislatures have taken the initiative. One example is climate change. California took the lead in 2006 with the Global Warming Solutions Act. Since then other states have enacted similar measures, passing legislation to reduce greenhouse gas emissions, develop clean energy resources, and promote more energy-efficient vehicles, buildings, and appliances. Some states have joined together in regional compacts, such as the mid-Atlantic and northeastern states and the western and midwestern states. However, it seems that climate change is an issue that is prompting action at the national and international levels. Despite this fact, state governments and regional associations will continue to play an important role by testing new solutions and making successful programs available for widespread use.

## HEALTH CARE

By the mid-1990s soaring health-care costs and increasingly large numbers of people without health insurance had become a major issue of public concern. By the mid-2000s, nearly 50 million Americans did not have health insurance. Moreover, it was generally agreed that the United States had the highest health-care costs relative to the size of its economy of any country in the world. Proposed solutions to the problem, however,

### Key words

**referendum:**
Placing a measure approved by a legislature on a ballot for popular approval

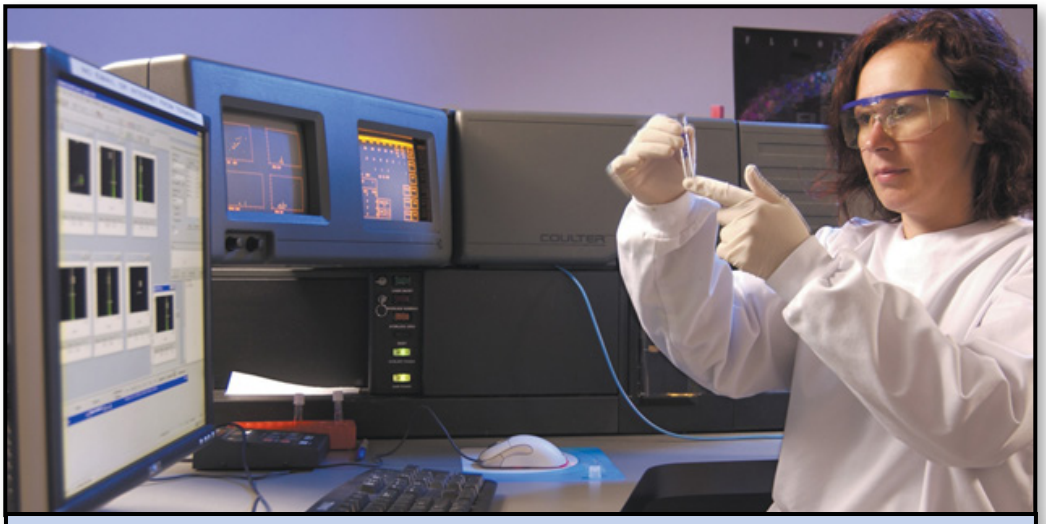
**recall:**
A process of using special or general elections for removing elected officials from office

created significant political disagreement; Democrats generally sought to increase the federal government's and state governments' roles in providing affordable health care to Americans, whereas Republicans argued that the best solution was to keep America's health care system under the control of private enterprise. In 2009–2010, at President Obama's urging, Congress passed the Patient Protection and Affordable Care Act. This law mandates that people buy health insurance or face a tax penalty, subsidizes the cost of insurance for low-income citizens, provides financial incentives for certain small businesses to offer health insurance to their workers, prohibits insurance companies from denying coverage based on preexisting conditions or from capping annual benefits, expands Medicaid coverage, and creates health insurance exchanges to try to lower the costs of health insurance. In 2010, the Congressional Budget Office predicted that the law, which began to take effect in 2014, would reduce the federal deficit by $143 billion over ten years.

## Content Highlight:

### WHAT DO YOU THINK?

- If your state has adopted the initiative process, do you think it has been used to serve the common good or to advance special interests? Explain. If your state has not adopted the initiative process, what arguments can you make for and against doing so?
- What arguments might be made for or against adoption of initiative, referendum, and recall at the national level?



How has the national government attempted to address the issue of rising health care costs? Why have these efforts been controversial?

*Figure 5.26.7*

## Conclusion

The Constitution was not clear about the boundaries of power between the national government and state governments. In this lesson, you learned that our system of federalism often works well, but sometimes results in direct conflict between national and state laws. You also saw that, most state constitutions share the same core values as the U.S. Constitution's Bill of Rights. And in the past, states have led the way for inclusive reforms, such as giving women the right to vote. States continue to play a role in both in expanding and restricting citizen rights.

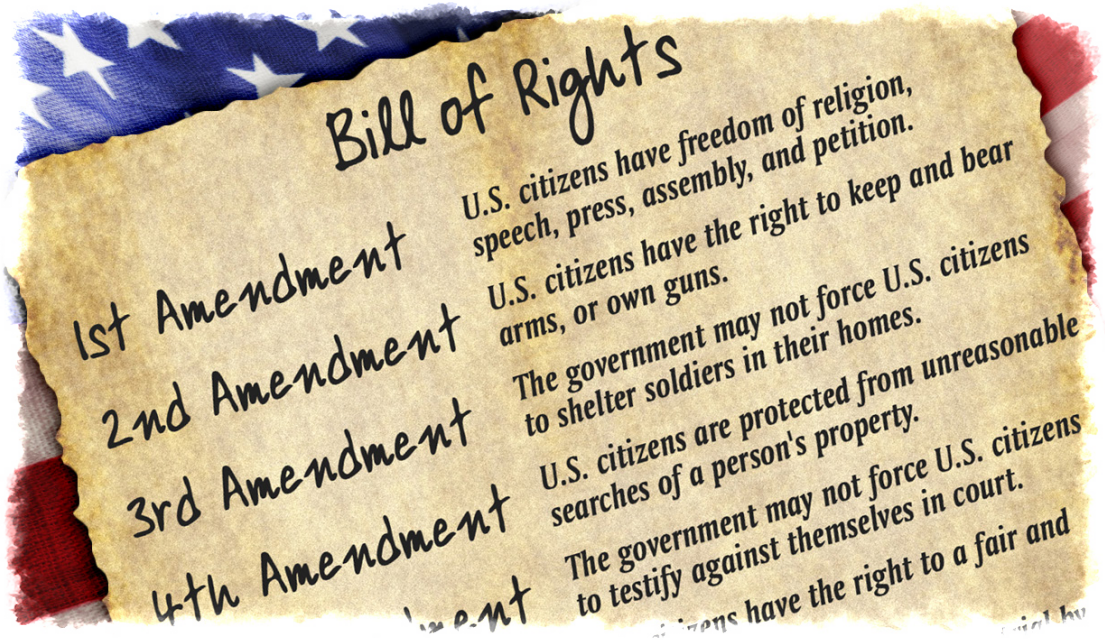
## Lesson Check-up



- **Why does each state have its own constitution?**
- **What are local governments? Why do state governments create them?**
- **Identify the local governments where you live and the functions they perform.**
- **What are initiative, referendum, and recall? How do they reflect principles of popular sovereignty? How do they undermine the concept of representative government?**
- **Has your state served as a "laboratory of democracy"? If so, how? Is it considering innovations that might serve as models of other states or the national government?**

LESSON 27

# The Bill of Rights




## What You Will Learn to Do

Evaluate the U.S. Bill of Rights and its foundations

## 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** what bills of rights are and how they have evolved
- **Examine** the Constitution and its amendments and identify which of the rights they contain are (1) held by individuals, classes, or categories of individuals, or institutions, (2) personal, economic, or political rights, and (3) positive or negative rights

## Key words

- **autonomy**
- **classes or categories of individuals**
- **economic rights**
- **negative rights**
- **personal rights**
- **political rights**
- **positive rights**
- **rights**

## Essential Question

**What are bills of rights and what kinds of rights does the U.S. Bill of Rights protect?**



## Learning Objectives (cont'd)

- **Identify** possible conflicts among these rights
- **Describe** various interpretations of the Second, Third, Ninth, and Tenth Amendments
- **Evaluate**, take, and defend positions about the kinds of rights protected by the U.S. Constitution and Bill of Rights
- **Define** key words: autonomy, classes or categories of individuals, economic rights, negative rights, personal rights, political rights, positive rights, rights

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## Introduction

This lesson provides a foundation for examining many of the **rights** contained in the U.S. Constitution, the Bill of Rights, and subsequent amendments to the Constitution that are discussed in earlier lessons. It also examines four provisions of the Bill of Rights that usually do not receive as much attention as others: the Second, Third, Ninth, and Tenth Amendments.

## What Are Bills of Rights and How Have They Evolved?

The struggle between the rights of people and groups and the power of government to interfere with or violate those rights is one of the great themes of human history. The Magna Carta, discussed in Lesson 4, is one example of efforts to protect rights against government abuse. It is sometimes referred to as the Great Charter of Freedoms, or the Magna Carta Liberatum.

The English Bill of Rights of 1689, also discussed in Lesson 4, is another example of listing the rights of individuals and groups in relationship to

## Key words

**rights:**
Moral or legal claims justified in ways that are generally accepted within a society or the international community

their government. Among other things, the English Bill of Rights guaranteed free speech and debate to Parliament, permitted English subjects to petition the Crown, prohibited the imposition of excessive bail and cruel and unusual punishments, and prohibited the Crown from keeping a standing army in peacetime. The English Bill of Rights also established that the rule of law is the foundation of legitimate government and that the People are entitled to be represented in legislative institutions.

The English Bill of Rights is important in understanding the evolution of bills of rights in the United States, but it is significant that the English Bill of Rights was enacted by Parliament. Therefore, Parliament can repeal it because it is merely an act of ordinary legislation that is subject to change at any time. By contrast, the drafters of America's first state constitutions included bills of rights that would bind all branches of government and could not be easily changed. The first state to do so was Virginia.

The Virginia Declaration of Rights of June 1776 states that its purpose is to form "the basis and foundation of government." The first three sections of the Virginia Declaration of Rights explain the relationship between rights and government authority:

- ***Section 1.*** "That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."
- ***Section 2.*** "That all power is vested in, and consequently derived from, the People; that magistrates are their trustees and servants, and at all times amenable to them."
- ***Section 3.*** "That Government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of Government that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that, whenever any Government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the publick weal."

The next fourteen sections of the Virginia Declaration of Rights of 1776 explain how representative government should be organized. These sections also place limits on the government, such as prohibiting excessive bail and the suspension of laws without the consent of representatives of the people. The declaration also identifies rights that should be free from government interference, including freedom of the press, and a prohibition on general warrants (see Lesson 31). The last section of the Virginia Declaration of Rights includes principles of classical republicanism:

- ***Section 15.*** "That no free Government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."



FRIDAY, June 14, 1776. POSTSCRIPT. No. 72.

IN CONVENTION.

JUNE 12, 1776.

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

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; of all the various modes and

consideration of publick services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

5. That the legislative and executive powers of the state should be separate and distinct from the judicative; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and

What elements of the Virginia Declaration of Rights are found in our Declaration of Independence, Constitution, and Bill of Rights?

*Figure 5.27.1*

Each state adopted a constitution after the Declaration of Independence was issued. All states except New York, which embedded its bill of rights in the Constitution, began their constitutions with bills or declarations of rights. As discussed in Lesson 13, the Anti-Federalists used the lack of a bill of rights in the U.S. Constitution as a rallying cry against ratification. Lesson 15 explained how James Madison made good on the promise to introduce a bill of rights into the First Federal Congress. Today the constitutions of all fifty states, as well as the U.S. Constitution, contain bills or declarations of rights. As explained in Lesson 26, states typically place bills or declarations of rights at the beginning of the constitution.

## What Questions Are Useful in Examining and Understanding Bills of Rights?

When analyzing bills of rights, certain questions can help clarify an understanding of rights:

- Who holds the right? Is it held by individuals, **classes or categories of individuals**, or institutions?
- What kind of right is it—personal, economic, or political?
- Does the right require government to act, or does it require government to refrain from acting?

The following information should be useful in answering these questions.

**Key words**

**classes or categories of individuals:** Groups of individuals within a society who can be recognized in the law as having certain rights

## Who May Hold Rights?

Rights may be held by individuals, classes or categories of individuals, or institutions.

### INDIVIDUALS

The idea that individuals can hold rights reflects the belief that humans should be considered autonomous and self-governing. This includes the belief that each individual should possess certain fundamental rights, such as those to freedom of thought and conscience, privacy, and movement. This emphasis on the rights of individuals is reflected in natural rights philosophy, exemplified in the Declaration of Independence by the statement that "all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."



Should disabled veterans be considered a class or category of individuals with certain rights? Why or why not?

*Figure 5.27.2*

### CLASSES OR CATEGORIES OF INDIVIDUALS

Under most legal systems members of certain classes or categories of individuals within a society are recognized in the law as holding certain rights. For example, laws may grant such rights to children, the

mentally ill or disabled, veterans, and those who hold professional qualifications, such as teachers, doctors, attorneys, building contractors, and airplane pilots.

### INSTITUTIONS

Institutions such as schools; governmental institutions at local, state, and national levels; unions; universities; business partnerships; and corporations also hold certain rights.

## What Are Common Categories of Rights?

Three common categories are **personal rights**, **economic rights**, and **political rights**:



What other rights are protected by the right to privacy?

*Figure 5.27.3*

### PERSONAL RIGHTS

These rights provide for individual **autonomy**, including, among other rights, freedom of thought and conscience, privacy, and movement. The idea that humans are autonomous, self-governing individuals with fundamental rights is central to natural rights philosophy. The rights to life, liberty, property, and the pursuit of happiness often are said to be "God-given" or based on nature. Every person is believed to possess such rights at birth. The purpose of government is to protect those rights.

### ECONOMIC RIGHTS

These rights include choosing the work one wants to do, acquiring and disposing of property, entering into contracts, creating and protecting intellectual property such as copyrights or patents, and joining labor unions or professional associations. Like political rights, such rights can be created and protected by statutes, national or state constitutions, or both. Many people consider economic rights to be associated with ownership.

### POLITICAL RIGHTS

These are rights of individuals that address political participation and can be created and protected by statutes, national or state constitutions, or both. Examples are the rights to vote and to engage in political activities, such as supporting particular candidates for office or running for office.

## Key words

**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

**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

**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

**autonomy:**
Independence, freedom, or the right to self-governance

## Do Rights Require Government to Act or Refrain From Acting?

Another common distinction made in discussions of rights is between **positive rights** and **negative rights**. In this context, the terms positive and negative do not refer to "desirable" and "undesirable." Rather, they usually refer to the relationship of individuals and classes or categories of individuals to their government.

Positive rights require government to act in specified ways. They include, for example, the rights of individuals to receive certain services from government, such as protection of their persons and property from criminal acts, protection from aggression from other nations, public education, and in some cases food, housing, or medical care.

Some provisions of the Bill of Rights also require government action. The Sixth Amendment, for example, guarantees criminal defendants the right to speedy and public trials. That guarantee requires government to establish and fund systems of open courts and to prosecute crimes without delay. The Seventh Amendment guarantees individuals the right to a jury trial in most common law or civil cases and this requires government to ensure that judges and juries are available to hear cases.

Negative rights restrict government action. Many of the individual rights protected by the U.S. Constitution and the Bill of Rights are stated as negative rights. For example, the First Amendment states that "Congress shall make no law" that violates fundamental rights to freedom of religion, speech, press, assembly, and petition.

### Key words

**positive rights:**
Those rights that require overt government action, as opposed to negative rights that require government not to act in specified ways

**negative rights:**
Those rights that prohibit government from acting in certain ways; rights that are not to be interfered with

## What Kinds of Rights Does the Bill of Rights Protect?

The Bill of Rights appended to the U.S. Constitution is commonly understood to contain specific guarantees of individual rights. In fact, the situation is more complicated because the Bill of Rights involves the kinds of rights described above.

For example, the Second Amendment provides that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The amendment requires the government to refrain from infringing upon the "right of the people to keep and bear Arms" and, as such, is a negative right. Some people argue that this amendment refers to the institutional rights of states to maintain militia units. Others contend that it refers to the individual right to keep and bear arms that is permitted by law in most states. The Supreme Court seemed to side with the institutional view in 1939 in *United States v. Miller.* In 2008, however, in the case of *District of Columbia v. Heller*, the Court made clear that the Second Amendment protected the individual's right in federal territories to bear arms. In *McDonald v. Chicago* in 2010, the Court incorporated the Second Amendment and ruled that citizens have the right to bear arms.

Another example is the Third Amendment, which states, "No Soldier shall, in time of peace be quartered in any house, without the consent of the

Owner, nor in time of war, but in a manner to be prescribed by law." This amendment, which embodies the centuries-old Anglo-Saxon legal principle that "a man's home is his castle," addresses the individual right not to be required to house soldiers. The amendment does acknowledge, however, the federal government's institutional right, or power, in time of war to set aside this right on behalf of the right of the nation to security.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Identifying Different Kinds of Rights in the Bill of Rights and Potential Conflicts Among Them**

Work in groups of three to five students to examine one of the following amendments: First, Fourth, Fifth, Sixth, Seventh, or Eighth. For each amendment, identify whether the rights protected are as follows:

- Held by individuals, classes or categories of individuals, or institutions
- Personal, economic, or political rights
- Positive or negative rights

Each group should report its conclusions to the class as a whole. Then the class should discuss how and in what ways the rights protected in the Bill of Rights might conflict with one another.

## What Are the Meaning and Importance of the Ninth and Tenth Amendments?

The first eight amendments to the U.S. Constitution contain specific guarantees of rights. By contrast, the Ninth and Tenth Amendments do not. There is ongoing debate about the meaning of these amendments.

The Ninth Amendment provides that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Theories about the Ninth Amendment include the following:

- It is simply an admission that it would be impossible to list all the rights and liberties that should be protected from government interference.
- It confirms that the Bill of Rights does not increase the powers of the national government in areas not mentioned in the first eight amendments. It does not guarantee any rights or impose any limitations on the national government.
- It commands judges and Congress to affirm rights not mentioned in the Constitution.



How does the Tenth Amendment protect the powers of the states against the national government?

*Figure 5.27.4*

The Tenth Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States

respectively, or to the people." Of all the amendments, the Anti-Federalists demanded in state ratifying conventions, one designed to reserve powers to the states was the most common. Two views of the Tenth Amendment are the following:

- It states the nature of American federalism but adds nothing to the Constitution as originally ratified.
- It protects the powers of the states against the national government.

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**Assessing the Meaning and Importance of the Ninth and Tenth Amendments**

Work in groups of three to five students and develop responses for the following questions regarding the Ninth and Tenth Amendments.

1. What do you think is the meaning of the Ninth Amendment? Of the Tenth Amendment?
2. What do you think is the importance of the Ninth Amendment to you personally and more generally to the preservation of individual rights and a democratic political system? Of the Tenth Amendment?

## What Rights Are Protected in the Body of the Constitution?

In addition to those rights protected in the first ten amendments—known as the Bill of Rights—the body of the U.S. Constitution and subsequent amendments also protect many rights. Alexander Hamilton argued in Federalist 84 that the Constitution itself is a bill of rights. Each provision is aimed at preventing the type of abuse that the Framers had seen in British history, their own colonial governments, their state governments, or the national government under the Articles of Confederation. Since the adoption of the Bill of Rights in 1791, seventeen other amendments have been added to the Constitution, one of which was repealed. Many of these also protect rights. However, the following exercise will focus on some of those rights protected in the body of the Constitution because the rights contained in the Eleventh through Seventeenth Amendments have been discussed in other lessons.



How does the Constitution protect against the type of abuse by government that the Framers had seen in colonial history?

*Figure 5.27.5*



Do you agree or disagree with the quotation attributed to Voltaire, "I disapprove of what you say, but I will defend to the death your right to say it"? Why or why not?

*Figure 5.27.6*

## Content Enhancement:

### CRITICAL THINKING EXERCISE

**What Kinds of Rights Are Protected in the Body of the Constitution?**

Work in small groups and examine Articles I, II, III, and IV of the U.S. Constitution. Then respond to the following questions:

1. How does Article I protect the political rights of those serving in Congress?
2. How does Article I protect individual rights from infringement by Congress? By the states?
3. How does Article I protect economic rights?
4. How does Article II protect the political rights of the president?
5. How does Article III protect the political rights of judges? Of individuals?
6. How does Article IV protect political rights of individuals? Of classes or categories of individuals?
7. Are the rights protected in Article I through IV of the Constitution positive rights, negative rights, or some of each? Explain.

Compare each group's response to these questions with the responses of other groups. Are there differences? If so, how do you explain the differences?

What do you think Alexander Hamilton meant when he claimed that the Constitution itself is a Bill of Rights?

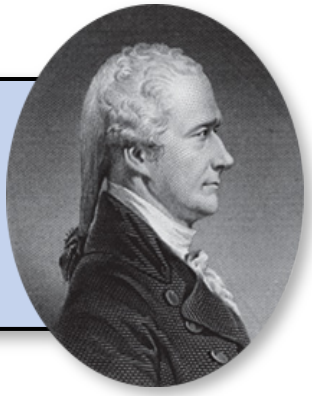

*Figure 5.27.7*

## How Have Attitudes About the Bill of Rights Changed Since 1791?

Many Federalists criticized James Madison for pushing the Bill of Rights through Congress. At best, they considered it of little importance. Madison himself, tired of the disagreement and dissent associated with the debates on the Bill of Rights, described the process as a "nauseous project." Ironically, several Anti-Federalists who had based much of their opposition to the Constitution on the lack of a bill of rights also were unhappy. They had hoped to use the movement for a bill of rights as an opportunity to rewrite the Constitution.

Why did James Madison think it was important to add a bill of rights to the Constitution? Do you agree with him? Why or why not?

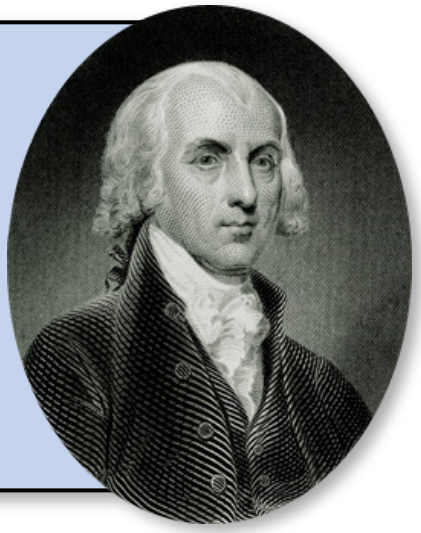

*Figure 5.27.8*

Some predicted that the Bill of Rights would do more harm than good by giving the national government power over the states in enforcing those rights.

The initial reaction of most Americans to the Bill of Rights was lukewarm. Its passage had little effect on the average person, who had closer ties to a particular state than to the national government. In *Barron v. Baltimore (1833)* the U.S. Supreme Court ruled that the Bill of Rights applied only to the national government. The Fourteenth Amendment and many Supreme Court decisions thereafter were required to incorporate most of the provisions of the Bill of Rights as limits on the states as well as on the national government.

In the twentieth century, the Bill of Rights achieved a significance never dreamt of in the eighteenth century. Today, the Bill of Rights is recognized throughout the world as one of the most important single documents that expresses and delineates fundamental individual rights.

Despite this fame, public opinion polls during the bicentennial of the Bill of Rights in 1991 revealed shortcomings in Americans' knowledge of this important document. Polls did show that a high percentage of Americans knew that the first ten amendments to the Constitution are called the Bill of Rights. But most of those interviewed knew little or nothing about the meaning, history, and application of key concepts in the Bill of Rights. A recent poll showed that sixty-nine percent of respondents knew that the First Amendment protects freedom of speech, but only twenty-four percent knew that it also protects the free exercise of religion. Moreover, only eleven percent knew that in addition it protects freedom of the press; ten percent that it protects freedom of assembly; and just one percent that it protects the right to petition government for a redress of grievances. More than half believed that the First Amendment guarantees the right to trial by jury and the right to vote.



Why is freedom of speech an important right?

*Figure 5.27.9*



Should people be able to practice their religion completely free from government interference? Why or why not?

*Figure 5.27.10*

## Content Highlight:

### WHAT DO YOU THINK?

- In response to public opinion polls revealing Americans' ignorance of the Bill of Rights, one commentator argued that "the less Americans know about freedoms, the more they are likely to erode without our notice." Do you agree or disagree with this statement? Why?
- Reread the Bill of Rights. Do your think some rights are more important than others? If so, which one? Explain your reasoning.

## Conclusion

Citizen rights in relation to their governments have a long history. In this lesson, you examined the foundation of the U.S. Bill of Rights. The Bill of Rights is part of our nation's constitution. You learned that these constitutional rights are vital for a free society and protections against repressive government rule. The U.S. Bill of Rights is admired throughout the world. However, many Americans remain unclear about these important rights and what they mean.

## Lesson Check-up



- **How do the rights found in the U.S. Constitution and the Bill of Rights reflect the influence of classical republicanism and natural rights philosophy?**
- **Are the early American bills of rights significantly different from the 1689 English Bill of Rights? Explain.**
- **How do the rights of institutions and classes of individuals, such as doctors or the disabled, differ from the rights possessed by all individuals under the U.S. Constitution? Under what circumstances, if any, should such rights be given preference over individual rights? Why?**
- **What are "positive rights" and "negative rights"? Provide examples of each.**
- **Why has it been difficult to resolve the meaning of the Second, Third, Ninth, and Tenth Amendments to the U.S. Constitution?**

# Freedom of Religion




## Key words

- **compelling state interest**
- **established church**
- **establishment clause**
- **free exercise clause**
- **separation of church and state**

## What You Will Learn to Do

Explain how the First Amendment affects the establishment and free exercise of religion

## 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 religious freedom in the United States and to identify primary differences between the establishment and free exercise clauses
- **Describe** how the Supreme Court has interpreted the religion clauses, ongoing issues involving those clauses, and how conflicts can arise between the establishment and free exercise clauses

## Essential Question

**How does the First Amendment affect the establishment and free exercise of religion?**



## Learning Objectives (cont'd)

- **Evaluate**, take, and defend positions on issues arising from guarantees relating to the establishment and free exercise of religion clauses of the Constitution
- **Define** key words: compelling state interest, established church, establishment clause, free exercise clause, separation of church and state

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## Introduction

The first two clauses in the First Amendment prohibit Congress from making laws regarding the establishment of religion or prohibiting the free exercise of religion. The exact meaning of the establishment and **free exercise clause**s has been a topic of fierce debate. Did the Founders intend to build "a wall of separation between Church and State" as Thomas Jefferson asserted? Or did they merely intend to prevent religious persecution and the establishment of one national religion?

## What Is an Established Religion?

In the seventeenth century, when the first English colonies were being settled in America, Europe was in the throes of religious wars. This period was part of the era known as the Reformation, which began in the sixteenth century. The period led to more than a century of bloodshed as Catholics and Protestants struggled for political power. As various groups came to power, they often attempted to eliminate others by outlawing their religions or banishing, torturing, jailing, or killing adherents to religions other than their own.

Despite the turmoil caused by religious struggles, most Europeans continued to accept the legitimacy of an established, or official, religion. It was generally believed that religion and morality formed the necessary

## Key words

**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

## Key words

**established church:**
An official, state-sponsored religion

**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

foundation of a successful government. Almost every nation in Europe had an **established church**. In France and Spain, it was Roman Catholicism. In some German states and in Sweden it was Lutheranism. In England, the Act of Supremacy of 1534 made the Church of England, or the Anglican Church, the established church.

People fleeing religious persecution settled many American colonies. However, most colonies followed the tradition of having established churches, and there was little patience with those who did not belong to the established church. Religious intolerance and persecution of those with nonconforming religious beliefs was common place in Anglican Virginia and Congregational, or Puritan, Massachusetts. People were taxed against their will to support state religions and punished for failing to attend public worship and sometimes for heretical or nonconformist opinions.

However, religious intolerance did not remain universal in the colonies for long. Intolerance of religious dissent and an unwillingness to separate church and state led to the exile of the dissenting theologian Roger Williams (c. 1603–1683) from Massachusetts Bay Colony. In 1636, together with a few friends, Williams secured land from the Indians in what is now Rhode Island. There he founded a new society based on freedom of conscience, religious toleration, and **separation of church and state**. This phrase refers to the lack of an established church or the state supporting one religion over others. Members of Williams's new colony had to promise to obey the majority, but "only in civil things." In 1663, the colony of Rhode Island and Providence Plantations was formally established.



What are some of the factors that led to increased religious tolerance during the colonial period?

*Figure 5.28.1*

## 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.



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

*Figure 5.28.2*

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.*

### 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.



What rights does the establishment clause protect? Why does it protect these rights?

*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.



What considerations, if any, should be used to limit the free exercise of religion?

*Figure 5.28.8*

## 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.

### 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 worshiping "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.**

LESSON 29

# 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.

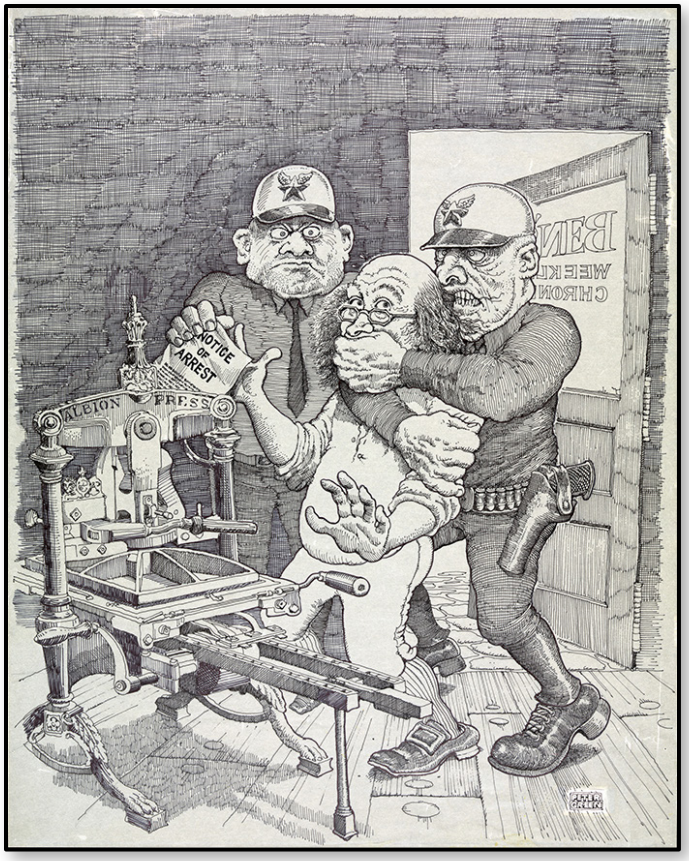


*Figure 5.29.2*

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 kinder-garten classroom (place), and one cannot shout one's responses to questioning in a courtroom (manner).




What considerations, if any, should be used to limit freedom of expression?

*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 stop 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?**

LESSON 30

# Freedom to Assemble, Petition, and Associate



## 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



## Key words

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

## 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.

## Key words

**gag rule:**
Any rule restricting open discussion or debate on a particular issue

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

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?**

LESSON 31

# Unreasonable Law Enforcement Procedures



## 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

## Key words

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

## 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 **warrant**s, 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.

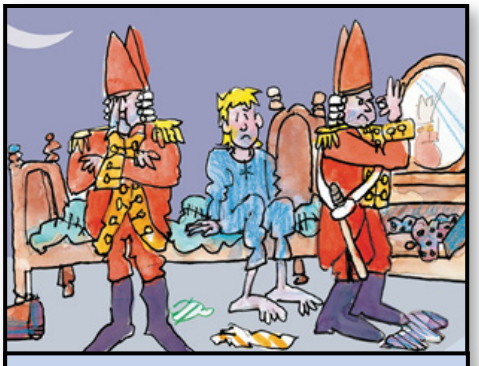
In the eighteenth-century Parliament also approved the use of general warrants in the American colonies. British officials used such warrants to collect taxes, to recover stolen goods—including slaves—and to prosecute persons they believed to have violated British trade restrictions by smuggling tea 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?

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.

**Key words**

**affidavit:**
A formally sworn statement

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.



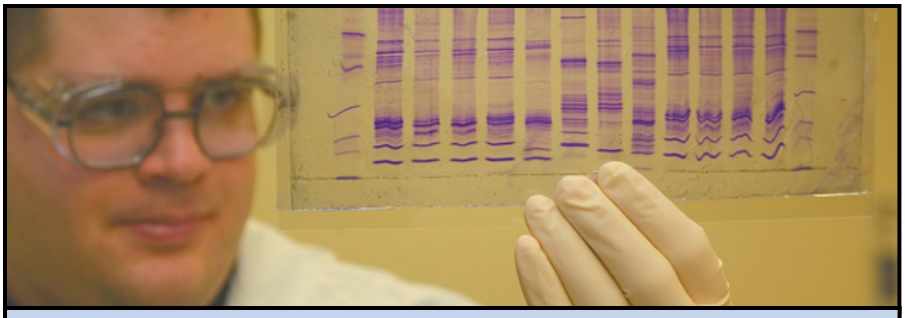

Under what conditions, if any, should a law enforcement officer be able to arrest someone without a warrant?

*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?



Should DNA evidence be subject to the same warrant requirements as any other kind of evidence? Why or why not?

*Figure 5.31.5*

## 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.

### 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

## 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.



Should law enforcement agencies be allowed to force defendants to reveal incriminating facts about themselves? Why or why not?

*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.

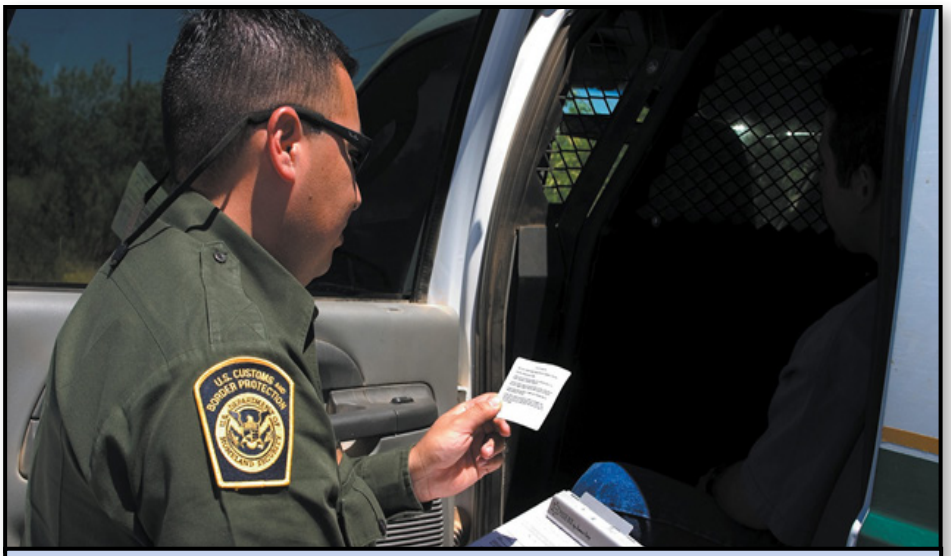


What are the purposes of the Miranda rule? What warnings do police officers have to provide to people who have been arrested?

*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



*Figure 5.32.2*

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. 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.

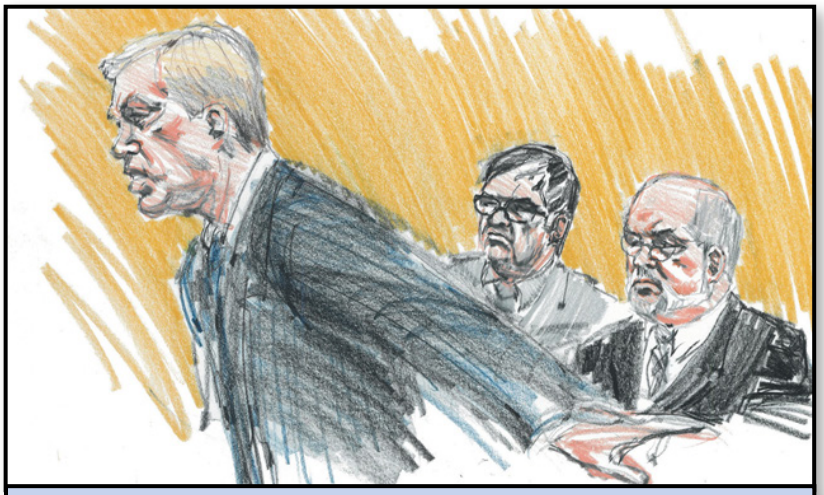
The complexity of the adversary system requires the use of lawyers to represent defendants. Even well-educated people and many lawyers who do not specialize in criminal law are not competent to conduct an adequate defense in today's courts.

### 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.

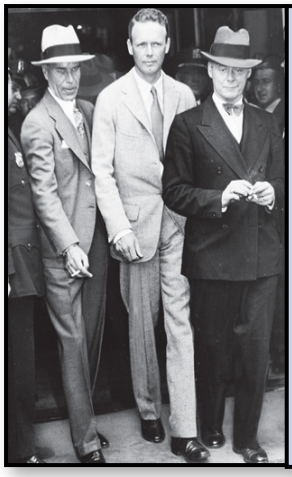


What advantages, if any, does the adversary system of justice have over the inquisitorial system of justice?

*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.

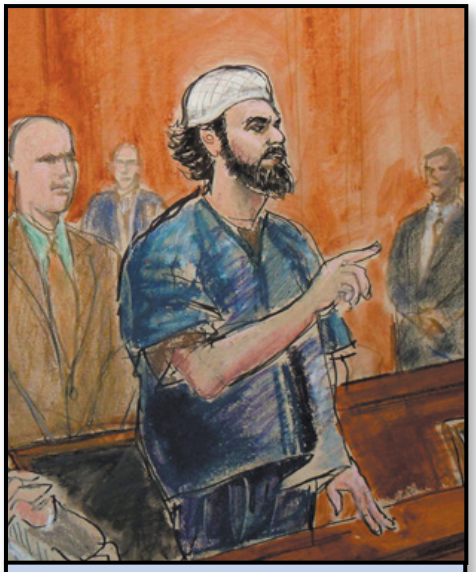
The requirement of a public trial does not prevent judges from imposing regulations to preserve a defendant's right to a fair trial. For example, a judge can order some proceedings to be closed if having the press or public present would make it impossible for the defendant to receive a fair trial. Judges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



*Figure 5.32.6*

***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.

***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.



How do judges help ensure a fair trial?

*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?**

LESSON 33

# 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.

## Key words

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

## 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.

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?

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

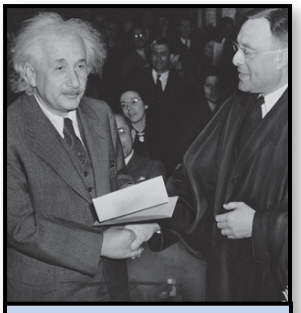
**Key words**

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

**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.*

*Figure 5.33.3*

*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.*

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*

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).*

### 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

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.

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 **alien**s—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.

## Key words

**alien:**
A foreign-born resident

**resident alien:**
A noncitizen legally residing in a country other than their birth country



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 alien**s 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*

Key words

**voluntary associations:** Unpaid groups that form to solve community problems and taking care of one another

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

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

## 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 organization**s (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.

### 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.

### 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

## 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.

**Key words**

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

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.

## 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:

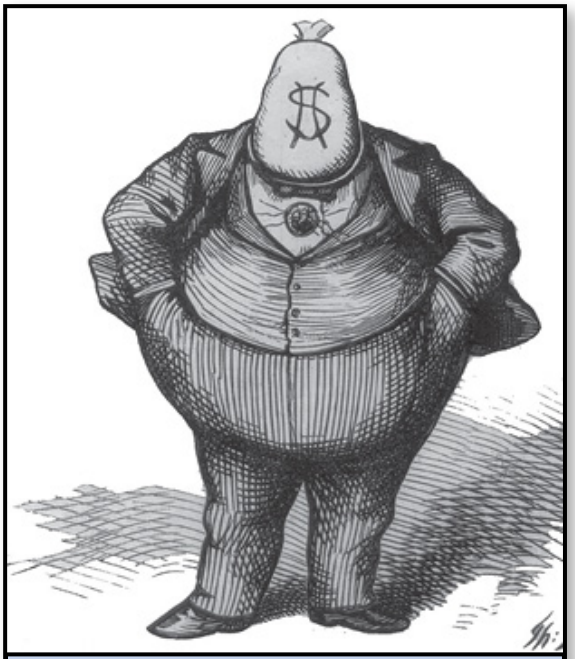
- Parents of school-age children
- Senior citizens who have no children in school
- Members of a civic organization with a community service focus on homelessness
- Small-business owners whose profit margins are small



*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**

LESSON 35

# Civil Rights Movements



## 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

## Key words

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



## 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

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?

*Figure 5.35.1*

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.

### Key words

**de facto segregation:** Racial separation not mandated by law

**civil rights:** The rights belonging to an individual by virtue of citizenship

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.

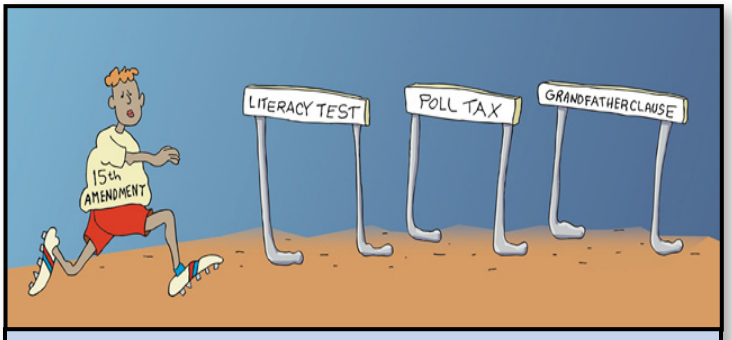
In August that same year, more than two hundred thousand people, mostly African Americans, converged on Washington, D.C., to demonstrate for a full and speedy program of civil rights and job opportunities. President John F. Kennedy announced that he would ask Congress to enact major new civil rights 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




Why was the Voting Rights Act of 1965 needed to enforce the provisions of the Fifteenth Amendment?

*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.



Under what conditions, if any, do you think civil disobedience is justified?

*Henry David Thoreau argued that when conscience and law conflict, people have a moral responsibility to promote justice by disobeying 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.



What events contributed to the passing of the Civil Rights Act of 1964 by Congress and President Lyndon B. Johnson's signing it into law?

*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.



Have all of the most important goals of the Equal Rights Amendment been accomplished even though it was not passed?

*Rosalynn Carter (center) the wife of President Jimmy Carter, signs a resolution supporting the Equal Rights Amendment.*

*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 20th and 21st 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?**

LESSON 36

# 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.



Why do you supposed that most other nations have not copied the American system of presidential government?

*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.



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

*Figure 5.36.3*

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.

## 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."

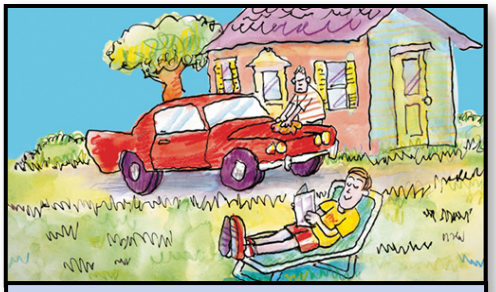
The influence of the Declaration of Independence, the U.S. Constitution, and the Bill of Rights is apparent in the Universal Declaration. Provisions in the Universal Declaration of the right to life and equality, echo the U.S. Declaration of Independence of 1776. The prohibition of ex post facto laws, 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

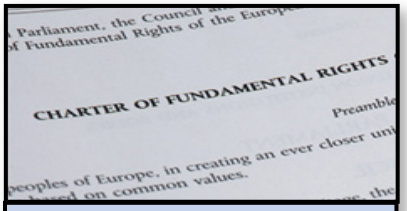


Which rights among the "aspirational goals" of the Universal Declaration are protected by laws in the United States?

*Figure 5.36.5*

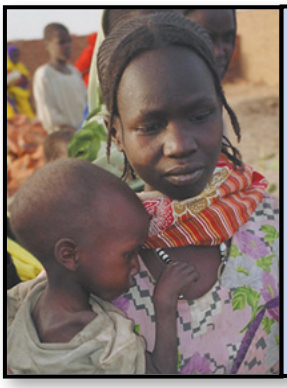
Regional agreements have expanded the concepts of the Universal Declaration in the decades since its adoption. For example, in 1950 as one of the preliminary steps toward formation of the European Union, the countries of Western Europe agreed to a European Convention on Human Rights. They established 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.




What are some similarities and differences between the Bill of Rights and contemporary charters of human rights?

*Figure 5.36.6*



What, if anything, should be done by the United States to prevent the violation of human rights in other countries?

*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?**

LESSON 37

# 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.




How should Americans address the problem of soaring energy prices?

*Figure 5.37.1*




What countries are currently the major sources of immigration to the United States? How has this changed since the early twentieth century?

*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?

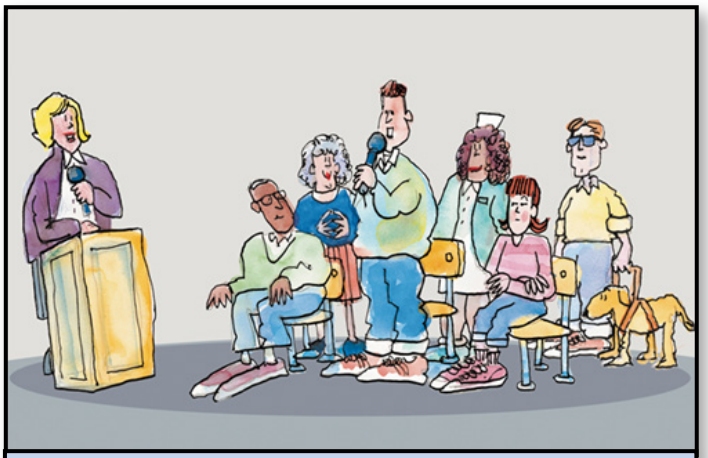
Improvements in electronic communications are transforming how Americans acquire political information and participate in constitutional democracy. Advocacy groups now use the Internet, databases, and email to inform and organize their members. Americans with access to cable or satellite television can 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.



*Figure 5.37.6*

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

### TERM LIMITS

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

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

## PROPERTY RIGHTS

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

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

**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

## 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?

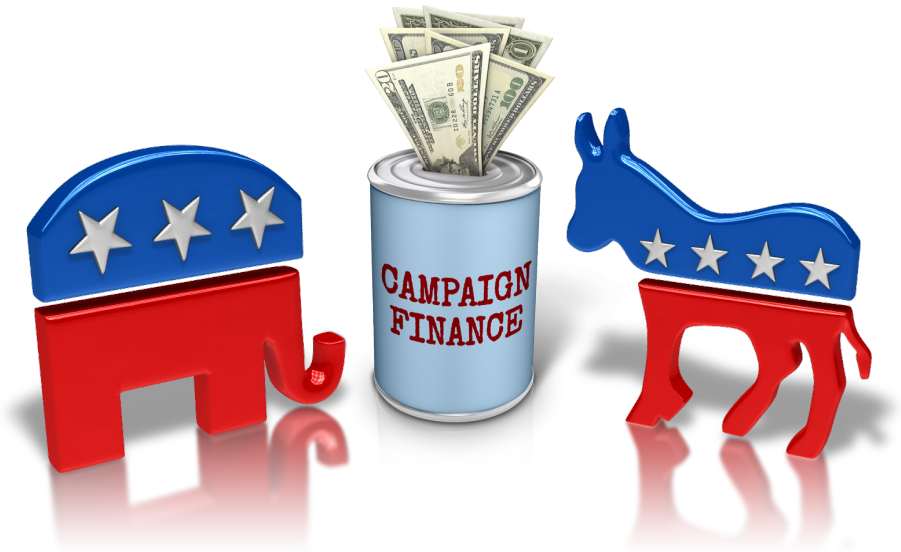



*Figure 5.37.7*

## 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?**

LESSON 38

# Participation in World Affairs



## 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

## Key words

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

## 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

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.



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

*Figure 5.38.2*

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

The president has power to:

- Negotiate treaties. A **treaty** is a formal agreement with one or more other nations. Treaties are used to conclude wars, help maintain peace, and affect international commerce. The delicate task of negotiating treaties rests with the president. The Department of State assists the president in this ongoing work. Once ratified by the Senate, treaties are part of the "supreme Law of the Land."
- Act as commander in chief of the army and navy. This power reflects the need for concentrated military authority in wartime. The United States has been at war—declared or undeclared— so often that the role of commander in chief has contributed significantly to the growth of presidential power.
- 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

## 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

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 Gorbochev 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.

## 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.

### Key words

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



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:



How can citizens influence foreign policy?

*Figure 5.38.5*

- ***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.




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 corporation**s 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 under-employed 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.**

LESSON 39

# 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.



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*

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.

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.

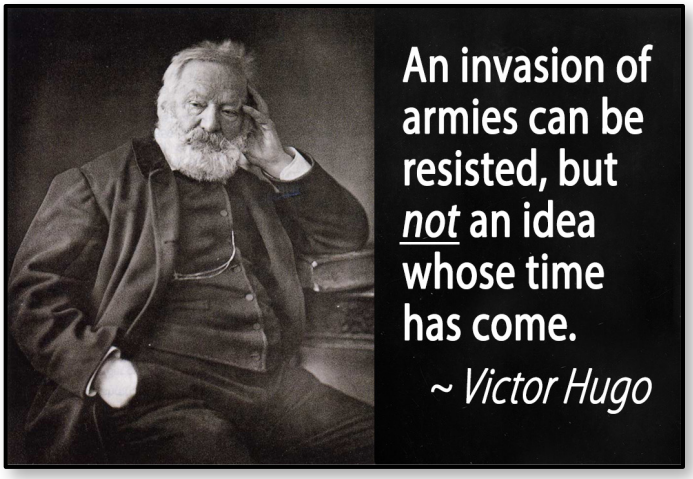



*Figure 5.39.2*

## 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.

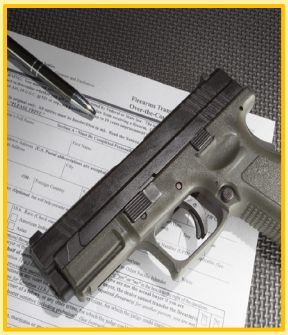


*Figure 5.39.5*

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?**

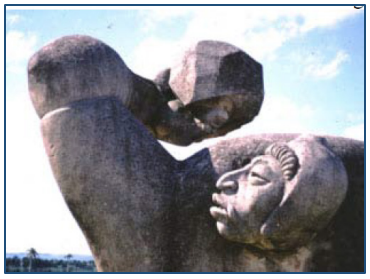
## Introduction

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*

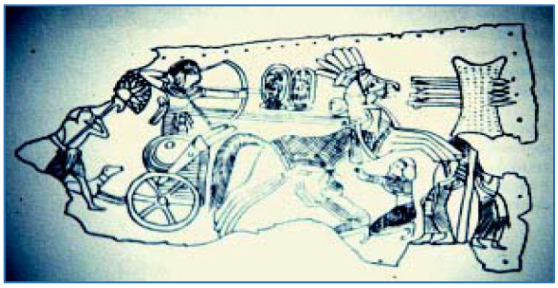
There are four different Olympic sports that now include marksmanship. The winter sport of **biathlon** combines cross-country skiing and rifle shooting. Modern **pentathlon**, archery, and shooting all are summer Olympic sports. Archery involves shooting with bows and arrows. Pentathlon combines air 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

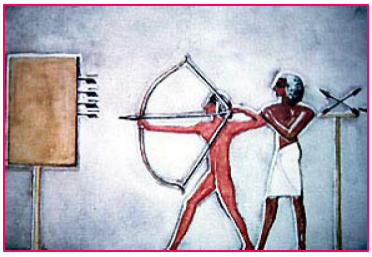
Margaret Thompson-Murdock of the U.S. won a silver medal to become the first woman to ever win an Olympic medal in shooting. The U.S. Army Marksmanship Unit trained Murdock, Writer, Bassham, and Etzel.



*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 17th and 18th 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.*

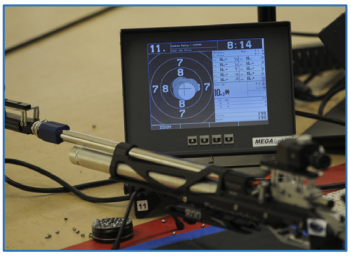


*Figure 6.1.6*

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. Weight-lifting 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

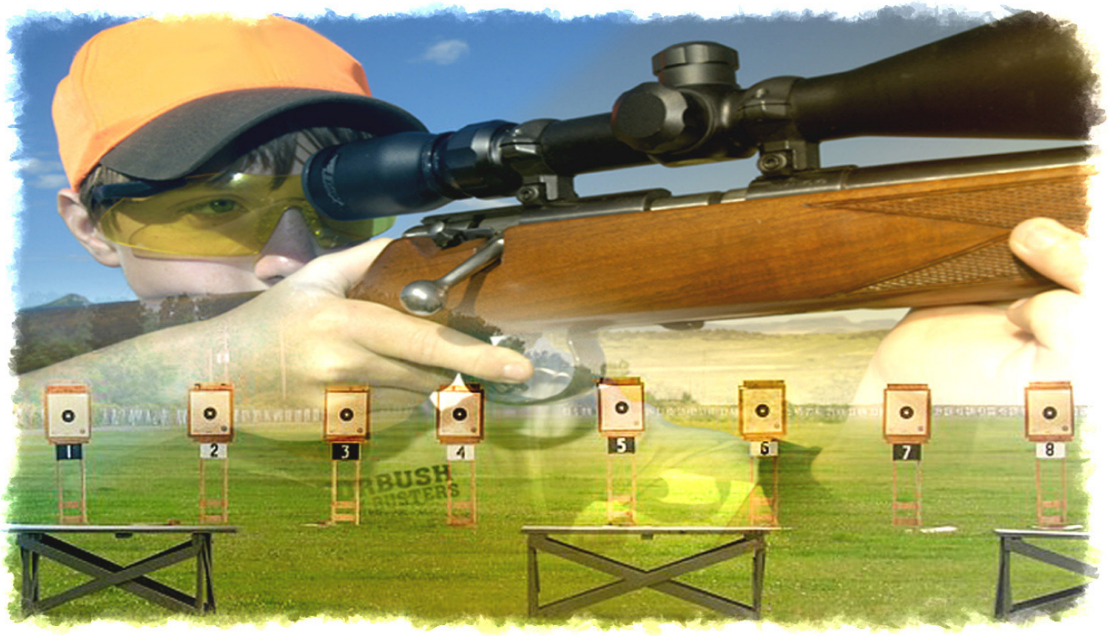
This student text for Cadet Safety and Civilian Marksmanship Program is designed to teach the basic skills you will need to practice the sport of target rifle shooting. The objectives of this marksmanship training program are to teach you how to handle guns safely, how to perform the basic skills of 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



## 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

## 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

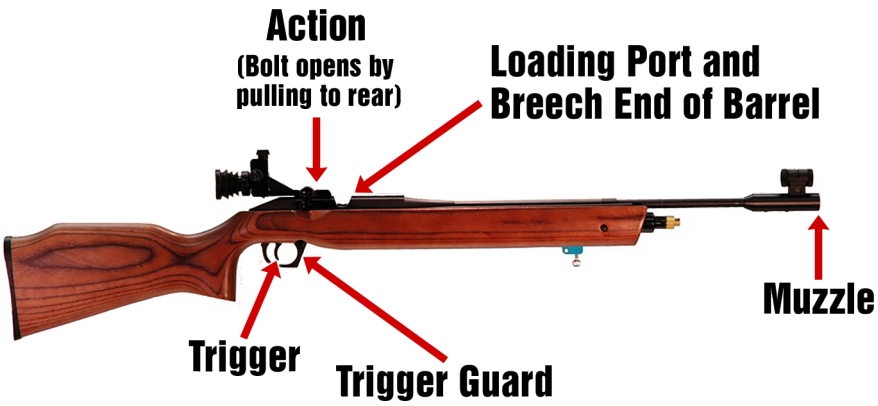



*Figure 6.2.2*

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 **CBI**s 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.

## Key words

**CBI:**
Clear barrel indicator

**indexing:**
Holding a rifle so that all fingers are outside of the trigger guard

## 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.

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.

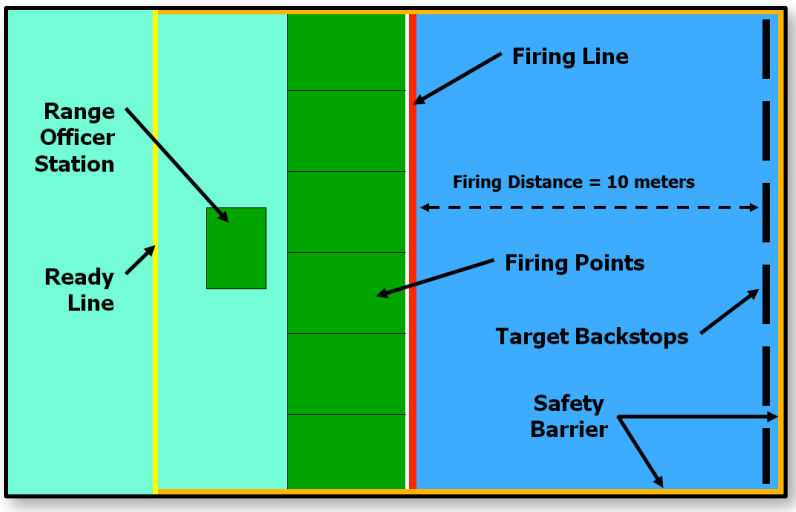



*Figure 6.2.6*

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.




*Figure 6.2.7*

- ***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 6.2.8*

- ***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.

**Key words**

**grounding:**
In target competition, placing rifles on the floor, shooting mat, or bench with the muzzle lying ahead of the firing line

- ***"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.

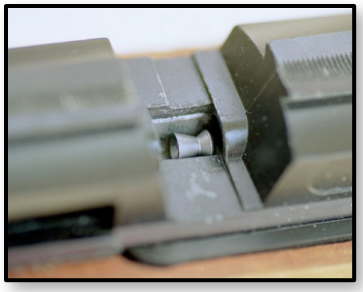


*Figure 6.2.10*

- ***"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

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*

**Key words**

**PDC:**
Pellet discharge container

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.



*Figure 6.2.12*

- ***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.

## 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



## Key words

- breech
- front sight inserts
- kneeling roll
- loading port
- pistol grip
- rear sight blinder
- rifling
- sling swivel

## 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

## 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 – CO2, purchased by units for rifle team use
- Daisy M887 – CO2, 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 ($CO_2$) 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*

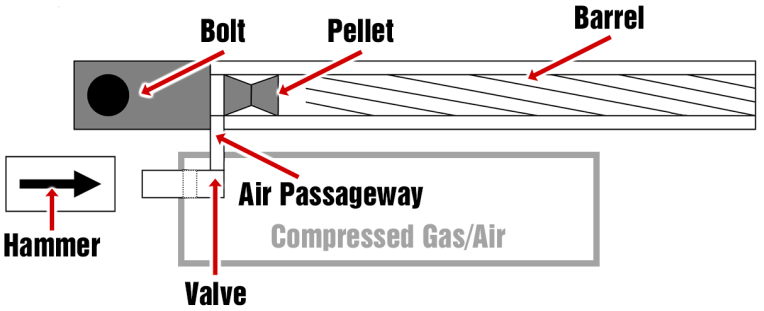
## How Air Guns Work

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




***Hammer*** *is released by pulling the trigger— it moves forward to strike the valve.*

***Valve*** *releases air from cylinder into* ***barrel*** *when struck by* ***hammer.***

*Rifling causes* ***pellet*** *to spin as it passes through* ***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.

## 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.

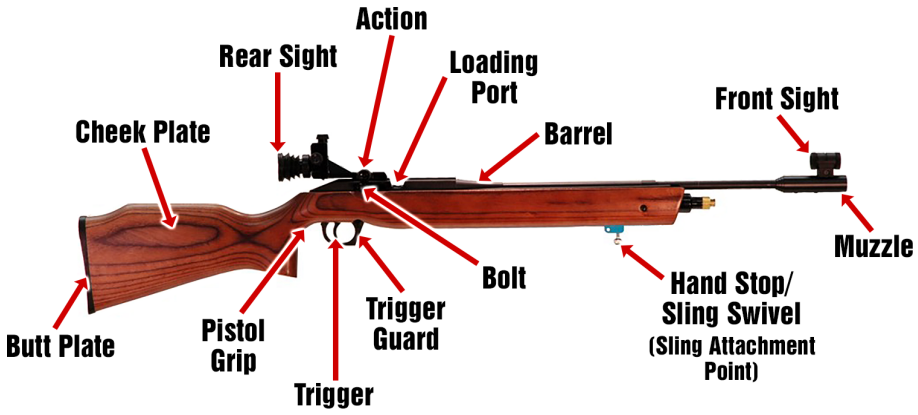



*Figure 6.3.4*

- ***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

**rifling:**
A pattern of flat spiral ridges inside the barrel that cause a projectile to spin when it leaves the barrel

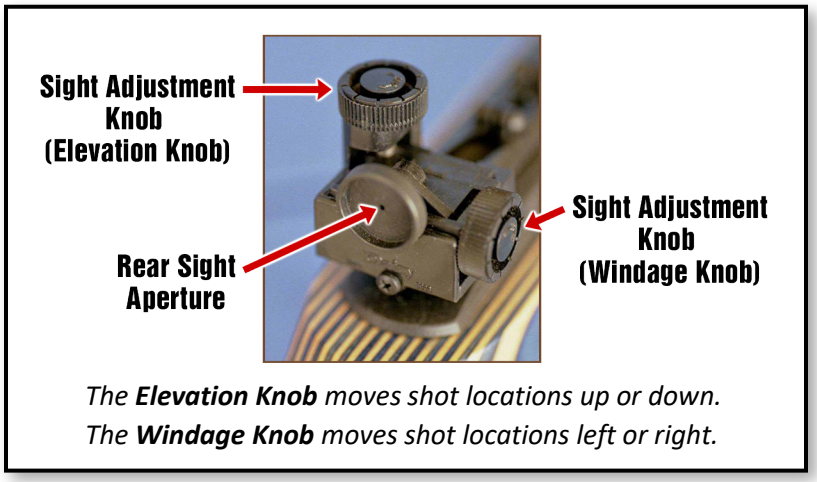
**loading port:**
The location where the pellet is loaded into the barrel

## Key words

**pistol grip:**
The curved portion of the stock behind the action and trigger

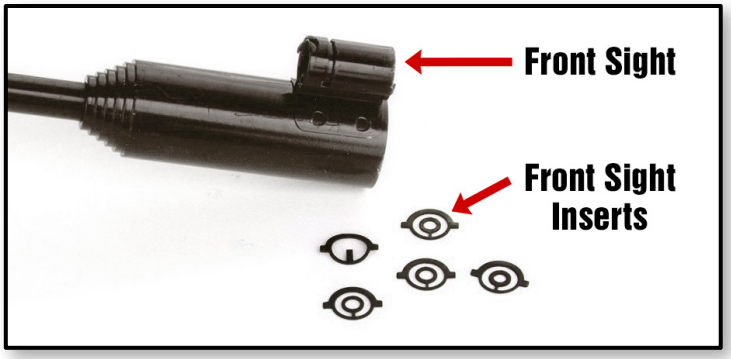
**front sight inserts:**
Attachments to the front sight of an air rifle which come in different sizes and ensure that the correct sight aperture is used

- ***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 blinder**s 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.



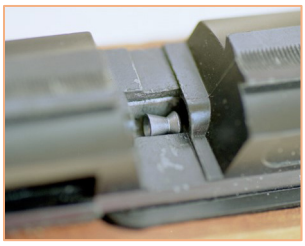
*Figure 6.3.15*

### 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.



*To load the Daisy M853/M888, place a pellet in the loading port and close the bolt by pushing it forward.*



*Complete loading by pushing the bolt forward to the seat pellet in breech.*



*To load the precision air rifle, fully seat the pellet in the breech end of the barrel with the finger or thumb.*

*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.



*Figure 6.3.17*

## 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.

## Conclusion

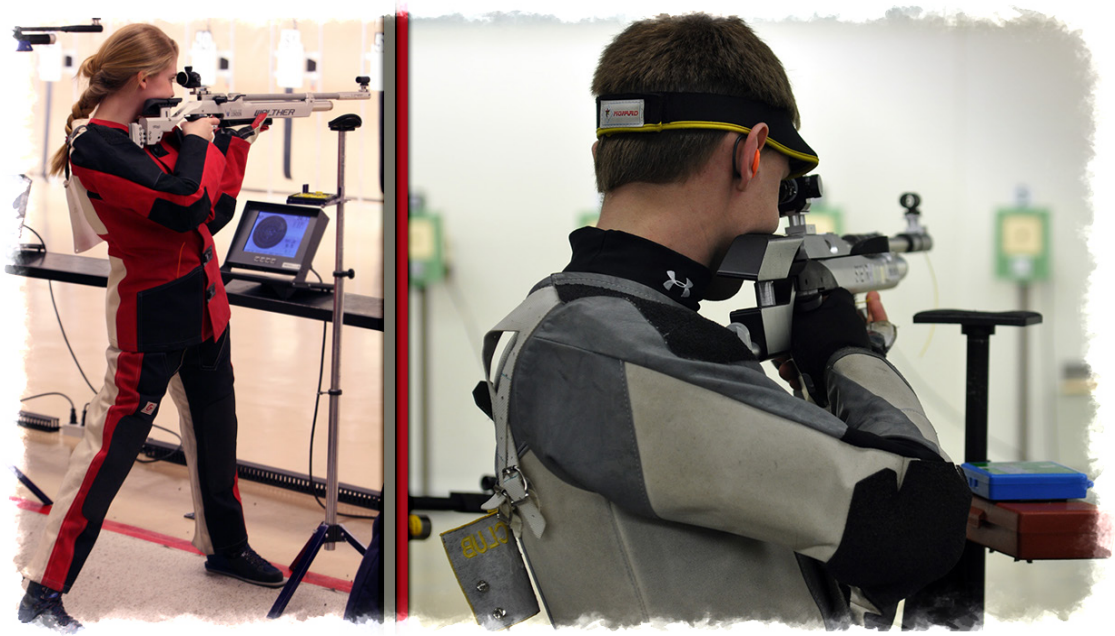
After you learn the essential parts and components of the air rifle you will be using and how to load and fire it, you are ready to learn the first skills of target rifle marksmanship. In following lessons, you'll learn about the different positions used when you compete in marksmanship events.

## 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*




*Notice how similar the two standing positions are. Visualize yourself in this same stance as you hold an air rifle while aiming at a target. Study the two photos carefully. The arrows point to specific things you should try to copy when you shoot in the standing position.*

*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.

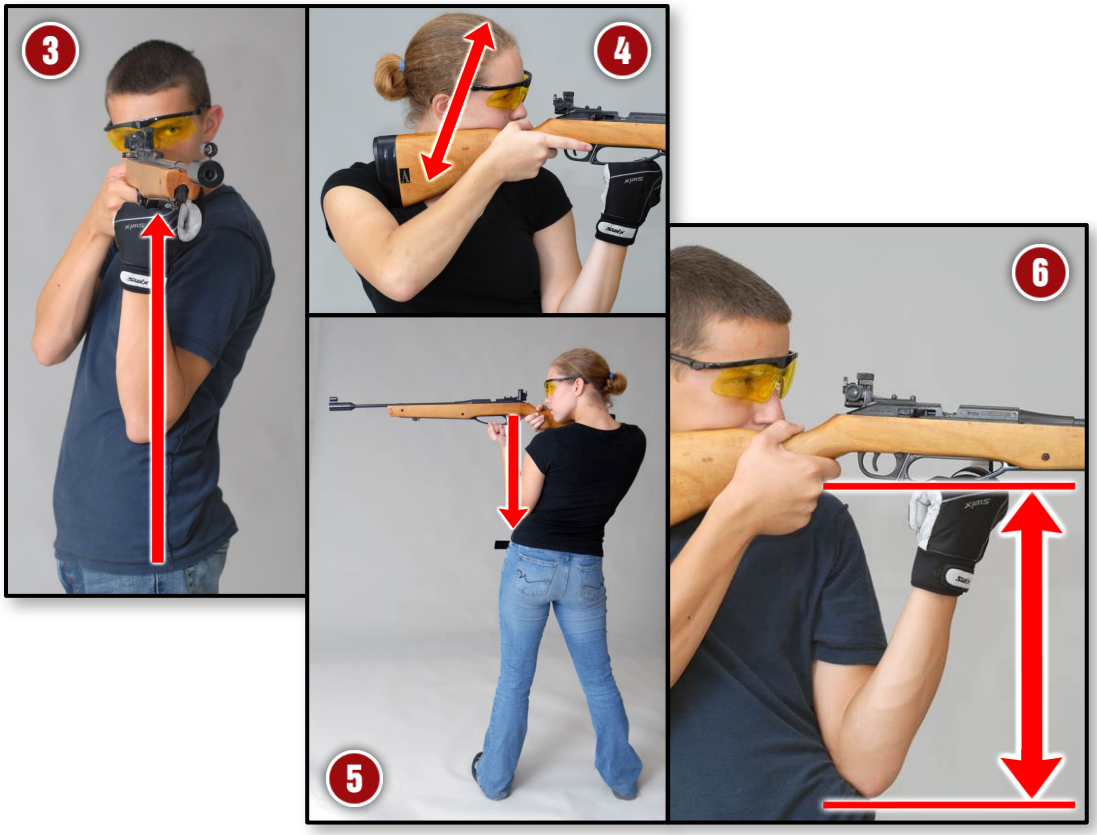



*Figure 6.4.4*

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.

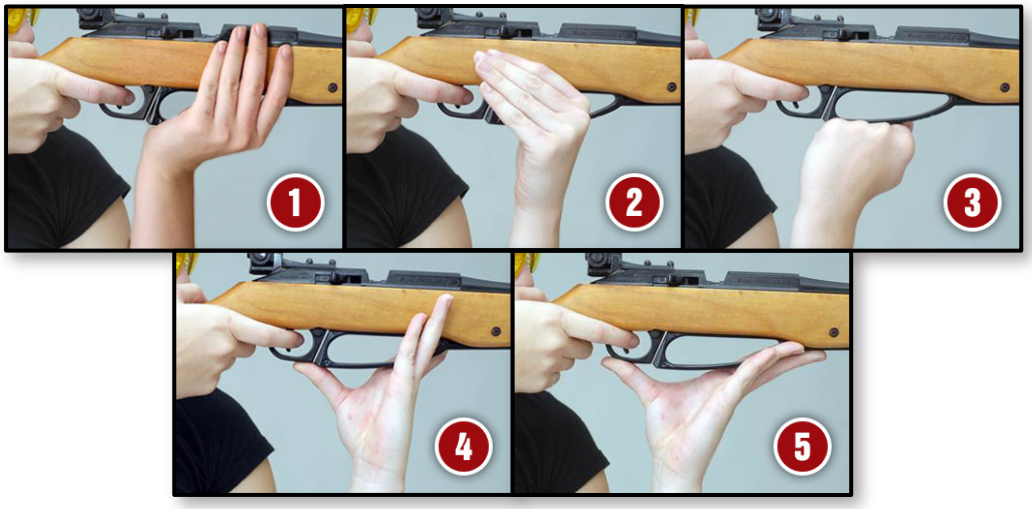
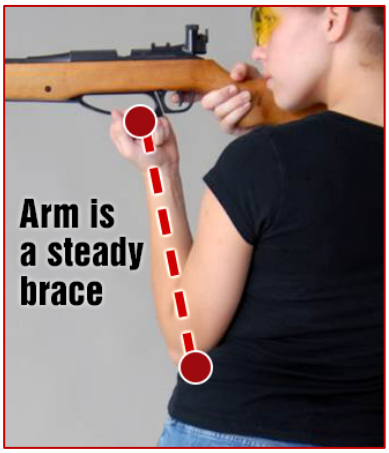



*Figure 6.4.5*

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.



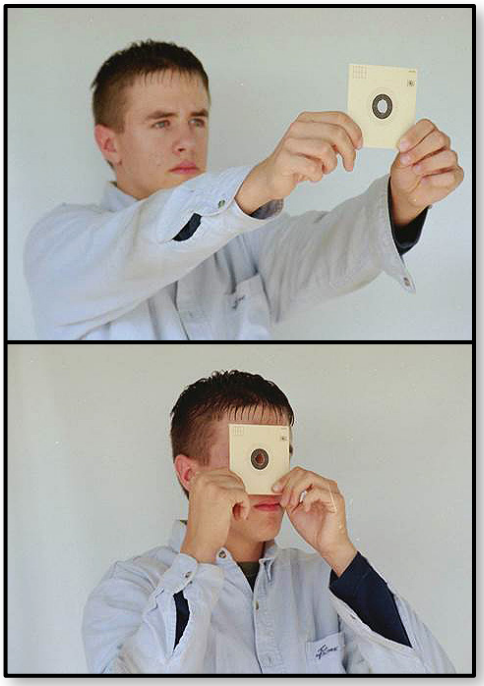

*One of the most critical points in building a correct standing position is to place the left (support) arm on the side of the body, directly under the rifle. When this arm is relaxed on the side of the body, the forearm serves as a steady brace to support the rifle. In shooting, bone support is much steadier than muscle support.*

*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.



*Dominant Eye Test* *Figure 6.4.7*

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.

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*

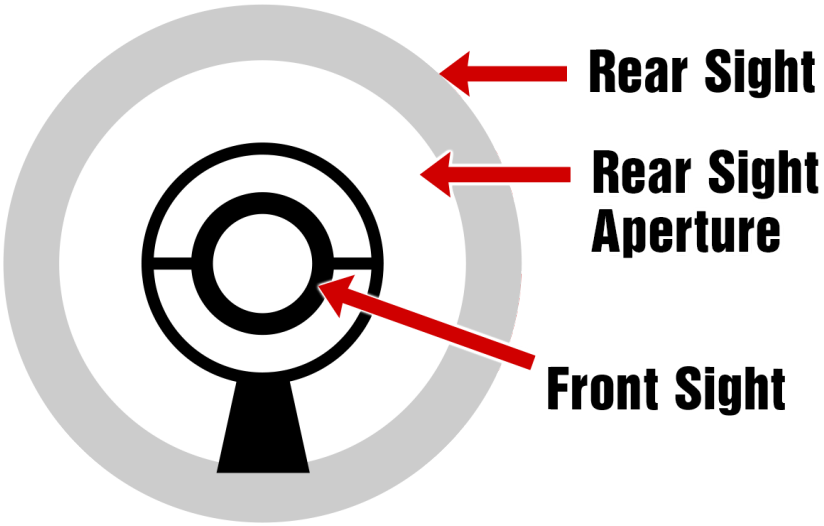
For cross dominant people who simply are not comfortable shooting from the same shoulder as their dominant eye, shooting from the other shoulder is acceptable. However, if this is done, it is very important to place a blinder (opaque occlude) on the rear sight to block the view of the dominant eye so that the eye that is used for aiming can concentrate on the rifle sights.

### Key words

**dominant:**
The strongest or the main one

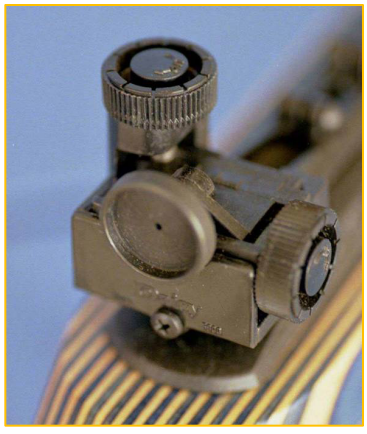
## Aiming – Sight Alignment

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 looks like this. You can see the front sight in the center of the rear sight aperture.*

*Correct Sight Alignment* *Figure 6.4.9*



*To align the sights, look through the small hole in the rear sight iris to see the front sight.*

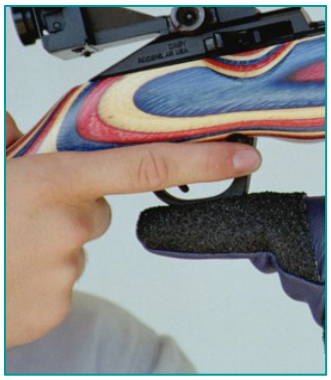
*Figure 6.4.10*

**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.

### 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

## Pulling the Trigger



*When you place the rifle in position, always keep the index finger outside of the trigger guard.*

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 though 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

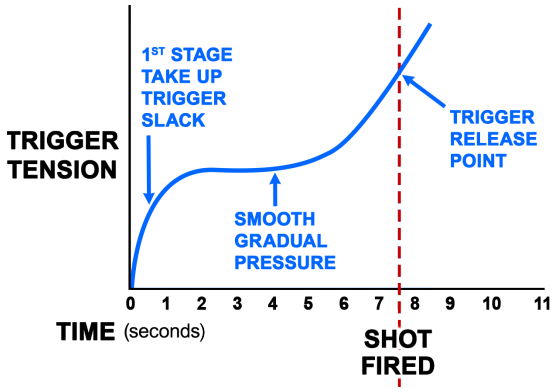
Figure 6.4.11



*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.*



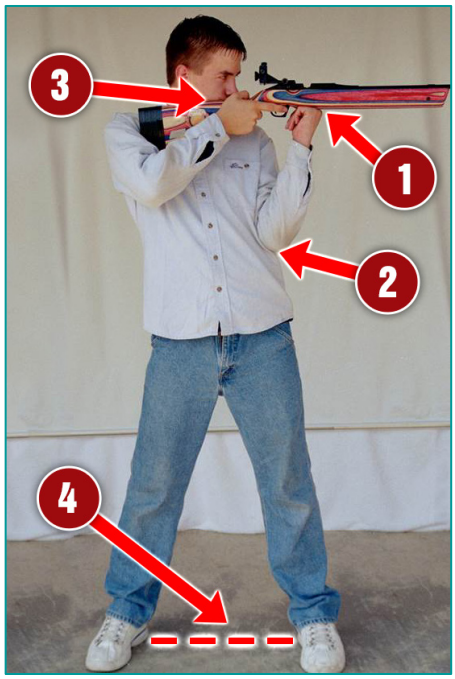

*This graph shows how pressure is applied to the trigger. The time from the first application of pressure until the mechanism, releases should last about 4-8 seconds.*

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 <u>without</u> 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.




*1) Support point for rifle is at chin level. Left hand position raises rifle to level of target.*
*2) Arm rests on side directly under rifle.*
*3) Butt-plate is placed high to keep head erect.*
*4) Feet turned 90 degrees, placed shoulder width apart.*

*Figure 6.4.13*

3. ***Get into position <u>with</u> 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.

## 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.




*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

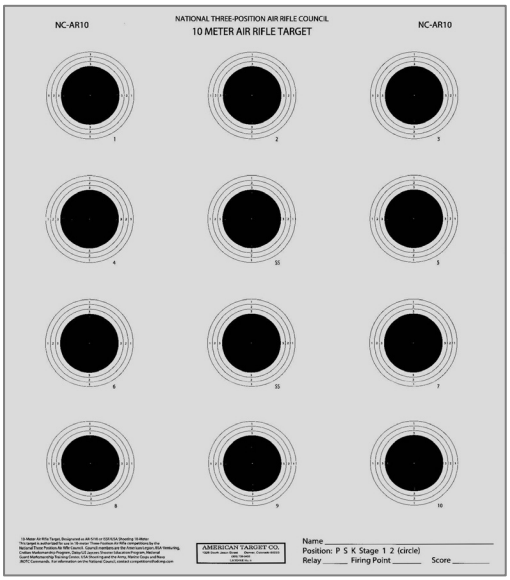
**sight picture:**
The sight position view at which the bull's-eye appears in the center of the front sight aperture

**BMC targets:**
Targets with large scoring rings used with beginning marksman

## Key words

**ten-bull targets:**
Targets printed with ten competition targets and two practice targets on one target card

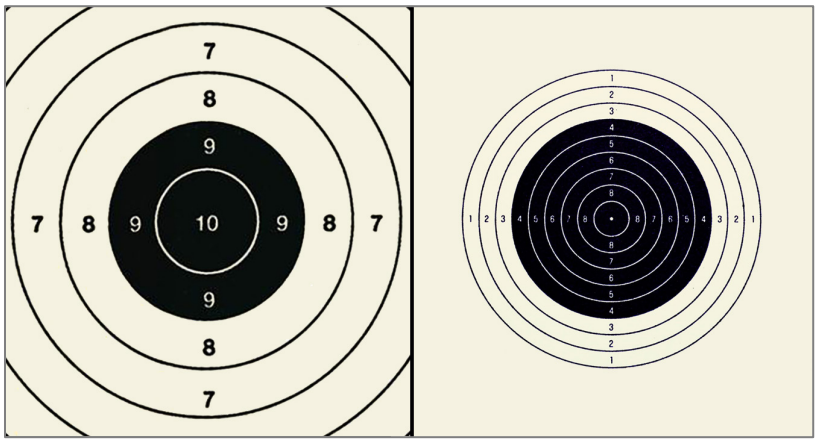
The second target that will be introduced at the end of basic marksmanship instruction is the official competition target. The International Shooting Sports Federation and target shooting organizations all over the world recognize the scoring ring dimensions on this target as official for their competitions. 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**.




*The official 10-meter air rifle "ten-bull target" is printed on an 8 1/2" x 12" card. Each of its ten record and two practice targets have 0.5mm 10-rings (dots).*

*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.



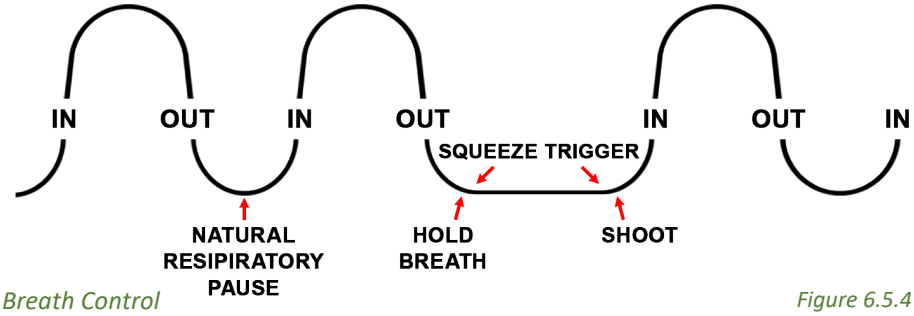

*A comparison of the relative sizes of the scoring rings on the BMC and official air rifle targets. The size of the black area or aiming bull is the same on both targets.*

*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.

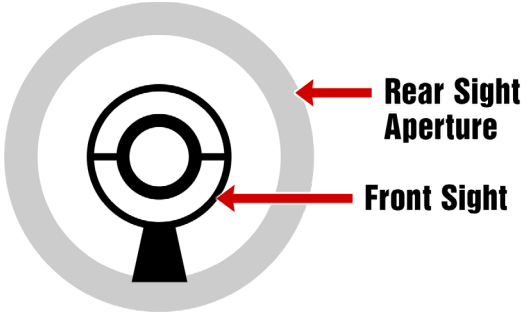
Exhaling the breath is also a good way to help the body relax to calmly prepare to fire an accurate shot. To control your breath while firing a shot, simply breathe normally and then exhale naturally. Stop breathing after the breath is exhaled and hold your breath until the shot is fired. The breathing cycle for shooting should look like the illustration in *Figure 6.5.4*.



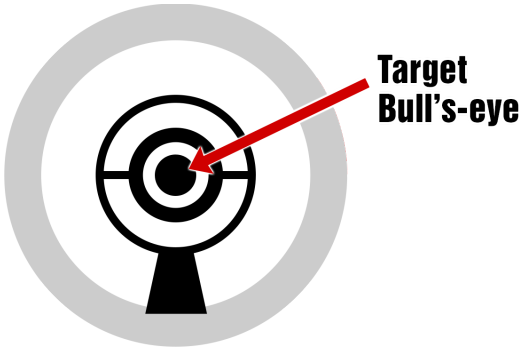

*Breath Control* *Figure 6.5.4*

## 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

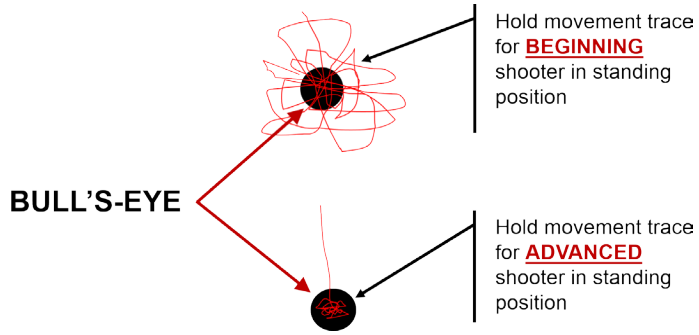
After aligning the sights, all that is needed to complete the sight picture is to adjust the position at the target so that the bull's-eye appears in the center of the front sight aperture.

## 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




*If a laser pointer were attached to the barrel, the "hold" movement trace of a beginner shooter might look like the image at the top.*

*Practice will make the hold movement trace of every shooter much smaller, shown in the bottom image. Champion shooters are able to hold within the area of the 10-ring on the official air rifle target.*

*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:

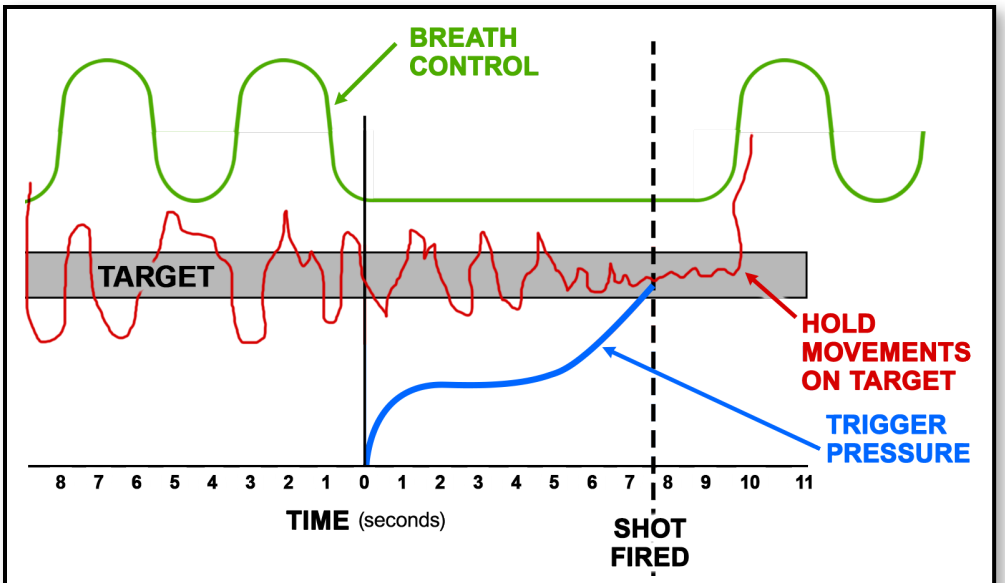
1. Loading the rifle
2. Lifting the rifle into position
3. Aiming by first seeing the front sight in the center of the rear sight (sight alignment) and then by bringing the front sight aperture onto the bull's-eye (sight picture)
4. Taking one or two more breaths, exhaling, and then holding the breath 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.



*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*

- 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.



*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?**

LESSON 6

# 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

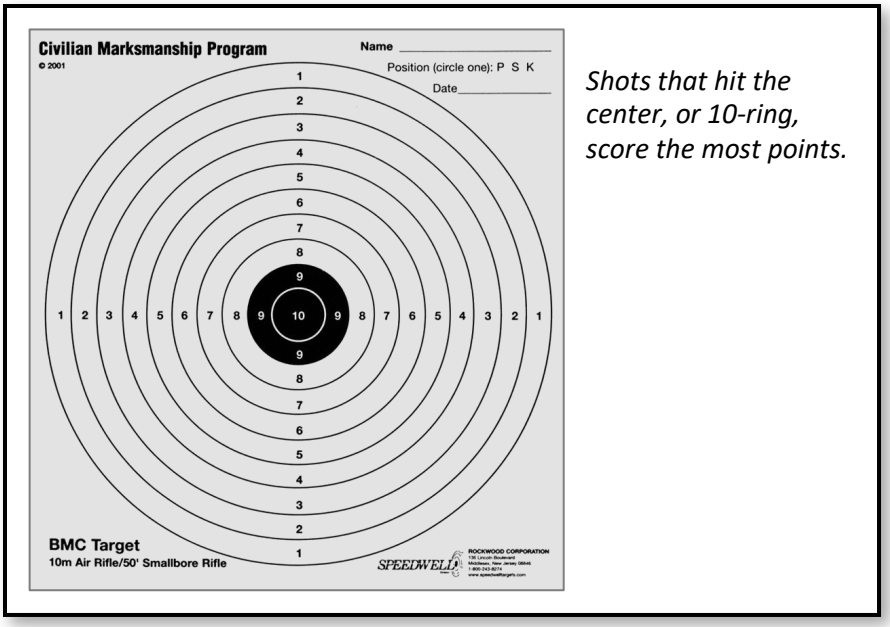
**How can you achieve correct sight adjustment?**

## 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.




*Shots that hit the center, or 10-ring, score the most points.*

*BMC Target* *Figure 6.6.1*

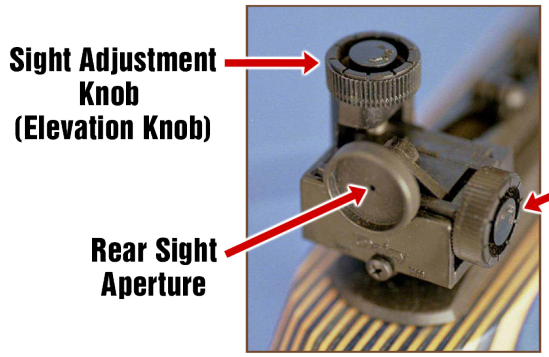
In target shooting, shots that hit the central scoring ring, the 10-ring, score the most points. Shots that hit each successive scoring ring outside of the 10-ring, score one point less until shots in the last scoring ring count one and then no points. To score the highest

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.

## Key words

**zeroing:**
Adjusting a sight so that the center of the shot group is the same as the center of the target




*When the shot groups fired with a rifle are off-center, the only correct way to move them to the center of the target is to adjust the rear sight by using the elevation and windage adjustments on the sight.*

*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.

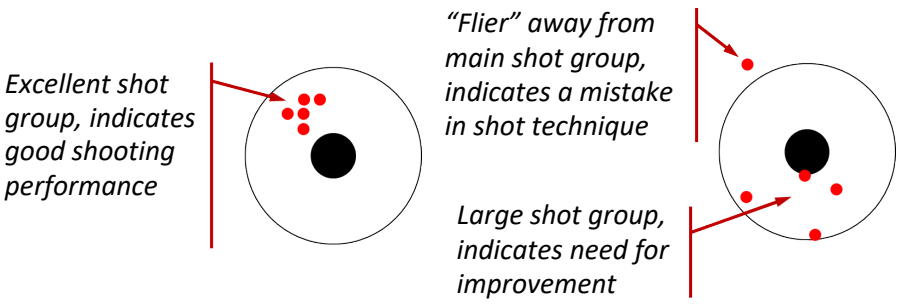



*Figure 6.6.3*

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.

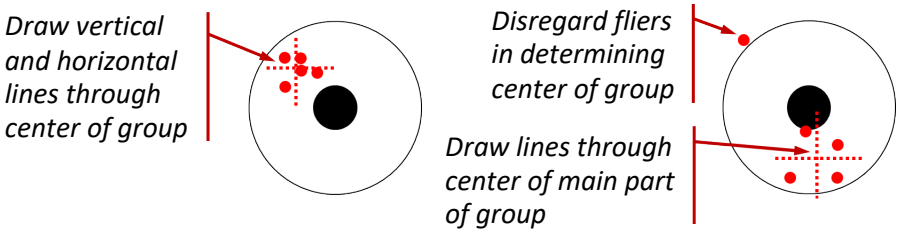



*Figure 6.6.4*

## 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.

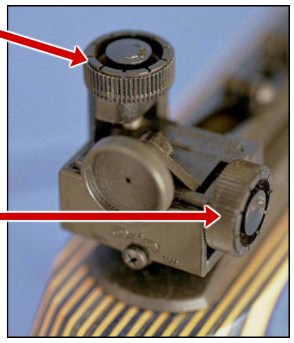
*The Daisy rear sight is commonly used on Daisy M853 and M888 air rifles.*

*Turning knob clockwise moves shot group up.*

**Elevation Knob**

*Turning knob clockwise moves shot group to the right.*

**Windage Knob**



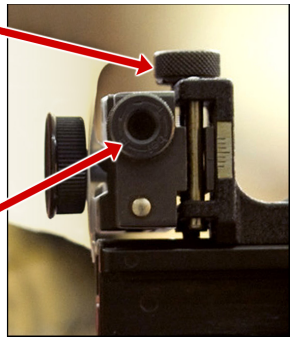
*Precision air rifle sights have more precise adjustments. Their elevation and windage knobs often have directions marked in German and move shot groups the opposite direction from the Daisy and El Gamo sights.*

*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 up, turn knob: | To move zero right, 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 |
| **PRECISION:** 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*

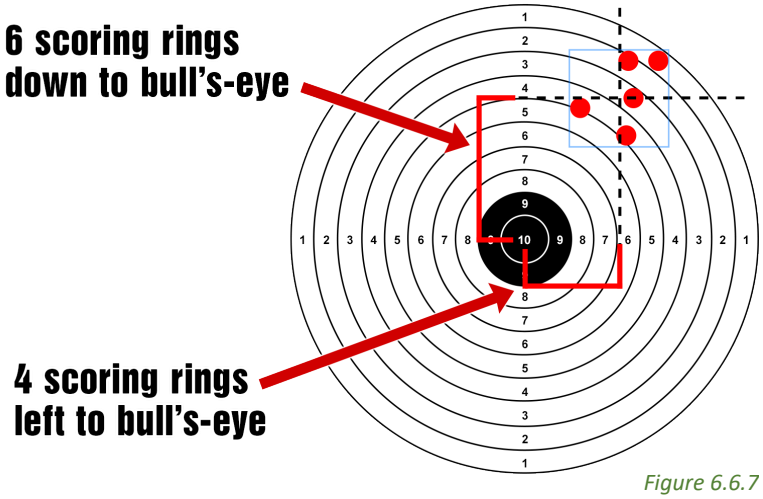


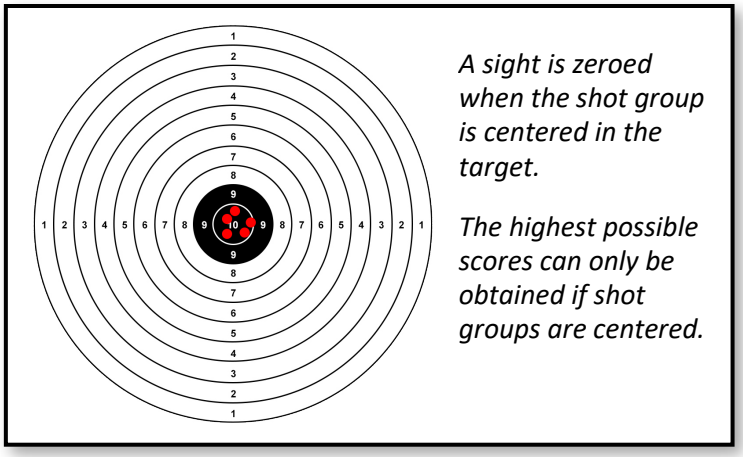

*Figure 6.6.7*

- 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.

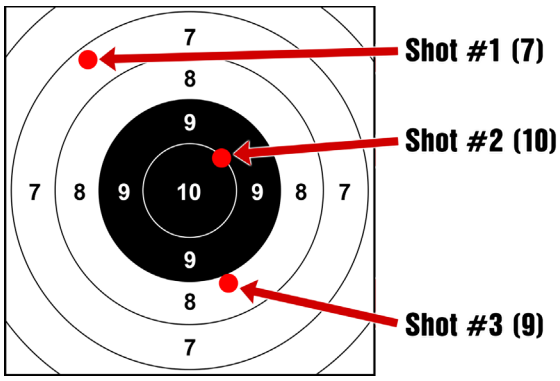
- When the shot group is centered on the target, the rifle is zeroed and the sight should not be changed unless subsequent groups are off center.
- Whenever a shot group is fired that is not centered, the necessary sight adjustments must be calculated and the adjustments made to the sight.
- Just because 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.




*Scoring the Target* *Figure 6.6.9*

- 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)*

- 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.



*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*

- 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.

## 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



## 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

## 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.



*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*

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.

## 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 **align**ment.




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




*Figure 6.7.4*

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.

The remaining steps to attach and adjust the sling are described later in this lesson. For 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.

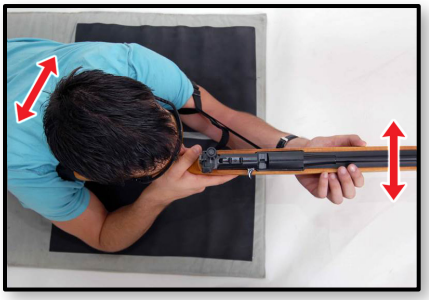


*Figure 6.7.7*

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



## 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

## 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.

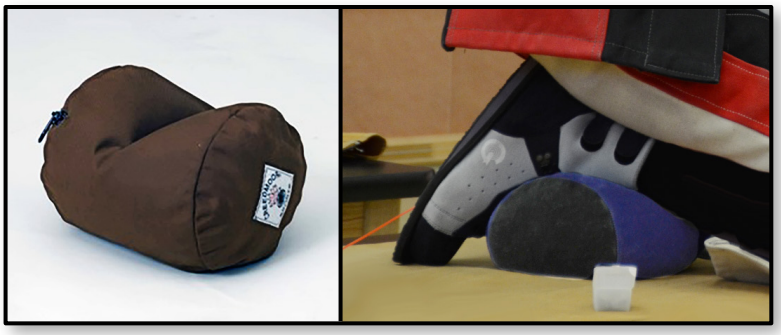
## Kneeling Position Features

The kneeling position is the most complicated position. To perform it correctly, you must work out a series of **interrelationship**s between the legs, arms, and the rest of your body.




*Figure 6.8.1*

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.



*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

## Key words

**interrelationship:** The way in which two or more things or people are connected and influence each other

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 Lioubov 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

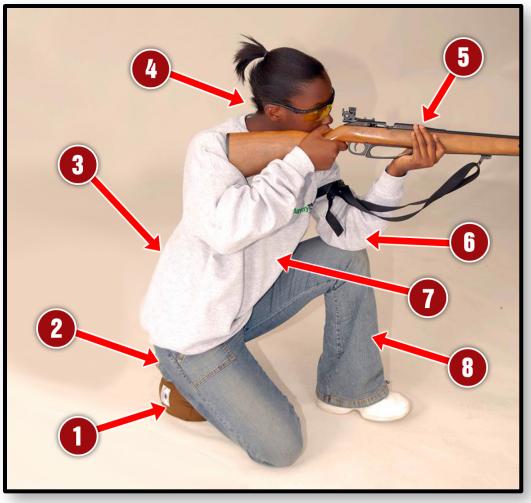



*Figure 6.8.4*

## 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 <u>without</u> 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*

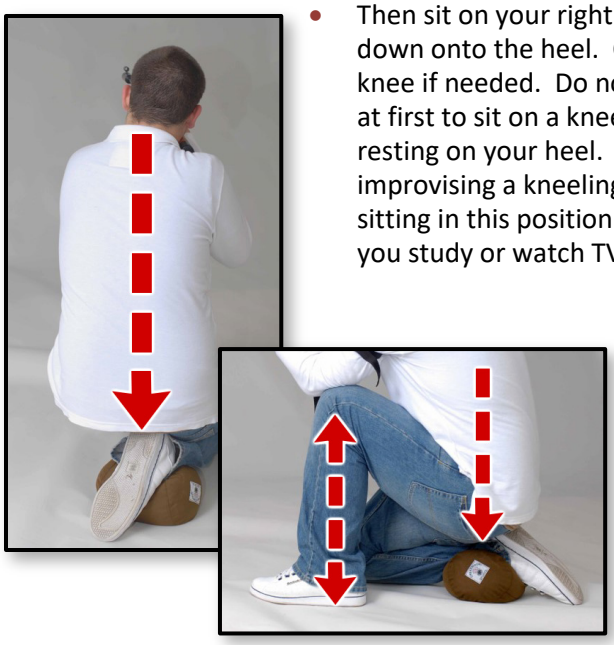


*Figure 6.8.6*

- 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 <u>with both</u> 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.

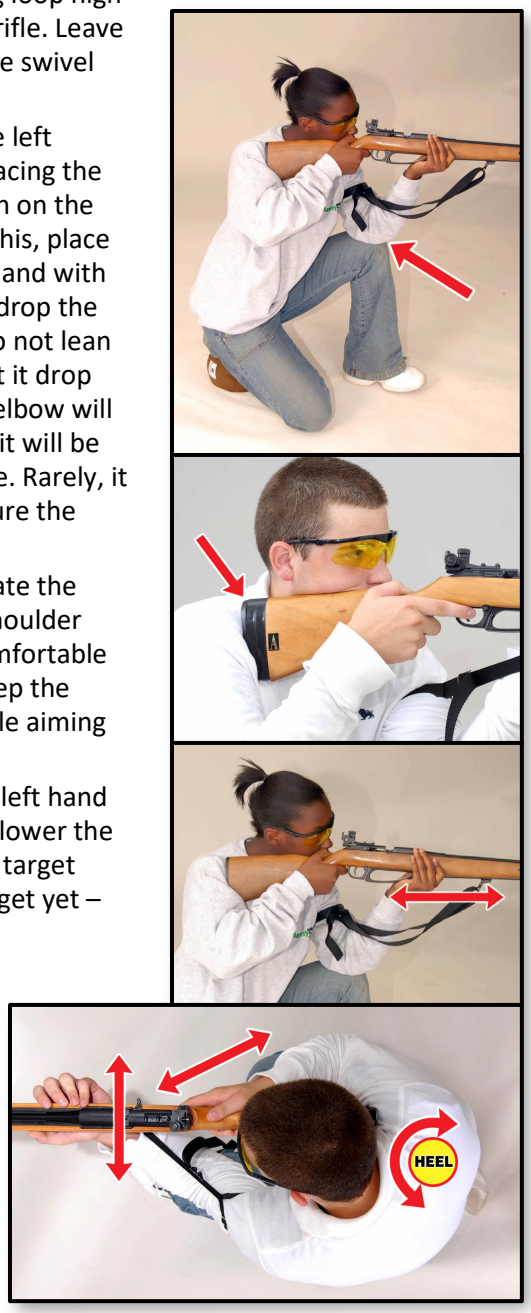



*Figure 6.8.7*

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



## 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

## 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 3×20 events (20 shots in each position) in major competitions. The 3x10 and 3×20 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

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*

## Key words

**consistency:**
Sticking to the same pattern

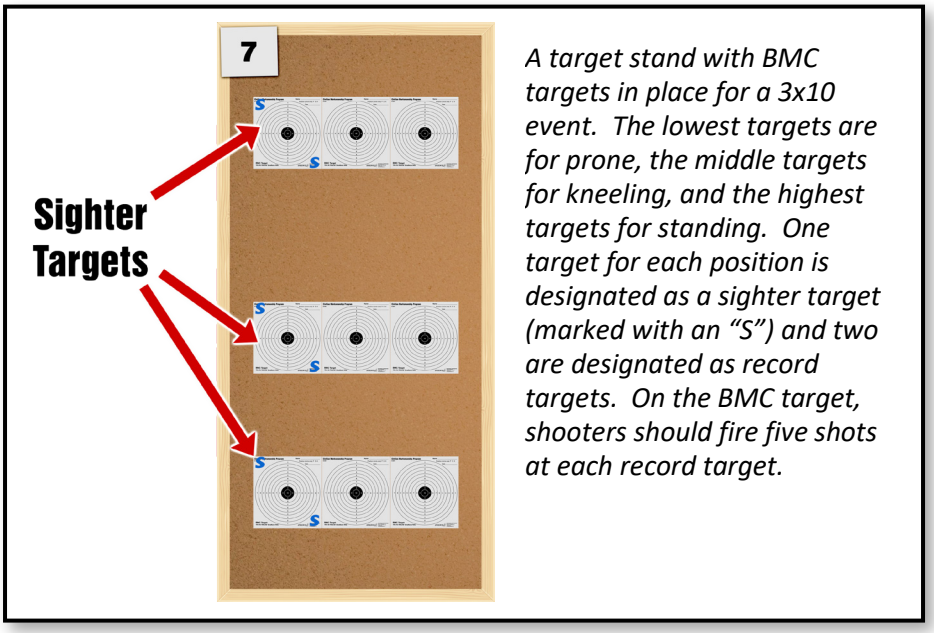
## Content Highlight:

### 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.




*A target stand with BMC targets in place for a 3x10 event. The lowest targets are for prone, the middle targets for kneeling, and the highest targets for standing. One target for each position is designated as a sighter target (marked with an "S") and two are designated as record targets. On the BMC target, shooters should fire five shots at each record 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.

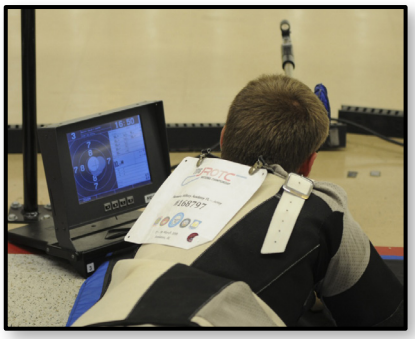


*Figure 6.9.4*

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 6.9.5*

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.



*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*

- ***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.

## 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 ____<br>PR to ST +/- ____ L/R ____<br>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 +/- +4 L/R L2<br>PR to ST +/- -2 L/R R3<br>ST to KN +/- -2 L/R L1 |

| 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** |
| **Loading** | Use left hand to open and close charging lever. Use right hand to take pellet from pocket, load, and close bolt. |
| **Placing rifle in position** | 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. |
| **Align rifle with target** | Start with front sight above target and lower rifle down to bull's-eye. |
| **Pre-shot checks** | Check to be sure left arm relaxes and is directly under rifle.<br>Check balance—weight should be evenly spread on both feet. |
| **Breathing** | After checks, take two more breaths, let it out, and hold. |
| **Aiming** | As soon as I start to hold my breath, try to center the bull's-eye in the front ring. |
| **Starting to squeeze trigger** | Take up the trigger slack when I start to aim. Put about half of the pressure on the trigger immediately. |
| **Hold control** | Concentrate on the sight picture, try to hold the bull inside the front sight ring as much as possible. |
| **Completing trigger squeeze** | 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:



*Figure 6.9.10*

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

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



*Figure 6.10.1*

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.

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.

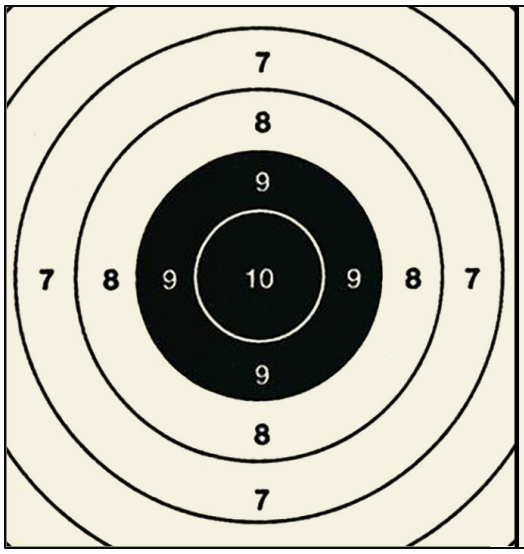
## Key words

**finals:**
A target competition in which eight shooters fire at targets simultaneously

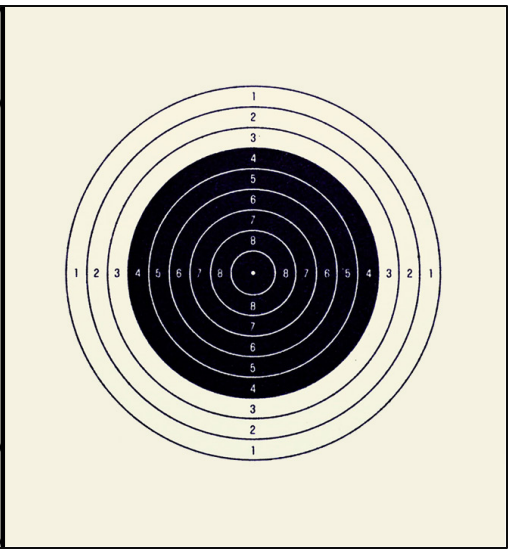
## The Competition Event

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.




*The 7-8-9-10 rings of the BMC target.*



*The official 10m air rifle competition target. The 10-ring is a 0.5mm dot and the 1-ring is 45.0mm in diameter.*

*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

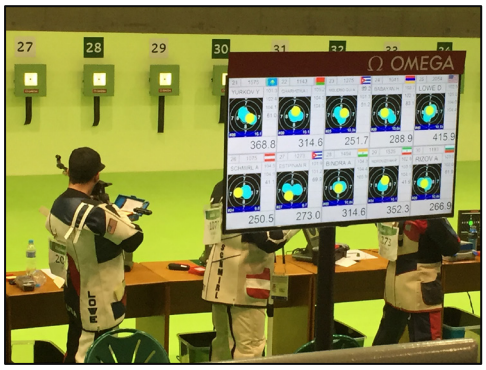
position on the left. The shooter in eighth place takes the number eight position on the right.

- 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*

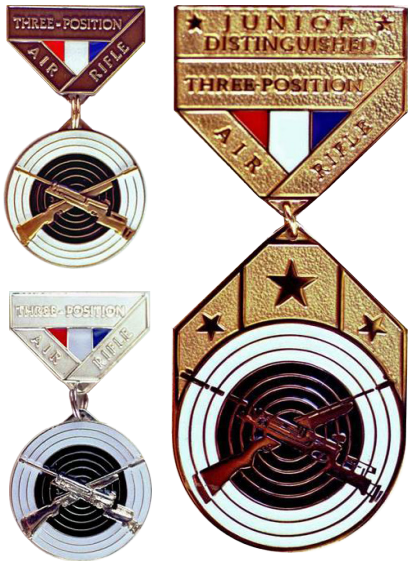
- ***CMP Cup Matches.*** These are large regional high school competitions where participants come from several states. CMP Cup Matches have sporter and precision class individual and team events and offer an opportunity to earn credit points for Junior Distinguished Badge awards.

### 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.



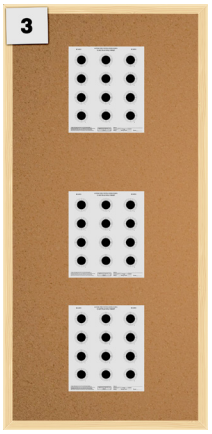

*Junior bronze (top left) and silver (bottom left) EIC badges, and the prestigious Junior Distinguished Badge (right). This badge is awarded when a school age competitor earns 30 points in designated competitions.*

*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.




*Ten-bull targets in place for firing a 3x10 competition event.*

*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



**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

**biathalon** - 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



**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

**dressing** - 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 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



**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



**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



**keeper** - Slide for adjusting slack in the rifle sling

**kneeling roll** - A cylindrical cushion placed under the ankle when firing in the kneeling position



**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



**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



**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

**seditious 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



**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

**Virginial 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



**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"

AdvancED ACCREDITED

*U.S. Army Cadet Command - Fort Knox, Kentucky*

HEADQUARTERS, DEPARTMENT OF THE ARMY

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