



AP^{*}

GOVERNMENT & POLITICS

UNITED STATES

**A PRACTICAL GUIDE
FOR TEACHERS**



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Craig Mathews**

GOVERNMENT & POLITICS ○ **Contains**

SECOND EDITION

- Sample Essay Questions
- Writing Guide and Responses
- Lessons on Clinton Impeachment, Differences Between House and Senate, and Homeland Security
- Debate Format and Questions
- Lesson Plans by Unit
- Sample Syllabus and Selected Reading
- Networking Assignments and Simulations



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How to Use This Guide

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This curriculum guide has been produced to assist both new and experienced instructors in improving their AP Government and Politics: United States courses by increasing the pass rate on the AP Exam. This guide offers some practical suggestions for organizing and teaching AP Government and Politics: United States. It is designed as an idea book. Therefore, you should feel free to adapt and modify the activities to suit your students' needs. It is hoped that the activities and information provided will serve as a springboard for developing new activities. The sections used in this book reflect the author's preference when teaching, and they cover all aspects of the AP Government and Politics: United States course outline provided by the College Board. It is imperative that you start the class with the Unit Introduction on power to establish a base for your students' learning.

This guide is designed with four main objectives:

1. To improve the student's writing style
2. To improve the student's ability to make arguments
3. To enhance the student's ability to critically evaluate scholarly works and methods
4. To enhance the student's ability to synthesize data relating to political science

This curriculum guide is divided into six sections containing handouts, lecture outlines, lessons, and numerous activities. To use this guide effectively, it is imperative that the instructor read the teacher's guide carefully for each activity. The teacher's guide coordinates all of the components and activities of this publication. There is a separate teacher's guide for each section located at the beginning of each section.

Unit Introduction

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Teacher's Guide

1. It is imperative to distribute a college-style syllabus on the first day of class. The syllabus must contain the major emphasis of the course, reading assignments, discussion of workload and grades.
2. Modify, personalize and reproduce the Sample Syllabus (page 7–11) for distribution to students.
3. The instructor may consider the following breakdown for grades:
 - A. Exams make up one-third of the student's grade. Four major exams (two multiple-choice and two essay) occur during a semester.
 - B. Chapter quizzes, essays, networking assignments, and debates make up the second third of the grade.
 - C. Class participation constitutes the last third of the grade. The instructor may use the following grading scale for participation: The student receives the mark of 0 for no participation, 1 point for regular participation, 2 points for an outstanding contribution, and 3 points if he/she conducts the class. Students may conduct seminars in class by leading the discussion of articles as found in Section 6 of this publication. A student receives the mark of –1 if he or she is unprepared. Such grading builds participation and discussions. The instructor should consider allowing the students to view these grades before or after class. Some instructors keep a separate gradebook for participation.
4. The amount of printed materials distributed in the AP Government and Politics: United States course is substantially higher than in a regular class. The student will need access to this material to study for the in-class exams and the AP Exam. A well-organized notebook as described in the syllabus is a necessary element of the course.
5. Reproduce and distribute the outline The Nature and Scope of Political Science (pages 14–15) for each student. This notesheet serves as a general overview of the political science discipline.
6. Selection of textbooks is a crucial decision. An AP course cannot be taught adequately with a high school-level text. Pages 12–13 contain a list of the most popular texts used in this course. A short review of each text accompanies the list.
7. The Skills Chart (page 17) contains the major skills and research techniques needed to master the AP curriculum.

8. A successful AP course is conducted at the upper end of Bloom's taxonomy. A short synopsis of this taxonomy is provided on page 17. This synopsis contains active verbs, student learning examples, description, and sample questions. For a detailed explanation, see *Benjamin Bloom Developing Talent in Young People*. New York: Ballantine Books, 1985.
9. A detailed explanation of the taxonomy for the higher order thinking skills is provided on pages 19–22.

Syllabus and Reading List

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Course Description and Goals

The goals of this course are to increase understanding of the American political system, its framework, traditions and values, and to have each student pass the AP Exam. This course is concerned with the nature of the American political systems, its development over the past two hundred years, and how it worked in last years of the twentieth century and in the opening of the new millennium. We will examine in detail the principal processes and institutions through which the political system functions, as well as some of the public policies that these institutions implement.

Basic Topics by Unit

Unit Introduction

1. What is politics?
2. What is power and how is it exercised effectively?

Unit 1: Constitutional Underpinnings of American Government

1. What are the origins of American government?
2. What type of government was established at the Constitutional Convention of 1789?
3. How was our government shaped by the historical situation at the time and the philosophical tradition that influenced the framers of the constitution?

Unit 2: Civil Rights and Civil Liberties

1. What are the basic civil rights and liberties of Americans?
2. How have significant decisions of the Supreme Court affected our basic rights?
3. What are the strengths and weaknesses of court decisions as instruments of social change?

Unit 3: Political Beliefs and Behaviors

1. Why do Americans believe what they do about politics? What role do families, schools, and the media play in the changing or perpetuating of these political beliefs?
2. In what ways do Americans participate in their political system?

3. How does participation vary among racial, ethnic and socioeconomic groups in the nation?

Unit 4: Political Parties, Interest Groups, and Mass Media

1. Through what mechanisms do citizens organize and communicate their interests to governments?
2. How have political parties developed, how are they organized, and what effect do they have on the political process?
3. What are interest groups, and how do they affect the political process?

Unit 5: Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts

1. What are the institutions and policy-making processes of the national government?
2. What are the links between the branches of the national government, political parties, interest groups, public opinion, the media, and state and local governments?

Unit 6: Public Policy

1. How do the three branches of government interact to create public policy?
2. What role does the bureaucracy play in the creation and implementation of public policy?
3. How do PACs, interest groups, political parties, public opinion, and the media affect public policy?

Texts

George C. Edwards—*Government in America*, 12th Ed.

Peter Woll—*American Government: Readings and Cases* (Anthology), 16th Ed.

Reading Assignments

Introduction

1. Edwards—*Government in America*, Chapter 1

Unit 1: Constitutional Underpinnings of American Government

1. Edwards—Chapters 2 & 3
2. John P. Roche—"The Founding Fathers: A Reform Caucus in Action"

3. Charles A. Beard—"Framing the Constitution"
4. Laurence H. Tribe—"How Not to Read the Constitution"

Unit 2: Civil Rights and Civil Liberties

1. Edwards—Chapters 4 & 5
2. Anti-Federalist Paper 84 "On the Lack of a bill of Rights"

Unit 3: Political Beliefs and Behaviors

1. Edwards—Chapter 6
2. Larry J. Sabato—"The Rise of Political Consultants"

Unit 4: Political Parties, Interest Groups, and Mass Media

1. Edwards—Chapters 7, 8, 9, 10 & 11
2. Larry J. Sabato—"The Misplaced Obsession with PACs"
3. James Madison—"Federalist #10"

Unit 5: Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts

1. Edwards—Chapters 12–15

Readings on Congress

2. David Mayhew—"Congress: The Electoral Connection"

Readings on the Presidency

3. Tip O'Neill—"Ronald Reagan" (From Man of the House)
4. Tip O'Neill—"The Carter Years" (From Man of the House)
5. Clinton Rossiter—"Focus of Leadership"
6. Richard Neustadt—"Presidential Power"

Readings on the Judiciary

7. Antonin Scalia—"A Strict Constructionist's View"
8. Alexander Hamilton—"Federalist #78"

Readings on the Federal Bureaucracy

9. Rochelle Jones—"The Bureaucracy: A Brake on the Presidency"
10. Peter Woll—"Constitutional Democracy & Bureaucratic Power"

Unit 6: Public Policy

1. Edwards Chapters 17 and 20

Students should be encouraged to read and stay abreast of current political issues.

Grades and Class Requirements

Grading Scale

100–90	A
89–80	B
79–70	C
69–60	D
59–0	F

1. Class participation accounts for one-third of the final grade.
2. Each student will participate on a debate team and in other small research assignments.
3. Students will complete worksheets for each chapter of Edwards.
4. Students will take quizzes with 20-40 multiple-choice questions for each chapter of Edwards.
5. Each student must maintain an AP Government notebook.
6. The notebooks must be a large three-ring binder with a set of dividers.
7. The notebook must be organized in the following fashion:
 - ♦ Section 1—Class notes and discussion questions, dated
 - ♦ Section 2—Tests, quizzes, and review sheets
 - ♦ Section 3—Worksheets and essays
 - ♦ Section 4—Articles, court cases, miscellaneous
8. Notebooks will be checked and evaluated at the instructor's discretion.
9. Students will complete midterms and a final exam.

Academic Honesty

Students are expected to abide by ethical standards in preparing and presenting material that demonstrates their level of knowledge and is used to determine grades. Such standards are founded on the basic concepts of honesty and integrity.

Popular Text Selections

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Main Texts

Edwards, George; Wattenberg, Martin; & Lineberry, Robert L. *Government in America: People, Politics, and Policy*, Pearson Publishing

Its examination of government according to democratic, elite, pluralism, and hyperpluralism is extremely sophisticated. Supporting material is more than satisfactory.

Wilson, James Q. *American Government: Institutions and Policies*, Houghton Mifflin

This is the most widely used text for the course because the supporting material which is far and away the best available. Some students find this text a little difficult to read.

Cummings, Milton C., and Wise, David. *Democracy Under Pressure*, Thompson Wadsworth

A readable and careful presentation of the structures and issues facing the U.S. Government. Supporting materials are satisfactory.

Magleby, David; O'Brien, David; Light, Paul; Burns, James MacGregor; Peltason, J.W.; and Cronin, Thomas E. *Government by the People*, Prentice-Hall

A readable introductory text, but the supporting materials are too simplistic.

Notes** All of these publishing companies have (800) telephone numbers. They are generally pleased to send an examination copy of their texts to instructors. Quality supporting materials include: a teacher's guide, computer text bank, overhead transparencies, student guide, etc. When ordering books, make sure you examine the supporting material. Be sure to order the latest available edition of all texts.

READERS

Woll, Peter. *Readings and Cases in American Government*. Pearson Publishing

This is the most popularly used reader. The publisher provides practical support material.

DiClercio, Robert E., and Hammock, Allan S. *Points of View: Readings in American Government and Politics*. Houghton Mifflin

Opposing points of view on a wide range of topics. No supporting material is provided.

***Annual Editions American Government*. Dushkin Publishing Co**

Includes short, up-to-date articles dealing with the major points of emphasis of the course. Practical teacher's guide.

The Nature and Scope of Political Science (Government)

.....

Political science is the study of government and politics. It is concerned with the control, use, and abuse of authority and with the institutions through which authority is exercised. Political science is a mixture of history, speculative philosophy, and the behavioral sciences. As a field of study, political science is organized into the following divisions:

Political Behavior:	Using the scientific method, researchers try to explain the factors and relationships affecting voting behavior, public opinion, and the acquisition of political knowledge. In recent years, this has become the dominant division of political science.
Public Law:	The judicial system is studied, with a particular emphasis on understanding, predicting, and shaping the development of law.
Public Administration:	The study concerns the application and execution of the laws and regulations enacted by governmental decision-making bodies and the performance of the various public services provided by the government.
International Relations:	The study involves the legal and extralegal, formal and informal inter-governmental relations among nations.
Political Philosophy:	The works of prominent political philosophers of the past and present are studied, and attempts are made to analyze and evaluate these works in terms of real-world ramifications.
Comparative Government:	This study concerns the diversity of political systems, governments, beliefs, habits, and institutions around the globe.

Political science is interdisciplinary in its approach to understanding politics. It utilizes the tools from other social sciences, including economics, psychology, sociology, and geography. Political science also deals with values. Since values cannot be analyzed in an empirical fashion, political science also borrows research tools from the humanities, including history and philosophy. Samples of the nature of questions explored by political scientists include:

- How do people acquire knowledge about politics?
- In what ways are political systems similar and dissimilar?
- What is the role of authority and power in a political system?

- What factors affect public opinion and voting behavior?
- What type of conditions makes for political stability, change, or revolution in a society?
- What type of political system is best?

Basic Concepts in Political Science (Government)

1. Politics is the struggle for power. Political activity is found wherever there are power relationships or conflicts. Students need to understand that conflict resolution requires decision-making, which involves compromise; and which, in a democracy, encourages participation by citizens and interest groups.
2. A political system is the pattern of interaction between individuals and institutions that makes binding decisions for the society as a whole. Students should understand that the media, interest groups, and political parties, for example, all influence decisions made by the executive, legislative, and judicial branches of government.
3. Political science is the study of fundamental processes and relationship rather than of isolated facts. Students should be able to analyze decision-making in a political system as a function of process and interaction rather than simply as a static relationship among bodies of government.
4. The principles of United States government include constitutional government, a democratic republic, shared power (separation of powers), federalism, a system of checks and balances, and the Bill of Rights. Students should understand that the purpose of limiting government in the United States is to protect the rights of the individual from the abuse of power. The student also needs to be aware that the corollary to individual rights is the responsibility that the individual has to society as a whole.
5. Public officials assume certain roles in carrying out their assigned functions. Students should know what roles are characteristic of executives, legislators, judges, bureaucrats, and other government officials.
6. The viability of democracy in the United States has come under question in recent years. Trends have included an increase in presidential power, an increasing number of noncompetitive congressional districts (the vanishing marginal) and a decline in the percent of voting among the electorate, an increase in the feeling of individual ineffectiveness, an increase in the influence of single-issue interest groups, and an increase in the size, activities, and influence of congressional staffs. Students should recognize that democracy in the United States is threatened by a lack of citizen participation.
7. The nation is becoming increasingly interdependent in its relationships with other political systems in the world, necessitating a study of other societies and their political processes and problems. Emphasis should be placed on the role of nationalism in international affairs.

Required Skills for AP Government

Library/Research Skills

Students in the AP program need to conduct college-level research. They must know how to use and locate the following sources:

- Abstracts
- Dissertations and unpublished materials
- Master's theses
- Court cases
- Anthologies

Note: Many of these materials will be available only at college libraries.

Oral/Written Activities and Projects

- Formal debates (see Section 2)
- Approved journals for review (see page 41)
- Class should be conducted in seminar fashion *two or three* times per week. Seminars can be conducted in small groups or as a “committee of a whole.”
- Simulations (see Section 3)

Bloom's Taxonomy

The AP class should always be conducted utilizing Bloom's taxonomy. The following time frame breakdown will ensure a successful program:

Cognitive Domain	% of in-class time
Knowledge	15
Comprehension	25 LO.T.S. ¹
Application	25
Analysis	15
Synthesis	10 H.O.T.S. ²
Evaluation	10

1 LO.T.S. = Lower Order Thinking Skills
2 H.O.T.S. = Higher Order Thinking Skills

Culminating Activities

- Debates
- Essays
- Reviews
- AP Exam

Examples of General Instructional Objectives and Behavioral Terms for the Cognitive Domain of the Taxonomy.....

Stating Behavioral Objectives for Classroom Instruction

Major Categories in the Cognitive Domain of the Taxonomy of Educational Objectives (Bloom, 1956)	Illustrative General Instructional Objectives	Illustrative Behavioral Terms for Stating Specific Learned Outcomes
Knowledge. Knowledge to defined as the remembering of previously learned material. This may involve the recall of a wide range of material, from specific facts to complete the theories, but all that is required in the bringing to mind of the appropriate information. Knowledge represents the lowest level of learning outcomes in the cognitive domain.	<ul style="list-style-type: none">• Knows common terms• Knows specific facts• Knows methods and procedures• Knows basic concepts• Knows principles	Defines, describes, identifies, labels, lists, matches, names, outlines, reproduces, selects, states.

<p>Comprehension. Comprehension is defined as the ability to grasp the meaning of material. This may be shown by translating material from one form to another (words to numbers), by interpreting material (explaining or summarizing), and by estimating future trends (predicting consequences or effects). These warning outcomes go one step beyond the simple remembering of material, and represent the lowest level of understanding.</p>	<ul style="list-style-type: none"> • Understands facts and principles • Interprets verbal material • Interprets charts and graphs • Translates verbal material to mathematical formulas • Estimates future consequences implied in data • Justifies methods and procedures 	<p>Converts, defends, distinguishes, estimates, explains, extends, generalizes, gives examples, infers, paraphrases, predicts, rewrites, summarizes.</p>
<p>Application. Application refers to the ability to use learned material in new and concrete situations. This may include the application of such things as rules, methods, concepts, principles, laws, and theories. Learning outcomes in this area requires a higher level of understanding than those under comprehension.</p>	<ul style="list-style-type: none"> • Applies concepts and principles to new situations • Applies laws and theories to practical situations • Solves mathematical problems • Constructs charts and graphs • Demonstrates correct usage of a method or procedure 	<p>Changes, computes, demonstrates, discovers, manipulates, modifies, operates, predicts, prepares, produces, relates, shows, solves, uses.</p>

Analysis. Analysis refers to the ability to break down material into its component parts so that its organizational structure may be understood. This may include the identification of the parts, analysis of the relationships between parts, and recognition of the organizational principles involved. Learning outcomes here represent a higher intellectual level than comprehension and application because they require an understanding of both the content and the structural form of the material.

- Recognizes unstated assumptions
- Recognizes logical fallacies in reasoning
- Distinguishes between facts and inferences
- Evaluates the relevancy of data
- Analyzes the organizational structure of a work (art, music, writing)

Breaks down, diagrams, differentiates, discriminates, distinguishes, identifies, illustrates, infers, outlines, points out, relates, selects, separates, subdivides.

Synthesis. Synthesis refers to the ability to put parts together to form a new whole. This may involve the production of a unique communication (theme or speech), a plan of operations (research proposal) or set of abstract relations (scheme for classifying information). Learning outcomes in this area stress creative behaviors, with major emphasis on the formulation of new patterns or structures.

- Writes a well-organized theme
- Gives a well-organized speech
- Writes a creative short story (or poem, or music)
- Proposes a plan for an experiment
- Integrates learning from different areas into a plan for solving a problem
- Formulates a new scheme for classifying objects (or events, or ideas)

Categorizes, combines, compiles, composes, creates, devises, assigns, explains, generates, modifies, organizes, plans, rearranges, reconstructs, relates, reorganizes, revises, rewrites, summarizes, tells, writes.

<p>Evaluation. Evaluation to concerned with the ability to judge the value of material (statement, novel, poem, research report) for a given purpose. The judgments are to be based on definite criteria. These may be internal (organization) or external criteria (relevant to the purpose), and the student may determine the criteria or be given them. Learning outcomes in this area are highest in the cognitive hierarchy because they contain elements of all of the other categories, plus conscious value judgments based on clearly defined criteria.</p>	<ul style="list-style-type: none"> • Judges the logical consistency of written • Judges the adequacy with which conclusions are supported by data • Judges the value of a work (art, music, writing) by use of internal criteria • Judges the value of work (art, music, writing) by use of external standards of excellence 	<p>Appraises, compares, concludes, contrasts, criticizes, describes, discriminates, explains, justifies, interprets, relates, summarizes, supports.</p>
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Analysis

Description (breaking down)	Question/Statement Verbs	Student Learning Examples	Sample Questions/Activities
<ul style="list-style-type: none"> breaking material down into component parts understanding the organizational structure analysis of relationships between parts recognition of organizational principles involved requires understanding of both the content and structural form analyzing the elements related to CPS—problem finding related Gullford's systems and divergent thinking 	audit take apart test for breakdown uncover check canvass differentiate dissect divide deduce diagram examine include inspect	<ul style="list-style-type: none"> uncovering unique characteristics distinguishing between facts and inferences evaluating the relevancy of data recognizing logical fallacies in reasoning recognizing unstated assumptions analyzing the organizational structure of a work (of art, music, or writing) comparing and contrasting outlining written material problem identification attribute listing morphological analysis 	<ul style="list-style-type: none"> Simplify the ballet to its basic moves. Inspect a house for poor workmanship. Search through a painting to uncover as many principles of art as possible. Read a nonfiction book. Divide the book into its parts. Tell why the parts were placed in the order they were. Look into the forces that might cause pressure for our legislators. Inspect two presidential addresses. Compare and contrast them. Think of a problem situation facing our country. Identify several real problems that make up this situation.

Synthesis

Description (forming new whole)	Question/Statement Verbs	Student Learning Examples	Sample Questions/Activities
<ul style="list-style-type: none"> • putting parts together in a new whole • formulating new patterns or structures • examining abstract relationships • communicating an idea in a unique way • prosing a set of operations • creating new or original things • patterning things in a new way • related to CPS implementation and planning • related to Gullford's transformation area and divergent operations 	blend build create compose construct constitute conceive develop design effect evolve form	<ul style="list-style-type: none"> • developing an original plan • hypothesizing • writing a well-organized theme • writing a creative story, poem, or song • proposing a plan for an experiment • integrating the learning from different areas into a plan for solving a problem • formulating a new scheme for classifying objects • finding new combinations • identifying goal and objectives • showing how an idea or product might be changed 	<ul style="list-style-type: none"> • Create a new song for the melody of "Mary Had a Little Lamb." • Combine elements of drama, music and dance into a stage presentation. • Develop a plan for your school to save money. • Create a model of a new game that combines thinking, memory, and chance equally. • Reorganize a chapter/unit from your textbook the way you think it should be. • Find an unusual way to communicate the story of a book you have read. • Formulate positive changes that would improve learning in your classroom.

Evaluation

Description (judging)	Question/Statement Verbs	Student Learning Examples	Sample Questions/Activities
<ul style="list-style-type: none"> ability to judge the value of material use of definite criteria for judgments value judgments based on clearly defined criteria highest learning outcomes use of cognitive and affective thinking together related to CPS—solution finding and decision making related to Gullford's evaluation area 	appraise assay accept assess adjudge arbitrate award classify censure criticize conclude describe decide discriminate decree	<ul style="list-style-type: none"> making judgments about data or ideas based on either internal or external conditions or criteria rating ideas accepting or rejecting ideas based on standards judging the logical consistency of written material judging the adequacy with which conclusions are supported with data judging the value of a work (of art, music, writing) by using internal criteria or external standards of excellence generating criteria for evaluation making evaluations of peer projects and presentations evaluating one's own products and ideas 	<ul style="list-style-type: none"> Decide which person would best fill a position. Rank the principles of "good sportsmanship" in order of importance to you. Decide which proposed plan is the best. Read two different accounts of an incident. Decide which story is most logical in its portrayal. Judge the posters or mural your class has just constructed. Justify the actions of your favorite historical figure. Determine the necessary criteria for a good resource. Summarize the involvements you have had with your class this year.

Major Categories and Some Suggested Verbs for Use in Stating Cognitive Outcomes

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Knowledge	Comprehension	Application	Analysis	Synthesis	Evaluation
<ul style="list-style-type: none"> • define • repeat • record • list • recall • name • relate • underline 	<ul style="list-style-type: none"> • translate • restate • discuss • describe • recognize • explain • express • identify • locate • report • review • tell 	<ul style="list-style-type: none"> • interpret • apply • employ • use • demonstrate • dramatize • practice • illustrate • operate • schedule • shop • sketch 	<ul style="list-style-type: none"> • distinguish • analyze • calculate • experiment • test • compare • contrast • criticize • diagram • inspect • debate • inventory • question • relate • solve • examine • categorize 	<ul style="list-style-type: none"> • compose • plan • propose • design • formulate • arrange • assemble • collect • construct • create • set up • organize • manage • prepare 	<ul style="list-style-type: none"> • judge • appraise • evaluate • rate • revise • score • assess • estimate • choose • measure • select • value

Section 1

Free Response

Free Response Format

Free Response Grading

Free Response by Unit

Guidelines for Review

Approved Journals for Review

Free Response Format

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Writing Free Response Questions

GENERAL RULES

1. General length should be one & one-quarter to one & one-half hand-written pages.
2. The free response section should be written in the third person.
3. Label your paragraphs with titles that address the subsections of a question.
4. Take a minute or two to outline the question. Be sure you understand the terms that are used and to what the question is asking you to respond.
5. Use dark blue or black ink only.
6. Be sure to answer all four free response questions. All four questions are weighed equally in grading the exam.

STEPS IN WRITING A FREE RESPONSE QUESTION

1. Analyze the question
 - A. Without a clear understanding of the question, you cannot write an adequate answer.
 - B. Understand key terms. (See list below)
 - C. The free response questions often contain more than one prompt per question. Be sure to answer all aspects of the question.
2. Restate the question in your introduction
 - A. You do not need a thesis for the free response section, because the prompt is the thesis and you are expected to address the subcategories and explain how they apply to the prompt. (See sample essays and rubrics)

Sample FRQ Response

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The policymaking process is a long and arduous process. Discuss how the following are obstacles to the enactment of law:

- divided government
- filibusters
- rise of PACs

The following is an example of a well written response to this prompt:

Intro: The policymaking process is a long and arduous process, which is exacerbated by the existence of divided government, filibusters, and the rise of PACs.

Divided Government—Divided government occurs when the President and Congress are dominated by opposing political parties. Thus, divided government can be an obstacle to enactment of law because a Republican President would be more likely to veto legislation passed by a Democrat-controlled Congress (and vice versa). For example, a Republican President would most likely veto a bill to raise taxes, which a Democrat-controlled Congress might support.

Filibusters—Filibusters occur only in the U.S. Senate. U.S. Senators use them to debate a bill for as long as possible to prevent a vote from being taken on a controversial bill. The simple threat of a filibuster can force the Senate leadership to table a bill and thus prevent it from being passed. Filibusters are an obstacle to passage of laws because it requires at least 60 Senators to end a filibuster by passing a cloture rule. Thus, a minority of Senators can prevent the enactment of law. For example, Civil Rights laws stalled for many years in the 1950s and 1960s due to filibusters by southern Senators.

Rise of PACs—The rise of PACs, or Political Action Committees, has also created gridlock in Congress because there are so many competing interest groups. PACs are formed by interest groups to support the campaigns of candidates that support their issues. PACs can influence legislation because they can threaten to criticize Congressmen in commercials and advertisements in the upcoming election if they do not support bills that favor their group. In fact, the National Rifle Association's PAC has been successful in effecting the reelection of Congressmen who supported federal gun control laws. Thus, Congressmen may be reluctant to support legislation that is opposed by a powerful interest group and its PAC.

Analysis of Free Response Example

Notice that the introduction simply restates the prompt. Also, each subcategory is clearly labeled and addresses the question as follows:

1. defining the term,
2. applying the term to the thesis, and
3. giving an example to show understanding.

This question did not require the student to provide an example to show comprehension. However, providing examples even when they are not requested ensures that the student will get the best possible score. Also, the introduction for this question is not necessary, but it does help the student stay on task by reminding him/her how each subsection should address the thesis.

- A. Be sure to refer back to the prompt in each paragraph, in some cases, restate the prompt in each paragraph. The essays want you to discuss how a subcategory is related to the thesis.
1. Writing the Body Paragraphs
 - A. Label each paragraph (a, b, c, etc.)
 - B. Provide factual information in each paragraph that proves the thesis.
 - C. If you are unable to think of an historical example, use a hypothetical example to support the thesis.
 2. Writing the Conclusion
 - A. The essay format does not require a conclusion. Do not waste your time writing a conclusion.

Sample AP U.S. Government Free Response Questions

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1. The framers of the U.S. Constitution came to Philadelphia initially to revise the Articles of Confederation. However, the founders realized revision was futile and they chose to draft an entirely new constitution. Explain how the following contributed to the final version of the U.S. Constitution:
 - A. Thomas Hobbes and John Locke
 - B. Failure of the Articles of Confederation
2. Federal power versus states' rights has been a continuing conflict throughout US history. In an essay, address how the following factors contributes to this ongoing conflict:
 - A. *U.S. v Lopez* (1995)
 - B. Cross-over sanctions
 - C. Gay marriages

ESSAY #1 KEY

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Introduction: Initially, the delegates to the constitutional convention were expected to revise the Articles of Confederation. However, the delegates decided to write a new constitution, which was influenced by the works of Hobbes and Locke and reflected their concerns over the failure of the Articles of Confederation.

Hobbes

Strong central government

Men can't be trusted, they are self-perfect state of nature

Locke

Limited government

Consent of the governed

Natural Rights

U.S. Constitution

Federal government created with a stronger central government

National government has separation of interested in powers and checks and balances as a check against the ambitions of men

Separation of powers/checks and balances

A representative democracy was established

Natural Rights are protected by strengthening the economic powers of the national government and providing civil liberty protections by banning ex post facto laws and bills of attainder, as well as ensuring writs of habeas corpus would be issued to prevent permanent detention by the government.

Note—The Bill of Rights (1791) was added to the Constitution after it was ratified and thus cannot be included in this essay.

ESSAY #2 KEY

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Introduction: Conflict between the federal and state governments have existed since the Constitution was ratified in 1788. Though cooperative government best describes the relationship today, conflict still exists over the interpretation of Congress's commerce power, the federal government's ability to influence state policies through cross-over sanctions, and state government decisions regarding gay marriages.

U.S. v. Lopez—commerce clause v. 10th Amendment, Gun Free School Zone Act ruled unconstitutional overturning *U.S. v. Darby*. *U.S. v. Morrison* reaffirms Lopez decision.

Crossover sanctions—carrot and stick policies that led to the states lowering speed limits, drinking age and DUI levels.

Gay marriages—14th Amendment's equal protection clause v. Full faith and credit clause. Some states such as Hawaii (briefly) and Massachusetts have permitted gay marriages based on equal protections grounds, should states accept gay marriages validated by other states through the full faith and credit clause. In 1996, Congress passed the Defense of Marriage Act allowing states to ignore gay marriages from other states. Former San Francisco mayor Gavin Newsom defiantly allowed licenses to be issued for gay marriages, and President Bush announced that an amendment should ban gay marriages.

United States Government and Politics

Free Response Questions

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Unit 1: Constitutional Underpinnings of the United States Government

1. Since its ratification in 1788, the United States Constitution has become more democratic. For TWO of the following policies:

- *Baker v. Carr* (1961)
- Motor Voter Act of 1993
- 26th Amendment

Complete the following:

1. Identify the process of how it changed the Constitution
 2. Explain how it expanded voting rights
 3. Describe its impact on U.S. elections
2. Discuss how the concept of “limited government” was applied in the formation of the American constitution by addressing the following:
 - A. protection of property
 - B. expressed powers
 - C. separation of powers
3. Some political scientists have argued that federalism is no longer necessary in US politics. Address the following:
 - A. Identify the historical reasons for the establishment of federalism in the U.S.
 - B. Describe two advantages of federalism in U.S. politics.
 - C. Describe two disadvantages of federalism in U.S. politics.
4. In Federalist #10, James Madison expressed his fear of factions.
 - A. Define faction according to Madison.
 - B. Explain how the US Constitution protects people from the violence of factions.
 - C. Identify how factions create policy gridlock today.

5. Altering the Constitution through the formal amendment process is complex and difficult.
 - A. Explain how the Founding Fathers wanted to make the amendment process difficult. Indicate the advantages and disadvantages of the amendment process as it applies to the operation of government in today's society.
 - B. Identify two advantages of the amendment process as it applies to the operation of government in today's society.
 - C. Identify two disadvantages of the amendment process as it applies to the operation of government in today's society.
6. Since the ratification of the Constitution, controversy between the federal and state governments over the appropriate division of power has existed. Explain how the federal government has gained power at the expense of the states by addressing TWO of the following:
 - Mandates
 - Cross-over sanctions
 - Commerce clause

Unit 2: Civil Rights and Civil Liberties

1. The US Supreme Court uses the power of the judicial review to protect individuals from the violation of fundamental rights by state governments. Explain how the court interpreted the US Constitution to reach its decision AND describe the impact of the decision on state policies in the following decisions:
 - A. *Brown v. Board of Education* (1954)
 - B. *Roe v. Wade* (1973)
2. Ratification of the 14th Amendment to the US Constitution had a tremendous impact on US politics. Discuss how the 14th Amendment was applied in the following cases and explain the significance of the Court's decision in United States politics:
 - A. *Swann v. Charlotte Mecklenberg County Schools* (1971)
 - B. *Griswold v. Connecticut* (1965)

Unit 3: Political Beliefs and Behaviors

1. The American people would like to believe that the typical American voter is active in politics and educated in public policy decisions.
 - A. Assess this statement based on voter turnout in federal elections.
 - B. Identify and explain the impact that the news media has on educating the citizenry.

2. The democratic consensus is the widespread agreement on fundamental principles of democratic governance and its supporting values.
 - A. Identify and explain how the US government promotes the democratic consensus.
 - B. Identify and explain TWO fundamental principles of democratic governance.
 - C. Identify TWO methods used by interest groups to protect their civil liberties.

Unit 4: Political Parties, Interest Groups, and Mass Media

1. Many political scientists have argued political parties have been in decline since the 1960s. Discuss how presidential campaigns have contributed to the decline of political parties by addressing TWO of the following:
 - News media coverage of presidential campaigns
 - Direct mail
 - Rise of PACs
2. Pluralism best describes the tremendous influence that special interest groups have in the US political system. Defend or refute this assessment by addressing TWO of the following:
 - Electioneering
 - Lobbying
 - Litigation
3. Political institutions can present both obstacles and opportunities to interest groups in their efforts to gain political influence. Identify and explain how federalism does the following:
 - A. Presents obstacles of ONE of the following interest groups in their efforts to achieve political goals:
 - NAACP
 - NRA

- ♦ Sierra Club
 - B. Presents opportunities to ONE of the following interest groups in their efforts to achieve political goals:
- ♦ NAACP
- ♦ NRA
- ♦ Sierra Club

Unit 5: Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts

1. The US Constitution provides that a body of electors in each state choose the President and Vice President.
 - A. Describe two problems associated with the electoral college.
 - B. Identify and explain why the Electoral College has not been replaced.
2. Incumbency is often cited as the most significant advantage in elections. Identify and explain how the following contributes to the incumbency advantage:
 - A. Franking privilege
 - B. Political Action Committee contributions
 - C. Pork barrel legislation
3. There are many players in the policy making process. Using specific examples, describe how three of the following players influence legislation:
 - ♦ President
 - ♦ Interest groups
 - ♦ Rules Committee
 - ♦ Congressional Party Leaders
4. Discuss how congressional committees function in making and implementing public policy in the following areas:
 - ♦ Creation of federal agencies
 - ♦ Oversight of the bureaucracy

Unit 6: Public Policy

1. The concept of iron triangles and issue networks are used to explain how various interests influence public policy. Apply **ONE** of these concepts to tobacco regulation policy by doing the following:
 - A. Briefly identify the key players in the policy network.
 - B. Analyze how they interact to achieve policy goals.
 - C. Evaluate the impact of this policy network on the democratic process.

Guidelines for Review

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Reviews may vary in length depending on the nature, content and length of the volume or article.

Selecting a Title

Outside reading is intended to furnish in palatable form information not available or less pleasantly accessible in your texts or in the school library. Acquaintance with the great mass of governmental and/or political literature can and should be an enjoyable experience. The instructor must approve all articles that are not contained in list of approved publications below.

Reading the Account

As you read, take notes on what impresses you, favorably or unfavorably, as well as on material that confirms or challenges previously held prejudices. As you finish the interpretation asks yourself, "What is my reaction to this account?" It would be considered trivial merely to state, "the article is interesting."

Preparing the Review

In general there are three functions of a review. (1) To describe content (2) To evaluate the article (3) To offer subjective reflections on the article. A good review is not a recitation of content word for word or chapter by chapter. The review should be informative, analytical and critical. It is not advisable to separate content from criticism,; they should be interwoven. The following are questions you might consider when reviewing an article:

1. What was the writer's purpose in preparing the work? Did he achieve this goal?
2. Is the article convincing? Is it comprehensive? Does it neglect important phases of the topic?
3. Does the author appear biased?
4. What intellectual questions has the author raised in your mind?
5. What seems to be unique aspects of the account?
6. Is the writing style popular or scholarly?
7. Does the author use primary or secondary sources? Are sources fully cited?

You should attempt to be fair in your review. Criticisms should not be made in vague and general statements; they should be grounded in specific evidence from the content of the work. Give page numbers. Prepare your review to answer favorably the questions you raise.

Due date _____

Approved Journals for Review

- A. *Journal of Political Science*
- B. *Political Science Quarterly*
- C. *Western Political Quarterly*
- D. *Politics and Society*
- E. *Polity*
- F. *California Journal*

Other with instructors' consent

Section 2

Debates

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Teacher's Guide

Debate Format

Debate Score Sheet

Topics for Debates

Debate Tips

Teacher's Guide

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1. The debate questions are designed to foster in depth academic analysis. It would not be useful to debate the merits of Star Wars, abortion, or other current affairs. They are not found on the AP exam.
2. The debates are the major research assignment for the semester.
3. Debates are done in terms of two. Each person will speak seven minutes in round one and three minutes in round two.
4. The handout *Debate Format* (pages 46–47) should be reproduced for students' reference.
5. The *Debate Score Sheet* (pages 48–49) should be reproduced, distributed, and explained to the students. The debate score sheet is used to explain the rationale for grades as a guide for student improvement. The instructor should return the completed form to the student after the grade has been recorded. One variation is to have each student in the class score the debate at its conclusion and then compare his or hers marks to those of the instructor.
6. Forty percent of the debate grade is derived from the annotated bibliography. This enables the instructor to judge the amount of research the students have undertaken for their debate. An annotated bibliography consists of the normal bibliographic information plus a short synopsis of the article. A student sample *Annotated Bibliography* is provided in handout form (pages 50–51). The instructor may wish to reproduce this for student reference.
7. The handout *Debate Topics* (page 52) should be distributed to the class.
8. Dates and times for the debates should be pre-set by the instructor. Students signing up for debates should know their partner and be aware of the date of the debate.
9. There are often more debate questions and student slots than students. The instructor may consider allowing students to sign up for a second debate as extra credit.
10. Debates are a great way to reinforce learning. For debates to be successful, the proper atmosphere must be maintained. Do not allow students to harass the presenters. Students should also make note of the salient points presented.
11. Consider passing out a ballot at the beginning of the class to gauge initial opinion on the issue. After the debate take another vote to see change in views. This technique is part of the debate score sheet.
12. The handout *Debate Tips* (page 53) should be reproduced for student reference.
13. If possible, videotape the debate. Student presentation, dress, and enthusiasm improve markedly.

Debate Format

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General Rules

1. 7 minutes per student in round one and 3 minutes per student round two.
2. No interference with the speaker.
3. The speaker may use the podium.
4. Two rounds per debate.
5. 2-3 minute conference between rounds.

Round 1

Person #1 for each side

1. Restate question.
2. Explain why it is important.
3. General reasons for position.
4. Present any emotional reading or quote.
5. Emotional appeal.

Person #2 for each side

1. Present data, case studies.
2. Specific support for your arguments.
3. Intellectual appeal.

Break

Round 2

Person #1 for each side

1. Attack and reiterate.
2. Appeal should be both emotional and intellectual.

Person #2 for each side

1. Summarize your position and evidence.
2. Take the high moral ground.

Questions from the class

Debate Score Sheet

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Debate Topic _____

Debate Teams

Pro _____ & _____

Con _____ & _____

Categories and % Points

1. Annotated Bibliography (min. three sources)

- A.
- B.
- C.
- D.

(40% of Grade)

2. Presentation

- A. Was the debate rehearsed?
- B. Loudness (Could the speeches be heard?)
- C. Read or explained?
- D. Organization
- E. Debate addressed to audience
- F. Use of time
- G. Persuasiveness
- H. Thesis clearly defined and explained

(40% of Grade)

3. Rebuttal to Opponents

(10% of Grade)

4. Vote Change

Pre-vote

Post-vote

Pro---Con---?

Pro---Con---?

(5% of Grade)

5. Answer to Panel Questions

(5% of Grade)

6. Additional Comments (on back)

Annotated Bibliography Student Example

Christianity Today, “Attracting Clients and Controversy.” September 18, 1987. pp. 32–33.

Centers that counsel women against abortion rank among the fastest-growing expressions of the pro-life movement. Public empathy for the pro-life movement has increased due to its leadership in services to women, including counseling and education about abortion. Research has shown that a majority of Americans favor abortions only under narrow circumstances: to save the mother’s life or to prevent severe physical injury to her, or in cases of rape or incest. Indeed the U.S. Supreme Court has made it clear that abortion is legal at any point during a pregnancy. And the Court has struck down various laws—including such requirement as a 24-hour waiting period—designed to assure a woman’s informed consent before an abortion procedure is performed.

Such high court decisions, says Douglas Johnson of the National Right to Life Committee, have led to “the casual use of abortion as birth control.”

L.A. Times, “Bill to Ease Permits for Concealed Guns Gains.” By Jean Merl. May 10, 1988.

The cause for changing the present system of guns comes from NRA lobbying that led to a 1986 study by the Assembly Office of Research. That study, issued under the title “Smoking Gun, the Case for Concealed Weapon Permit Reform,” was highly critical. The report found in many cases that those who receive permits are “personally known to be local sheriff or chief of police” and the “overwhelming majority of permit holders are white males.”

Assemblyman Richard E. Floyd took up the NRA push to make permits available to anyone in the state who met specific conditions. These specific conditions are similar to those of the Presley Bill. Although his proposal to make permits available to anyone brought about much opposition, a compromise bill upon the issue was brought about. The NRA, in this case, is making a great difference. The NRA’s Marshall stated that his bill would preclude the “Whackos” and others from getting hidden gun permits by setting standards and requiring that an applicant demonstrate a need for the permit.

L.A. Times, “Court Backs on Implementing Teen Abortion Law.” By Kim Murphy. January 14, 1988.

The American Civil Liberties Union (ACLU) is shaping public policy on the issue of abortion. This single-issue group representing a coalition of health care organizations, including Planned Parenthood and the California Medical Association is bringing about policy. Courts put a ban on enforcement of a new state of law requiring parental consent or court authorization for teen-age abortions.

The ACLU argued that the law would force teenagers to unadvisedly delay abortions or resort to dangerous self-induced abortions.

L.A. Times, "Terrorist's Special: A Mindless Idea." January 3, 1988.

The NRA, also known as the National Rifle Association has brought about public policy upon the issue of gun control. The NRA is against gun control and believe that the public is entitled to "the right to bear arms." Senators Howard Metzenbaum of Ohio and Strom Thurmond of South Carolina attempted to prohibit the manufacture of plastic handguns.

However, the NRA prevented this prohibition in 1987. The NRA stated that the bill is unnecessary because no undetectable weapons yet exist. The NRA also stated that this is just another end run to take firearms away from the people.

Time, "Gray Power." By Margot Hornblower. January 4, 1988. pp. 36–37.

AARP (the American Association for Retired Persons) has now focused on presidential politics. This organization is launching an \$8 million get-out-the-vote effort, running a \$400,000 television ad campaign, sponsoring candidate debates in Iowa that are beamed by satellite to other states, holding workshops for activists and organizing mass mailing that will hit a million household by Election Day. By doing this is has made Social Security and the expensive dream of Government-sponsored long-term health care top issues on the 1988 agenda.

The AARP also offers drug and travel discounts and runs the nation's largest group-health-insurance program and a credit union. The AARP also in 1985 endorsed the Senate-Republican proposal of a one-time cost-of-living freeze on Social Security.

Debate Topics

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Unit 1: Constitutional Underpinnings of American Government

1. Which author, Charles A. Beard or John P. Roche, best portrays the political motives of the framers of the U.S. Constitution?
2. "Federalism is no longer necessary because most important issues are either national or global in scope. The U.S. would be better off if the states served as administrative districts only as in a unitary government." (Assess the merits of this statement)

Unit 2: Civil Liberties

3. "Affirmative Action programs are necessary to safeguard equal opportunity in both education and employment for minorities." (Debate the pros and cons)

Unit 3: Political Beliefs and Behavior

4. "The U.S. should follow the pattern of numerous European nations which have enacted a compulsory voting law." (Assess the validity of this statement)

Unit 4: Political Parties and Interest Groups

5. Single issue groups play a larger role in shaping public policy than their numbers warrant." (Assess the validity of this statement)
6. "There is not a dime's worth of difference between the contemporary Republican and Democratic parties." (Assess the validity of this statement)

Unit 5: Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts

7. Does the War Powers Act of 1973 effectively limit the ability of the president to start a war? Yes or no?
8. David Mayhew believes that Congress is ineffective because its members are more concerned about their reelection than the enactment of effective public policy. (Assess the validity of this statement)
9. "Judicial review is undemocratic. It permits non-elected judges to decide whether or not a law is constitutional. It can frustrate the intentions of democratic governments by overruling the actions of elected officials." (Assess the validity of this statement)
10. The President should be given a line item veto in order to reduce the size of the federal budget. (Assess the validity of this statement)

Unit 6: Public Policy

Topics for these debates should be made by the instructor to reflect current issues.

Debate Tips

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1. Research your topic thoroughly.
2. Organize your ideas.
3. Be as precise as possible.
4. Make your presentation sound spontaneous. Do not read an essay for the class.
You may use note cards or an outline sheet.
5. Define terms to your advantage.
6. Anticipate your opponents' main points.
7. Have a strong opening and conclusion.
8. Use quotes from experts. (Do not overdo this)
9. Use statistics from experts. (Do not overdo this)
10. It is occasionally useful to use the board or overhead to emphasize points.
11. Be consistent.
12. Rehearse your presentation and use time accordingly.
13. Be confident and avoid talking in a monotone.
14. Address your presentation to the audience, not your opponents.
15. Dress well and be rested.

Section 3

Simulations

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Teacher's Guide

New Constitutional Convention

Surrogate Motherhood (*Jackson v. Edwards*)

Drug Testing (*Smith v. U.S.*)

Juvenile (*Thompson v. Oklahoma*)

Terror at the 2016 Olympics

Teacher's Guide

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New Constitutional Convention

1. Reproduce the handout *New Constitutional Convention* (page 58) for each student.
2. This exercise requires students to read the Constitution and Amendments (something they probably have never done). It also allows them to present changes, which will be debated in class. This exercise, which is completed during the first weeks of the class, enhances student understanding of the document. Generally, few amendments are passed.
3. The major changes that do occasionally pass are:
Changing the House to a four-year term
Passage of the Equal Rights Amendment
Elimination of the 22nd Amendment

Court Cases

1. Reproduce the simulation sheets for each exercise for all students. (pages 59–63)
2. Divide the class into groups of nine, if possible, to simulate the Supreme Court. Select a Chief Justice who will deliver the Court's decision to the class. The student should use the Constitution, amendments, and previous court decisions to reach their conclusions. This activity is at the synthesis level on Bloom's taxonomy. It is a high-energy activity that students thoroughly enjoy.

Case #1 *Jackson v. Edwards*

Case #2 *Smith v. U.S.*

Case #3 *Surrogate Mother, Drug Testing*

****Note**** cases 1-2-3 are hypothetical. The Supreme Court decision in *Thompson v. Oklahoma* has been recently overturned, making the juvenile death penalty unconstitutional.

Case #4 *Thompson v. Oklahoma Court Simulations*

3. Generally the court case simulations are given as an essay assignment in advance so students have developed their points of view and justifications prior to breaking into groups.
4. Time constraints may necessitate limiting the court simulations to one or two.
5. The court simulations may be assigned during the units on courts or on civil rights.

Terror at the 2016 Olympics

1. Reproduce the handout (page 64) for student use.
2. There have been numerous articles in major metropolitan papers detailing the lack of security in the nation's nuclear power plants. Furthermore, governmental officials admit that not all of the radioactive material used in the production of atomic weapons is accounted for. Students should be familiar with these points prior to the beginning of this simulation.
3. There is no easy or correct answer to this dilemma.
4. Students need to realize that although the President is considered the most powerful man on earth, his powers are not infinite. He must deal with foreign leaders who have their own political agenda. Presidential actions have consequences. Try to make long-range and short-range projections for the U.S. based on the actions of each group.

New Constitutional Convention

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Background

Article V of the U.S. Constitution allows for amendments to the document. If three-fourths (38) of the 50 states call for a constitutional convention, Congress is required to convene such a meeting. All or any changes made to the Constitution must also be ratified by three-fourths of the states before they take effect.

Current Situation

Thirty-six states, two short of the three-quarters needed to call a new Constitutional Convention, have voted for such a meeting to pass a “Balanced Budget Amendment.” Scholars have pointed out that a new Constitutional Convention could not be limited to any specific topic. This convention could clarify, amend, or completely rewrite any and all sections of the Constitution.

Simulation

The Congress at the request of three-fourths of the states has convened a new constitutional convention. You are a delegate to this convention. What changes would you propose to our present Constitution?

Points to Remember

1. Read the entire constitution and amendments.
2. Formulate changes or new amendments for the document and know where they are to be located. (Article & Section)
3. Formulate arguments to support your changes.
4. Align support for your ideas with other members.
5. Each student is limited to two constitutional changes.

Format

1. The class may select or the instructor may assign a chairman to preside over the meeting.
2. Each student will read his/her proposals to the class.
3. The class will prioritize the changes and develop an agenda.
4. A majority vote is needed to pass a proposal.

Case #1

.....

Jackson v. Edwards

Paul (age 39) and Laurine (age 38) Jackson have been married for ten years. Paul Jackson is employed full-time as a truck driver while Laurine Jackson works part time at the public library. Since their marriage they have attempted to have a child. Doctors specializing in fertilization finally told Laurine that it was medically impossible for her to produce any offspring. Paul Jackson has no physical abnormality.

Upon learning of this medical fact, the Jacksons entered into a contract with Mary Edwards for her services as a surrogate mother. The contract was drawn up by the Jacksons' attorney. Mary Edwards is a 28-year-old, unmarried woman who is employed full-time as a secretary for the Southern California Oil Company.

The contract between the Jackson and Mary Edwards can be summarized as follows:

1. Mary Edwards will be paid the sum of \$20,000 for being the surrogate mother for the Jacksons.
2. All medical expenses for the baby and surrogate mother will be complete responsibility of the Jacksons.
3. Mary Edwards will relinquish all rights to custody of offspring.
4. The offspring will be delivered to the Jacksons immediately after birth.

Mary Edwards was artificially inseminated by the sperm of Paul Jackson and became pregnant. Nine months later she delivered a healthy nine-pound, six-ounce boy. A nurse at the hospital brought the infant to Mary Edwards, not aware of the circumstances. Mary Edwards became so attached to the infant that she refused to honor the contract. She promptly returned the \$20,000 to the Jacksons and paid the medical expenses herself.

Assignment

You are a member of the U.S. Supreme Court. The court has granted certiorari to a suit filed by Paul and Laurine Jackson asking for legal custody of the child and thus reversing the decision of the court of appeals. You are to write the majority opinion of the court upholding the lower court or rule in favor of the Jacksons. Base your decision on your interpretation of the Constitution, Bill of Rights and/or past court precedents.

Note 1) Your decision in this case has implications for the entire idea of surrogate parenting. 2) Who should be responsible for the financial support of the child?

Case #2

.....

Smith v. United States

Facts

John Smith was employed as a federal air traffic controller for 15 years. Mr. Smith had a spotless employment record and has received numerous commendations for superior job performance. On March 4, 1986, Mr. Smith was ordered to submit to a urinalysis in accordance with the drug-testing program established by President Reagan. Mr. Smith refused to submit to the test, claiming his constitutional rights under the Fifth Amendment (self-incrimination), Fourth Amendment (unreasonable search and seizure) and 14th Amendment (due process, equal protection and seizure of property) have been violated. The federal government subsequently fired John Smith for not complying with federal guidelines. Mr. Smith has sued the government for the return of his job, back pay and damages. The federal district court and the court of appeals both upheld the firing by the federal government.

Assignment

You are a member of the U.S. Supreme Court. The Court has granted certiorari to a suit filed by John Smith claiming the government regarding his dismissal as an air traffic controller has violated his civil rights. You are to write the majority opinion for the court upholding the lower court or rule in favor of John Smith. Base your decision on your interpretation of the Constitution, Bill of Rights, and/or past court precedents.

Note Your decision in the Smith case has ramifications for the entire drug testing program for employees.

Case #3

.....

Is the execution of a juvenile “cruel and unusual punishment?”

William Wayne Thompson

v.

State of Oklahoma

Issues

1. May the court impose capital punishment for crimes committed when the defendant is under the age of 18?
2. Were the photographs of the deceased body of Charles Keene admissible as evidence in this criminal proceeding?

Facts

In the early hours of January 23, 1983, four people abducted Charles Keene from a trailer in Amber, Oklahoma. They eventually transported him to the banks of the Washita River, murdered him, and threw his body in the river. A month later, the police arrested William Wayne Thompson for murder.

Thompson was fifteen years, ten and one-half months old when Keene was killed. He was originally treated in the Oklahoma juvenile justice system. A hearing was held in juvenile court in March, 1983, to determine whether there was “prospective merit” to the charge of murder in the first degree. The hearing included two witnesses who testified that they heard Thompson admit that he had participated in killing Keene. At the conclusion of the hearing, the court made a finding of “prospective merit.”

A second hearing was conducted in April, 1983, to determine whether Thompson was “amenable” (responsible, answerable) to the juvenile justice system or whether he should be certified to stand trial as an adult. Following the hearing, the court referred to the statutory guidelines on amenability and ruled that Thompson should be certified to stand trial as an adult and be held accountable for his actions as if he were an adult. The Oklahoma Court of Criminal Appeals later affirmed this order.

Thompson’s case was eventually severed from the other defendants and he was tried alone in December 1983. At the close of the evidence in the trial, the jury returned a verdict of guilty of murder in the first degree. The penalty phase hearing was then held to determine whether Thompson should receive the death penalty. After hearing additional

witnesses, the jury found an *aggravating circumstance*—that the murder was especially heinous, atrocious, and cruel. It thus held that Thompson should be executed.

The Oklahoma Court of Criminal Appeals affirmed the judgment and sentence. First, it considered the issue of admitting into evidence photographs of the body of the deceased; the body had been in the river for almost one month before it was recovered. The court found the photographs to be “ghastly”, but it held it was harmless to admit them because of other strong evidence of Thompson’s guilt. Second, the court found that sentencing a person to death who was 15 years old at the time of the offense did not constitute cruel and unusual punishment.

The United States Supreme Court granted certiorari on both issues.

Arguments for William Wayne Thompson

1. Executing a person for a crime committed while he was 15 years old can serve no valid purpose.
2. The death sentence is not proper retribution for the acts of a 15-year-old.
3. Juveniles are not as personally responsible for their conduct.
4. Using the death penalty in this case deviates from the court’s teaching that the meaning of the Eighth Amendment must be drawn, “from the evolving standards of decency that mark the progress of a maturing society.”
5. The fact he was to stand trial as an adult allowed the jury to avoid considering youth as a mitigating circumstance.
6. Circumstances of the case show the deceased was married to Thompson’s sister. Thompson was aware that the deceased regularly abused his sister.

Oklahoma’s Arguments

1. Chronological age is indeed a mitigating circumstance but should not be absolute bar to imposing the death penalty.
2. Individualized consideration must be given to each defendant in a death penalty hearing.
3. No “bright line” age suggests itself and the court should not impose one.
4. Retribution and deterrence do apply in juvenile death penalty situations.
5. There is no proof that the death penalty is not a deterrent to juveniles.
6. Nineteen states at this time permit the execution under certain conditions of a person under 16.

Other Arguments

For William Wayne Thompson

1. Executing a person who was 15 at the time of the crime is cruel and unusual punishment.
2. The reliability of the sentencing in this case was undermined by admitting highly inflammatory evidence that prejudiced Thompson's right to a fair, full jury consideration of all mitigating circumstances, including age.

For Oklahoma

1. Setting a minimum age when imposing the death penalty is an inappropriate use of the court's power under the Constitution.
2. The admission into evidence of color photographs of the victim, which showed the points of entry of the two bullets did not render Thompson's trial or sentencing so fundamentally unfair as to deny due process.

Determining Factors

Eighth Amendment—Excessive bails shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

14th Amendment—Section 1: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Prior to Thompson, 15 of the 36 states, which have a death penalty expressly exclude youths under 16, 17, or 18 from their statute. Twelve other states established a minimum age limit through either their juvenile court waiver statutes or their statutes giving concurrent or exclusive jurisdiction to criminal courts for capital murders committed by offenders of a certain age or older. Six other states expressly require the sentencing body to consider the youth of the offender as a mitigating factor. On the other hand, only three states have no legislative provision for either establishing a minimum age for the death penalty or requiring that youth be considered as a mitigating circumstance. Thompson also cites international law in support of his argument.

Consider the following:

If you were a Supreme Court justice, how would you rule in this case? How would you interpret the Eighth and 14th Amendments or previous court decisions?

Terror at the 2016 Olympics

.....

Background

The modern Olympic games were designed to provide athletic competition among nations. During the games it is hoped that hostile nations will put aside their differences and compete in a friendly atmosphere. In theory, the games are to be free of international politics.

Past history, unfortunately, has negated this goal. In 1936, Adolph Hitler hoped to prove the superiority of the German people. Thanks in part to Jesse Owens he was proved wrong. In 1968, two black American athletes raised their hands in a clenched fist while being awarded their medals to symbolize the inequality of blacks in the U.S. In 1972, the P.L.O. kidnapped and murdered members of the Olympic team from Israel. In 1980, the Americans led a boycott of the Moscow games to protest the Soviet invasion of Afghanistan. In 1984, the Russians reciprocated by not attending the games in Los Angeles.

It appears, due to the international spotlight on the games, that they have served as a means for political protest and terrorism.

Problem

The 2016 games will be held in Rio de Janeiro, Brazil. Its population will swell significantly by the time of the games. Through its international connections, Al Qaeda has been able to infiltrate U.S. nuclear facilities and confiscate the materials needed to create a crude, but effective, nuclear device. Al Qaeda has planted the bomb in Rio de Janeiro, site of the 2016 Olympic games. During the games, a top-secret list of demands is sent to the President of the United States and the President of Brazil. The list of demands is as follows:

1. All Al Qaeda prisoners must be released from jail.
2. Any attempt to find the location of the bomb will result in its immediate detonation.
3. These demands will be made public in 48 hours.
4. The governments have 72 hours to meet the demands.

Assignment

You are the national security advisor to the President. You must formulate a plan of action explaining in detail how you would handle this situation for the President of the United States. You must try to predict what implications your actions will have on the resolution of the problem. Try to consider the long-range implications of your actions as well as the immediate effects on the President and his successors, the United States, Brazil, and the world.

Section 4

Networking Assignments

Teacher's Guide

Court Cases

Independent Regulatory Commissions

Cabinet

Teacher's Guide

.....

1. Student networking assignments are designed to allow students to assist one another with the massive amount of information covered in the course. It is impossible for students in an AP class to research all the landmark Supreme Court cases, independent regulatory commissions, and cabinet posts. Let students assist each other in these areas.
2. Reproduce the handout *U.S. Supreme Court Cases* (pages 67–68) and distribute to the students.
3. Assign one court case to each student to brief as described in the handout. Xerox enough copies of completed briefs for all class members.
4. Students may also give an oral report on the case.
5. The key element to stress in the court case is the precedent established in each case. (Example: the exclusionary rule in *Map v. Ohio*)
6. Court cases should be assigned prior to the unit on civil rights. This way students will have this material to review during the unit.
7. This guide contains two student-generated samples of Supreme Court briefs prepared by AP students (pages 69–70). Consider reproducing these for examples.
8. Follow the same format for the *Independent Regulatory Commissions* (pages 71–74) and the *Cabinet* handouts (page 75).
9. Enclosed is a student-written sample of the fact sheet on the Consumer Product Safety Commission (pages 73–74). Consider reproducing it for class use.
10. The past three AP exams have dealt heavily with independent regulatory commission in both the essay and multiple-choice questions. Do not overlook this section of the course. The College Board will ask about specific responsibilities of the commission on the exam.
11. The AP test has not asked many specific questions about the cabinet. However, ignoring the cabinet and its responsibilities may be a mistake.
12. Many classes will have more students than cases, agencies, and cabinet positions. Instructors may wish to use this assignment for extra credit or assign these projects on a rotating basis.

U.S. Supreme Court Cases

The court cases listed below are some of the landmark decisions reached by the United States Supreme Court. These are the cases that will most likely appear on the AP exam. The cases are arranged by categories:

Group 1—Criminal Procedure

Gideon v. Wainwright
Mapp v. Ohio
Miranda v. Arizona

Group 3—Government Powers

Marbury v. Madison
McCulloch v. Maryland
U.S. v. Nixon
Barron v. Baltimore
Baker v. Carr
Clinton v. Jones

Group 5—Civil Rights

Plessy v. Ferguson
Brown v. Education 1954
Brown v. Education 1955
Bakke v. Cal. Board of Regents

Group 7—Right to Privacy

Griswold v. Connecticut
Roe v. Wade
Planned Parenthood v. Casey
Morrison v. U.S.
Lawrence v. Texas

Group 2—Citizenship

Korematsu v. U.S.
Wong Kim Ark v. U.S.

Group 4—Commerce

Gibbons v. Ogden
U.S. v. Lopez

Group 6—1st & 14th Amendments

Schenck v. U.S.
Near v. Minnesota
Engel v. Vitale
Gitlow v. New York
Brandenburg v. Ohio
Zurcher v. Stanford Daily
New York Times v. U.S.
Bush v. Gore

Directions

Each student will brief one case from the list above. You must photocopy enough copies for each person in the class. All briefs must be typed or prepared on a word processor. Each case must be set up in the following manner:

1. Place the name of the case you are briefing in the center of the first line at the top of our page.

2. The four parts of a legal brief must be present and clearly shown and underlined. These four parts are as follows:

Issue—What is the court asked to decide? (Note: The Supreme Court does not decide guilty or innocence. In most cases, it is attempting to clarify a constitutional question. State what the Supreme Court was asked to decide, not the lower courts.)

Facts—What happened? Describe the facts of the case.

Decision—What did the court decide? The decision must always answer the question asked in the issue.

Reasoning—What were the justifications used by the court to reach its decision?

Near v. Minnesota

.....

Issue:

Is a Minnesota law authorizing the closing of publications alleged to be guilty of false charges against public officials valid in light of the First and 14th Amendments?

Facts:

In 1927, a county attorney for Hennepin County tried to get an injunction to stop the publication of a weekly periodical under the Minnesota statute that prohibited publications of malicious, scandalous, and defamatory newspapers, magazines, and other publications. These charges were made when the magazine, edited by Near, printed several stories that accused county officials of being negligent in their duties regarding a Jewish gangster who had gambling, bootlegging, and racketeering operations in Minneapolis. The articles said the police chief conspired with the gangster, and that the county attorney seeking the injunction hadn't taken adequate measures to stop the vice operations. The publication was a scandal sheet, and its managers were prejudice against Jews, so the state court issued a temporary injunction. When the case came to trial, it was concluded that the paper had violated the state statute, and a permanent injunction was issued. However, Near claimed the law violated his rights under the 14th Amendment, and appealed to the Supreme Court.

Decision:

In a 5-4 vote, the court found that a state law penalizing newspapers for criticizing public officials violated the guarantees of a free press.

Reasoning:

Chief Justice Charles Evans Hughes wrote that the Minnesota statute was "... of the essence of censorship." While the court ruled that freedom of the press wasn't absolute, as in publishing crucial war information like the number and location of troops, or obscene publications, or publications that invaded "private rights", none of the latter applied to the pending case. The statute wasn't justifiable because it intended to prevent scandals that might disturb public peace. It violated the First and 14th Amendments, and was the first step towards "total censorship of the press."

Engel v. Vitale

.....

Issue

Is it constitutional to require public school students to recite a state-composed prayer at the beginning of each school day?

Facts

The Board of Education of Union Free School District No. 9, in New Hyde Park, New York, began in the late 1950s to require that all of the children in the schools of the district repeat each morning the following prayer: “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.” The State Board of Regents, which composed and recommended the prayer originally, thought that it was a proper part of the moral training that all students should receive.

Decision

The Supreme Court, in a 6 to 1 decision, ruled that the New York prayer was illegal under the 1st Amendment to the Constitution. Therefore, to require public school students to recite a state-composed prayer at the beginning of each school day was ruled unconstitutional.

Reasoning

The Supreme Court felt that this use of the prayer was inconsistent with the establishment clause of the 1st Amendment, which states, “Congress shall make no law respecting an establishment of religion.” In an opinion written by Justice Black, the majority explained its view: “...it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program to be carried on by government.” The fact that the prayer was nondenominational and that students who did not wish to participate could remain silent or leave the room did not free the prayer “from the limitations of the establishment clause.”

Independent Regulatory Commissions

Fact Sheet

.....

Name of Agency: _____

Address of Headquarters: _____

of members: _____

Length of term: _____

Date commission was created: _____

Major responsibilities/functions/activities:

Major subdivisions (if applicable)

Major issues (2-3) confronting the commission with a short explanation:

Examples:

Quasi-legislative powers:

Quasi-executive powers:

Quasi-judicial powers:

Independent Regulatory Commissions

Fact Sheet

.....

Name of Agency: Consumer Product Safety Commission (CPSC)

Address of Headquarters: 5401 Westward Avenue
Bethesda, Maryland 20207

Number of members: 5

Length of Term: 7 years

Date commission was created: Established by the Consumer Product Safety Act in 1972

Major responsibilities/functions/activities:

The purpose of the CPSC is to protect the public against unreasonable risks of injury from consumer products, to develop uniform safety standards for consumer products, to minimize conflicting state and local regulations, and to promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

The CPSC has responsibility for implementing provisions of the Flammable Fabrics Act, the Poison Prevention Packaging Act of 1970, the Federal Hazardous Substances Act, the Toy Safety Act of 1969 and 1984, and many other similar product-related acts.

To help protect the public from unreasonable risks of injury associated with consumer products, the CPSC requires manufacturers to report defects in products that could create substantial product hazards and requires them to correct those defects. The CPSC researches possible product hazards and collects information on product-related injuries. Also, the CPSC establishes mandatory consumer product standards, and bans, where appropriate, hazardous consumer products.

Major subdivisions:

The CPSC uses two advisory bodies in implementing its legislative mandate to protect the public against product-related injuries: the Toxicological Advisory Board and the Chronic Hazard Advisory Panel(s).

The CPSC itself is comprised of seven major subdivisions: (1) The Secretary, which prepared the commission's agenda and stores official records, (2) The Office of Congressional Relations, which performs liaison duties, (3) The General Counsel, which prepares and reviews the legislative program, (4) The Internal Audit, which assesses compliance with appropriate laws, regulations and procedures, (5) The Media Relations, which distributes health and safety information to the public, (6) The Equal Employment and Minority Enterprise, which oversees CPSC compliance with equal employment of minorities and women, and, (7) The Executive Director, who acts as the chief operating manager.

Major issues confronting the Commission:

1. *“Baby Safety”*—In 1974, CPSC established mandatory safety standards to address hazards associated with cribs. In 1987, observing “Baby Safety Week”, CPSC focused on those products certified by JPMA (the Juvenile Products Manufacturers Association). More infants die each year from accidents involving cribs than from any other product. CPSC has established safety regulations requiring drop-sided latches with instructions and has established specific crib heights, mattress size, and specific spacing between the slats. The amount of crib deaths has greatly declined since these regulations were formed.
2. *“Toy Safety”*—In 1985, over 103,000 emergency injuries were caused by toys. Ten percent of those involved the ingestion, aspiration, or insertion into the nose or ears of small toys or parts of toys that broke off. This drove CPSC to have mandatory safety standards on electric toys, bikes, pacifiers, rattles, toys with sharp edges and points, toys that use lead paint and toys with small parts. The CPSC also investigates consumer complaints (taking appropriate action, where necessary) and tries to inform the public of dangers associated with toys through conferences and publications.
3. *“All-Terrain Vehicles”*—All-terrain vehicles, especially the three-wheel bikes with thick tires, are an emerging hazard as their popularity increases. In 1987, 83,000 were injured from use of all-terrain bikes in one form or another. CPSC met with manufacturers encouraging recalls (especially the recall of the dangerous children models) with no response. The concern was brought to the courts. Just recently, the justices banned the three-wheeled hazards.

Quasi-legislative powers

The CPSC has the right to establish safety regulations on any product. For example, due to the many crib deaths, safety regulations were created as stated above.

Quasi-executive powers

The CPSC has the right to make sure the safety regulations set forth are being followed. They can recall a product if safety regulations are being violated. Before Christmas 1987 in California, CPSC recalled over \$850,000 of toys due to safety violations. Many of these toys were cheap, imports with small parts that could easily break off resulting in injuries to children.

Quasi-judicial powers

The CPSC has the right to try any corporation in the case of violated regulations resulting in fines or banning the product. One example that has been currently in the news was the banning of lawn darts that were extremely hazardous to children. One 11-year old girl had her brain ruptured by one. The Federal District Courts reviewed and confirmed the ban on this product.

Cabinet Fact Sheet

.....

Name of Cabinet Department: _____

Address: _____

Cabinet Secretary: _____

Date department was created: _____

Total budget for fiscal year 20__ : _____

Major responsibilities/functions/activities/programs:

Major issues confronting the department:

(Use additional paper as needed)

Section 5

Selected Readings

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Teacher's Guide

The Founding Fathers: A Reform Caucus in Action—*John P. Roche*

Framing the Constitution—*Charles Beard*

Presidential Power—*Richard Neustadt*

Congress: The Electoral Connection—*David Mayhew*

Federalist #10—*James Madison*

The Selling of the President 1968—*Joe McGinnis*

Teacher's Guide

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1. All of the articles listed in this section are found in the text: *Readings and Cases in American Government* by Peter Woll, editor (Little Brown-Scott Foresman, publisher). It is important to supplement the core text with additional readings. There are thousands of articles from which to choose, however, the five listed in this section are foundational. Older versions of the Woll reader contain the "Selling of the President" if you can locate a copy it would be advisable to use as well.
2. The questions relating to the following articles serve as examples of seminar topics. Students are capable of leading the seminar in these areas. The student conducting the class should be given approximately one weeks notice to prepare for the seminar. The instructor should meet with this person in advance to discuss relevant matters pertaining to the article.
3. Reproduce the question sheet for each article and distribute in advance of the class discussion.

The Founding Fathers: A Reform Caucus in Action

.....

By John P. Roche

1. What is the meaning of *popular approbation*?
2. What myth about the Founding Fathers is Roche trying to dispel?
3. What four factors does the author provide as the reasons for the success of the Constitutional Convention?
4. Roche believes the delegates at the convention were divided into two groups. What were these two groups and how did they protect their interests in the new Constitution?
5. How does Roche characterize the delegates to the convention?
6. Roche states that the difference between the framers were structural and not ideological. What is his support for this statement?
7. "The delegates were in a hurry to get a new government established; when definitional arguments arose, they characteristically took refuge in ambiguity." What support does Roche provide to justify this statement?

Framing the Constitution

.....

By Charles Beard

1. What evidence does Beard use to support his thesis?
2. How does Beard define “elite”?
3. What problems in the U.S. led to the calling of the Constitutional Convention according to the author?

Presidential Power

.....

By Richard Neustadt

1. What is Neustadt's thesis?
2. What specific examples does Neustadt use to support his thesis?
3. Name recent examples to prove or disprove the thesis.
4. What are the five categories of presidential constituents?
5. According to the author, what are the major difficulties the president encounters in attempting to exert influence over the government?
6. Do you agree or disagree with Neustadt's thesis? Why?

Congress: The Electoral Connection

By David Mayhew

1. What is the thesis of this article?
2. Define and list examples of *advertising*.
3. Define and list example of *credit claiming*.
4. Define and list examples of *position taking*.
5. Define and list examples of *casework*.
6. Using specific examples, evaluate the accuracy of Mayhew's thesis.

Federalist #10

.....

By James Madison

1. What is a faction?
2. According to James Madison, what is the principle cause of factions in society?
3. How would you characterize Madison's views on factions? How do you account for his beliefs?
4. How does Madison propose to deal with factions?
5. What specific provisions are incorporated into the Constitution that restrain factions from gaining control over the entire government?
6. Is it possible for one faction to gain control of the entire government? If yes, under what circumstances?
7. Considering the growth of political action committees (PACs) and other single-issue groups, do we need to place new checks on these factions in order to preserve democracy?

The Selling of the President 1968

By Joe McGinnis

1. According to McGinnis, how do political consultants view the American voting public?
2. Why did Nixon lose to JFK in 1960?
3. What obstacles did Nixon have to overcome in the 1968 election? How did television help him succeed?
4. In today's media-dominated campaigns, what is more important, image or substance?
5. Should steps be taken to limit the role of television in political campaigns? If yes, what specific laws would you enact?
6. Apply the principles of this article to recent Presidential elections.

Section 6

Lessons

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Teacher's Guide

Machiavelli

Unratified Constitutional Amendments

Intro Notes: Civil Rights and Civil Liberties

Alabama Literacy Test

Election Terminology

Critical Elections

Presidential Powers

Imperial President 1 & 2

Articles of Impeachment of President Clinton

Congressional Leadership

Differences Between the House & Senate

Judicial Activism and Restraint

Department of Homeland Security

Teacher's Guide

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The following examples of lessons and class activities are primarily written at the top end of Bloom's taxonomy. The instructor needs to spend considerable class time working at the analysis, synthesis, and evaluation levels. A short synopsis of Bloom's taxonomy is provided on page 12 of this guide. As stated in the syllabus, the College Board has divided the course into five sections. The author has added an introductory section to the course. This guide provides at least one activity for each section of the course.

Introduction

Lesson 1—*Machiavelli*

1. Reproduce the Machiavelli handout (page 92) for each student. It is also helpful to make an overhead transparency to be used in conjunction with the handout.
2. Discuss the major points of Machiavellian theory with the students.
3. Ask the class if Americans admire these qualities in our leaders. The initial answer will be "no". However, upon closer examination, some of our greatest presidents used these means. Lincoln suspended habeas corpus. Johnson manufactured the Tonkin Gulf crisis, F.D.R. traded American ships during World War II in violating of the Constitution, just to name a few. Yet Richard Nixon was forced from office for Watergate, and Bill Clinton was impeached for perjury and personal conduct.
4. Try to have students decide under what circumstances the public, press, courts, and Congress will permit a president to abuse or overuse his powers. What are the ramifications of these actions?

Unit 1: Constitutional Underpinnings

Lesson 2—*Unratified Constitutional Amendments*

1. Assign the project (page 93) of researching these amendments to several students. This can be used as an extra-credit assignment. Students should reproduce copies of these amendments for the class.
2. After students have presented the unratified constitutional amendments, discuss how the nation might have been different if they had been ratified.
3. This information is generally unavailable in a high school library. The student will have to use a college library or quality city or county library to find this information.

Unit 2: Civil Rights and Civil Liberties

Lesson 3—Civil Rights Notes

1. Reproduce the handout *Intro Notes: Civil Rights and Civil Liberties* (page 76) for the students or have them copy them from an overhead transparency or chalkboard.
2. Students use the terms civil rights and liberties interchangeably. This is incorrect. Spell out the differences. Students should be aware that civil rights and liberties are protected by more than just the Bill of Rights. The courts and congress play a major role in this function.

Unit 3: Political Beliefs and Behaviors

Lesson 4—Alabama Literacy Test

1. Reproduce this test (pages 95–99) for each student.
2. Have students take this literacy test under normal test condition. Discuss results and reasons for low black voter turnout prior to the Voting Rights Act of 1965. The instructor should discuss other means of discrimination toward blacks including the poll tax, Jim Crow Laws, Grandfather Clause, White Primary, and physical intimidation.

Lesson 5—Election Terminology

3. Reproduce this page for each student.
4. This material serves as background information as many of the college level textbooks are deficient in the “nuts and bolts” government.

Unit 4: Political Parties, Interest Groups, and Mass Media

Lesson 6—Critical Elections

1. A condensed version of V.O. Key’s “Critical Elections” is found in the Woll book. See text selection for information on this book.
2. Reproduce both the handout *Election Terminology* (page 100) and the *Presidential Election Chart* (page 102) for each student or make an overhead transparency.
3. “Party realignment” and “critical elections” are synonymous terms. Students need to know both.
4. Classify elections from 1932–1988.

1932 Critical

- A. Democrats replace Republicans as majority party
- B. Blacks join Democratic Coalition
- C. More governmental economic activity to end or relieve depression
- D. Nation shifts from conservative to liberal

1936, 1940, 1944, 1948 All are maintaining elections

1952–1956 Deviating

- A. Ike wins on his personal popularity
- B. No massive swing from liberal to conservative
- C. Ike does not dismantle New Deal or Fair Deal

1960 Reinstating

- A. Democrats recapture White House
- B. “New Frontier,” liberal agenda

1964 Maintaining

1968 Critical

- A. Republicans replace Democrats as majority party in presidential elections
- B. Nation shifts from liberal to conservative
- C. South votes Republican
- D. Backlash against war and poverty, Vietnam, race relations

1972 Maintaining

1976 Deviating

- A. Nation is still conservative
- B. Carter is a conservative Democrat
- C. Republicans self-destruct over Watergate

1980 Reinstating

- A. Republicans recapture White House
- B. Republicans capture Senate
- C. Conservative mandate?

1984, 1988 Maintaining

1992, 1996 Deviating

- A. Clinton ran as a moderate
- B. Bush was tarnished by the Iran-Contra Scandal, a weak economy, and a lackluster campaign
- C. Ross Perot divided the Republican vote
- D. In neither election did Clinton receive a majority of the popular vote
- E. Clinton was reelected because the economy was strong in 1996 and there were no foreign policy crises

2000 Reinstating

- A. This position can be challenged due to the discrepancy in the popular and electoral vote
- B. Republican keep control of both Houses of Congress
- C. Republican control the majority of State Governors

2004 Maintaining

- A. Bush wins on the issue of security

Notes: Starting in the 1960s, voters have become ticket splitters. It is sometimes difficult to apply all of Key's standards. However, since 1968 there has been a working conservative majority in Congress coupled with Republican dominance of the White House. Republicans gained control of congress after the 1994 election.

Some political scientists feel that 1980 was a critical election with the U.S. moving to the right under the stewardship of President Reagan. This theory tends to neglect the election of 1968 as the true watershed. These political scientists also have a difficult time classifying the elections of 1968 and 1972.

Unit 5: Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts

Lesson 7—*Powers & Limitations of the President*

1. Reproduce this outline (page 103) for students' notes or have students copy from chalkboard or overhead transparency.
2. The roles, powers, and limits on the president are listed. The numbers under each role represent the powers and the letters represent the limitations.

Note: These notes are a natural tie-in for Lessons 7 and 8 plus the readings by Neustadt titled "Presidential Power" (page 81). Neustadt sees the president's power as the ability to persuade while Schlesinger views the presidency as approaching an elected monarchy. Compare Schlesinger's view of the presidency to that of Neustadt and have the student decide which author best characterized the modern presidency. The previous question could easily be adapted for an essay or class seminar topic.

Lessons 8 & 9—*Imperial President*

3. Duplicate or have students copy the two lecture/discussion outlines from the board or overhead transparency (pages 105–106).
4. Page 105 discusses the main areas in which presidential powers have grown. Notice in some cases strong presidents simply establish precedents that others follow, while in some cases Congress abdicated power to the president.
5. On page 106, Congress attempts to reassert its power. Analyze the success and failure of the War Powers Act and the Budget Impoundment Control Act. Who has the upper hand today, the president or Congress?
6. Whenever possible, try to allot one day for the growth of presidential power and a second class period for the reemergence of Congress. The concepts in this material have been the basis of multiple-choice questions as well as an essay on the AP exam. However, if time is a factor, the material can be combined in one class period if the instructor moves quickly.

Lesson 10—*Articles of Impeachment of President Clinton*

1. Duplicate these pages for the students.
2. Students should analyze these articles and determine if they were warranted, or used for political purposes. Students should also analyze the role of Chief Justice Rhenquist and the impact of this impeachment of future presidents.

Lesson 11—*Congressional Leadership*

1. Duplicate or have students copy the outline from the board or overhead transparency (page 111).

2. Discuss the powers of each position.
3. Students should realize that leadership in the House is more centralized and powerful than in the Senate. The size of the House is the major factor behind this fact.
4. This material is dry but you can bet that there will be multiple-choice AP questions on this material.

Lesson 12—*Major Differences Between the two Houses of Congress*

1. Reproduce this page for each student.
2. This material serves as background information as many of the college level textbooks are deficient in the “nuts and bolts” government.

Lessons 13 & 14—*Judicial Activism and Restraint*

1. Reproduce the outline (pages 114–115) for the students or have the students copy it from the chalkboard or overhead transparency.
2. These are the two major philosophies affecting the court. After class discussion have the students decide which philosophy best describes the proper role for the court. (Reagan, G. H. Bush and G. W. Bush believe in judicial restraint)
3. Instructors may wish to have students classify the current nine justices of the Supreme Court as to their preference of philosophies.
4. Compare and contrast the rulings of the Robert’s court to those of the Warren, Burger, and Rhenquist courts.

Lesson 15—*Department of Homeland Security*

1. Reproduce this page (pages 116–117) for each student.
2. This material serves as background information as many of the college level textbooks are deficient in the “nuts and bolts” government. Post 9/11, with the exception of the State and Defense Departments, this new department has received the most publicity and security. Students should analyze the effectiveness of this department in the war on terror and also dealing with domestic problems such as Hurricane Katrina.

Niccolo Machiavelli

.....

Author of “The Prince”

Father of modern political science

Asserted that history is dictated by the actions of men. It can be explained by the way people behave, not the way they ought to live.

Machiavelli on Men

“In general they are ungrateful, anxious to avoid danger and covetous of gain!”

Machiavelli on the Morality of Leaders

“In making decisions morality should never be a factor. The only criteria is whether or not the method promises success.”

Machiavelli on Leadership

“Leadership knows no hard and fast rules; it demands flexibility... It is better to be feared than loved. Men have less scruples in offending one who makes himself loved than one who makes himself feared; for love being a chain of obligation, which men being selfish will break whenever it suits their purpose, but fear is maintained by dread of punishment which never fails.”

Machiavelli on Power

“There are two methods of fighting; by law and by force. Since the first method is often insufficient, one must have recourse to the second... fear, cruelty and deception are recommended as regular instruments for government.”

Unratified Constitutional Amendments

1. Did you know that James Madison originally introduced 16 amendments to be included in the Bill of Rights, but Congress approved only 12?
2. Research these unratified amendments. What were they?
3. How would the nation be different today if these amendments had become part of the Constitution?
4. What amendments were approved by Congress during the 20th century that failed to gain approval by the states? How would the country differ if they had been approved?

Intro Notes: Civil Rights and Civil Liberties

1. **Civil Rights**

The struggle for freedom from discrimination (race, sex, creed)

2. **Civil Liberties**

Constitutional protection of individuals against the government (restrictions on governmental action)

3. **Civil rights and liberties are protected in four ways:**

A. **The Body of the Constitution**

No bills of attainder

No ex post facto laws

Writ of habeas corpus

B. **Legislation**

Civil Rights Act of 1964

Voting Rights Act of 1965

Open Housing Act of 1968

C. **Court Decision**

Brown v. Board of Education

Roe v. Wade

Lawrence v. Texas

D. **Bill of Rights**

Judicial Philosophy

Judicial Activism

Policy that supports an active role for judges in policy-making decisions. Judges must be able to interpret the Constitution to meet the needs of modern society. They believe in loose construction of the Constitution.

Judicial Restraint

Policy that favors minimal role for judges in policy-making decision, leaving these decisions to the executive and legislative branches. They believe in strict construction of the Constitution.

Alabama Literacy Test

Directions: Answer the following questions. Be careful as one wrong answer denotes failure of the test. You have 15 minutes to complete this exam.

1. Which of the following is a right guaranteed by the Bill of Rights?
_____ Public Education
_____ Employment
_____ Voting
_____ Trial by Jury
2. The Federal Census is taken every five years.
True or False
3. If a person is indicted for a crime, name two rights he or she has.
1.
2.
4. A United States Senator elected in the general election in November takes office the following year on what date? _____
5. A president elected in the general election in November takes office the following year on what date? _____
6. Which definition applies to the word “amendment?”
_____ Proposed change, as in a constitution
_____ Making peace between nations at war
_____ A part of the government
7. A person appointed to the United States Supreme Court is appointed for a term of _____.
8. When the Constitution was approved by the original colonies, how many states had to ratify it in order for it to be in effect? _____.
9. Does enumeration affect the income levied on citizens in various states?

10. Persons opposed to swearing in an oath may say, instead: “I solemnly _____.”
11. To serve as President of the United States, a person must have attained
_____ 25 _____ 35 _____ 40 _____ 45 years.

12. What words are required by law to be on all coins and paper currency of the United States? _____
13. The Supreme Court is the chief lawmaking body of the state?
True or False
14. If a law passed by a state is contrary to the provisions of the United States Constitution, which law prevails?
15. If a vacancy occurs in the United States Senate, the state must hold an election but, meanwhile, the place may be filled by a temporary appointment made by _____.
16. A United States Senator is elected for a term of _____ years.
17. Appropriation of money for the army can be only for a period limited to _____ year(s).
18. The chief executive and administrative officers make up the _____ branch of government.
19. Who passes laws dealing with piracy? _____.
20. The number of representatives which a state is entitled to have in the House of Representatives is based on _____.
21. The Constitution protects an individual against punishments that are _____ and _____.
22. When a jury has heard and rendered a verdict in a case and the judgment on the verdict has become final, the defendant cannot again be brought to trial for the same cause.

True or False
23. Name two levels of government that can levy taxes.
- 1.
 - 2.
24. Communism is the type of government in: _____ United States _____ Russia
_____ England
25. Cases tried before a court of law are of two types: civil and _____.
26. By a majority vote of Congress, the Congress can change provisions of the Constitution of the United States.

True or False
27. For security, each state has a right to form a _____.

28. The electoral vote for president is counted in the presence of two bodies.
Name them.

1.

2.

29. If no candidate for President receives a majority of the electoral vote, who decides who will become President? _____

30. Of the original 13 states, the one with the largest representation in the First Congress was _____.

31. Which branch of government is the Speaker of the House part of?
_____ Executive _____ Legislative _____ Judicial

32. Capital punishment is the giving of a death sentence.

True or False

33. In case the President is unable to perform the duties in his office, who assumes them? _____

34. "Involuntary servitude" is permitted in the United States upon conviction of a crime.

True or False

35. If a state is a party to a case, the Constitution provides that original jurisdiction shall be in _____.

36. Congress passes laws regulating cases which are included in those over which the United States Supreme Court has _____ jurisdiction.

37. Which of the following is a right guaranteed by the Bill of Rights of the United States Constitution?

_____ Public housing

_____ Voting

_____ Education

_____ Trial by jury

38. The legislatures of states decide how presidential electors may be chosen.
True or False

39. If it were proposed to join Alabama and Mississippi to form one state, what groups would have to vote approval in order for this to be done? _____

40. The Vice President presides over _____.

41. The Constitution limits the size of the District of Columbia to _____

42. Which president had the most appointees to the U.S. Supreme Court rejected by the U.S. Senate? _____

43. In which document or writing is the Bill of Rights found?

44. Of which branch of government are Supreme Court justices a part?

_____ Executive _____ Legislative _____ Judicial

45. If no person receives a majority of the electoral votes, the vice president is chosen by the Senate.

True or False

46. Name two actions which the states are forbidden to take by the United States Constitution.

1.

2.

47. If the election of the president becomes the duty of the United States House of Representatives and it fails to act, who becomes president and when?

1.

2.

48. How many votes must a person receive in order to become president if the election is decided by the United States House of Representatives? _____

49. How many states were required to approve the original constitution in order for it to be in effect? _____

50. Check the offenses below which will disqualify you from voting if you are convicted.

_____ Murder

_____ Petty larceny

_____ Issuing worthless checks

_____ Manufacturing whiskey

51. The Congress decides in what manner states elect presidential electors.

True or False

52. Name two purposes of the United States Constitution.

1.

2.

53. Congress is composed of _____ houses.

54. All legislative powers granted in the United States Constitution may legally be used only by _____.

55. The population census is required to be made every _____ years.

56. Impeachments of the United States officials are tried by the _____.

57. If an effort to impeach the president of the United States is made, who presides at the trial? _____

58. On the impeachment of the Chief Justice of the Supreme Court of the United States, who tries the case? _____

59. Money is coined by order of: _____ U.S. Congress _____ The President's Cabinet _____ States legislatures

60. Persons elected to cast a state's vote for United States President and Vice President are called presidential _____

61. Name one power that is exclusively legislative and is mentioned in one of the parts of the United States Constitution.

62. If a person flees from justice into another state, who has the authority to ask for his return? _____

63. Whose duty is it to keep Congress informed of the state of the union? _____

64. If the two houses of Congress cannot agree on adjournment, who sets the time? _____

65. When the presidential electors meet to cast ballot for president, must all electors in a state vote for the same person for president or can they vote for different person if they choose? _____

66. After the presidential electors have voted, to whom do they send the count of their votes? _____

67. The power to declare war is vested in _____.

68. Any power and rights not given to the United States or prohibited to the States by the United States Constitution are specified as belonging to whom? _____

Election Terminology

.....

General Election—an election to fill public offices.

Primary Election—an election prior to the general election in which voters select the candidates who will run on each party's ticket. Primaries are also used to choose convention delegates and party leaders, and may be open or closed.

- A. **Open Primary**—an election that permits voters to choose on Election Day the party primary in which they wish to vote. They may vote for candidates of only one party. (A blanket or “free love” primary is a type of open primary. In the voting booth you mark a ballot that lists the candidates for nomination of all the parties, and thus you can help select the Democratic candidate for one office and the Republican candidate for another.)
- B. **Closed Primary**—the selection of a party's candidates in an election limited to registered party members. Prevents members of other parties from “crossing over” to influence the nomination of an opposing party's candidate.
- C. **Presidential Primary**—a primary used to pick delegates to the presidential nominating conventions of the major parties.

Electoral College—A group of persons called “electors,” selected by the voters in each state, that officially elects the President and Vice President. The number of electors in each state is equal to its number of representatives in both houses of Congress.

Machine—A hierarchically organized, centrally led state or local party organization that rewards members with material benefits (patronage).

Office-Block Ballot—A ballot listing all candidates for a given office under the name of that office; also called a “Massachusetts” ballot.

Party-Column Ballot—A ballot listing all candidates of a given party together under the name of that party; also called an “Indiana” ballot.

Split-Ticket Voting—Voting for candidates of different parties for various offices in the same election. For example, voting for a Republican for Senator and a Democrat for President.

Straight-Ticket Voting—Voting candidates who are all of the same party. For example, voting for Republican candidates for Senator, Representative, and President.

V.O. Key—Theory of Critical Elections

Critical Election

1. Electoral involvement is high
2. Sharp alterations in preexisting alignment of political parties culminate in a different political party becoming the majority party
3. New and durable voting coalitions are formed
4. Basic change in political attitudes occurs (liberal vs. conservative)

Maintaining Elections

1. Most prevalent type of election
2. Continuity—no major political upheavals
3. Status quo prevails

Deviating Election

1. A temporary shift occurs within the electorate
2. Popular candidates usually cause this shift
3. Basic party loyalties are not changed

Reinstating Elections

1. Return to normal voting patterns
2. Occurs after deviating election

Questions

1. Why are there so few critical elections?
2. Is this positive?

Presidential Election Chart

1932
Roosevelt
Hoover

1936
FDR
Landon

1940
FDR
Dewey

1948
Truman
Dewey

1952 & 1956
Eisenhower
Stevenson

1960
Kennedy
Nixon

1964
Johnson
Goldwater

1968
Nixon
Humphrey
Wallace

1972
Nixon
McGovern

1976
Carter
Ford

1980
Reagan
Carter

1984
Reagan
Mondale

1988
Bush
Dukakis

1992
Clinton
Bush
Perot

1996
Clinton
Dole
Perot

2000
Bush
Gore
Nader

2004
Bush
Kerry

2008
McCain
Obama

Powers & Limitations of the President

Role: Chief Legislator

1. Veto
2. Outlines legislative proposals
3. Calls special session of Congress
 - A. *Two-thirds—both houses of Congress can override veto*
 - B. *Congress is not obligated to pass the president's proposals*

Role: Head of Political Party

1. Political patronage
 - A. *Party structure is fragmented*
 - B. *22nd Amendment*

Role: Chief Diplomat

1. General charge of foreign policy
2. Appoints ambassadors
3. Executive agreements
4. Negotiates treaties
5. Recognition of foreign governments
 - A. *Senate must approve appointments*
 - B. *Senate must approve treaties (two-thirds vote)*

Role: Commander in Chief

1. Civilian authority over the military
 - A. *War Powers Resolution 1973*
 - B. *Congress declares war*

Role: Chief of State

1. Symbol of the U.S. government & people

Role: *Chief Executive*

1. Enforces federal law, treaties, and court decisions
2. Appoints cabinet members, commissions, etc.
3. Executive orders
 - A. *Senate approval needed for appointments*

Role: *Chief Jurist*

1. Pardons power
2. Appoints federal judges
 - A. Senate approval needed for judges

Role: *Chief Economist*

1. Develops the national budget
 - A. Congress must allocate money

Role: *Leader of the Free World*

1. Persuasion powers over allies
 - A. Allies are under no obligation to follow his lead

The Imperial Presidency Argument

“Since World War Two, the presidency has become an imperial institution which threaten the delicate balance of the Constitution. The President was able to rule by decree without limitations by the Congress or courts.”

—Arthur Schlesinger Jr., 1972

Areas of Increased Powers

1. War powers
2. Diplomacy by executive agreements
3. Secrecy and executive privilege
4. Impoundment
5. Government by veto

Imperial Presidency

1972-1980 Congressional Reemergence

.....

1. War Powers Resolution 1973
2. Budget & Impoundment Control Act of 1974
 - A. Creates the congressional budget office. This act lessens congressional dependence on the OMB.
 - B. President must inform Congress of funds to be impounded. Congress has 45 days to act. If Congress votes to release (spend) the money, the president is obligated to do so.
3. Growth of congressional staff & research agencies
4. Curbs on executive privilege—(*United States v. Nixon*)
5. Watergate—Impeachment process
6. Clinton Impeachment
7. Congressional oversight of CIA
 - A. Senate and House intelligence committees
 - B. President must inform these committees of covert activity
8. Greater scrutiny of executive appointments
 - A. Conflict of interest
 - B. Mediocrity

Articles of Impeachment of President Clinton

The House Judiciary Committee passed four Impeachment Articles by a party-line vote of 21–16. On December 19, 1998, the House of Representatives passed Articles I and III. An impeachment trial was conducted in the Senate. On February 12, 1999, the Senate acquitted President Clinton of both charges. (See summary below.)

RESOLVED, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

Passed by the House (228–206), failed in the Senate (45–55)

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following:

- (1) the nature and details of his relationship with a subordinate Government employee;
- (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him;
- (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and
- (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or

profit under the United States.

ARTICLE II

Failed in the House (205–229)

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

(1) On December 23, 1997, William Jefferson Clinton, in sworn answers to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with subordinate employees.

(2) On January 17, 1988, William Jefferson Clinton swore under oath to tell the truth, the whole truth, and nothing but the truth in a deposition given as part of a Federal civil rights action brought against him. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning the nature and details of his relationship with a subordinate government employee and his corrupt efforts to influence the testimony of that employee.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

ARTICLE III

Passed by the House (221–212), failed in the Senate (50–50)

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

- (1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.
- (2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.
- (3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.
- (4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.
- (5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.
- (6) On or about January 18 and January 20-21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.
- (7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

ARTICLE IV

Failed in the House (148–285)

Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth-seeking purpose of a coordinate investigative proceeding in that, as President, William Jefferson Clinton, refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States.

William Jefferson Clinton, in refusing and failing to respond, and in making perjurious, false and misleading statements, assumed to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives and exhibited contempt for the inquiry.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

December 19, 1998

Summary: The House of Representatives passed two of four Articles of Impeachment. Article I alleged perjury in Clinton's grand jury testimony regarding a sexual relationship with White House intern Monica Lewinsky (passed); Article II alleged perjury in Clinton's deposition in a lawsuit filed by Paula Jones (failed); Article III alleged obstruction of justice in the Paula Jones case (passed); Article IV alleged perjury in Clinton's responses to a list of questions from the Judiciary Committee (failed). Clinton was impeached by the House and acquitted by a bi-partisan vote (45–55 on the first charge and 50–50 on the second charge in the Senate). The Senate was comprised of 55 Republicans and 45 Democrats. On the first charge ten Republicans joined all Democrats voting no, on the second charge five Republicans and all Democrats voted no. A two-thirds majority (67 votes) is required for conviction.

Congressional Leadership

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House of Representatives

1. **Speaker**
 - A. Presides over the House
 - B. Appoints select and conference committees
 - C. Appoints the rules committee
 - D. Assigns bills to committees
 - E. Second in line for the presidency after the VP
2. **Majority Leader and Minority Leader**
 - A. Partisan position picked by individual parties
 - B. Floor leader & legislative strategist
3. **Majority Whip and Minority Whip**
 - A. Assistant floor leader
 - B. Inform party leaders on the “mood” of the House
 - C. Keep nose count on important votes

Senate

1. **Vice President**
 - A. President of the Senate
 - B. Presides over the Senate
 - C. Votes in the case of tie only
2. **President Pro Tempore (temporary president)**
 - A. Ceremonial job
 - B. Presides when the VP is absent
 - C. Third in line for the presidency after the speaker
3. **Majority Leader**
 - A. True leader in the Senate
 - B. Recognized first for all debates
 - C. True leader of the majority party

4. Minority Leader and Party Whips—same as House

******Standing committee assignments are made by the political parties in each house using the following criteria: 1) Seniority 2) Geographical distribution 3) Preference 4) Expertise

Major Differences Between the Two Houses of Congress

.....

HOUSE	SENATE
435 members serving two-year terms (no term limits)	100 members serving rotating six-year terms (no term limits)
Speaker's referral of bills to committee is hard to challenge	Referral decisions easy to challenge
Committees almost always consider legislation first	Committee consideration easily bypassed
Rules Committee powerful; controls time of debate, admissibility of amendments	Rules Committee weak; few limits on debate or amendments
Debate usually limited to one hour	Unlimited debate (filibuster) unless shortened by unanimous consent or by invoking cloture
Non-germane amendments may not be introduced from floor	Non-germane amendments may be introduced (riders)
Votes impeachment by a majority vote	Votes to convict or acquit after impeachment by the House. It takes a 2/3 vote to convict
	Votes to approve presidential appointment such as judges, cabinet and ambassadors by a majority vote
	Votes to approve treaties. It takes a 2/3 vote to approve
All appropriation (money) bills must begin in the House.	

Judicial Activism

.....

1. Loose construction of the Constitution:
 - A. Federalist #78
 - B. Founding Fathers could not foresee today's society. How can you apply the standards of 1789 to the present?
 - C. Judicial activism allows the Constitution flexibility, durability
2. Negative effects of judicial restraint:
 - A. Dred Scott
 - B. *Plessy v. Ferguson*
 - C. *Hammer v. Dagenhart*
3. The Constitution is silent about many right; loose construction guaranteed these rights:
 - A. Innocent until proven guilty
 - B. Right to privacy
 - C. Bill of Rights applied to the states
4. Judicial activism upholds the spirit of the Constitution:
 - A. *Brown v. Education*
 - B. *Baker v. Carr*
 - C. *Gideon v. Wainwright*
 - D. *Roe v. Wade*

Judicial Restraint

.....

1. Constitution gives law and policy-making authority to the President and Congress.
2. Article III gives the courts judicial power only.
3. Belief in strict construction.
4. The power to interpret is the power to change.
5. Constitution is a permanent document. The Constitution contains an amendment process.
6. Judicial review is a usurpation of power.
7. Judges should make rulings based upon the Constitution, laws, and/or treaties only.
8. Judges should not impose their personal notions of what is desirable.
9. If the wording of the Constitution is ambiguous, the courts must take the perspective of the Founding Fathers or determine the intent behind the language.
10. Judicial review = Judicial policy-making.

Department of Homeland Security: An Overview

Security: An Overview In accordance with the Homeland Security Act of 2002, the Department of Homeland Security came into being in 2003 in order to implement the U.S. National Strategy for Homeland Security, which was created in response to the Sept. 11, 2001, terrorist attacks upon the World Trade Center towers and the Pentagon. The primary responsibility of this Cabinet department is the setting of priorities and focusing of resources in the way that best protects U.S. borders, airports, waterways, and critical infrastructure, as well as the creation of response plans in the event that a terrorist organization is successful in an attack upon a U.S. target. To do this, 22 previously independent government agencies with a force of 180,000 employees were brought together into this single department, providing for the cooperation and information-sharing necessary to achieve the three objectives of the National Strategy: preventing terrorist attacks within the United States, reducing the United States' vulnerability to terrorism, and minimizing the damage and recovering from attacks that do occur.

Particularly in light of the way airplanes were used in the 2001 terrorist attacks, travel and transportation regulation and security are among the major responsibilities given to the department. To do this, the department inherited the professional workforce, programs, and infrastructure of the Coast Guard, Customs Service, Immigration and Naturalization Service, and the Transportation Security Administration. Together, this workforce is responsible for protecting approximately 730 million commercial airline passengers and screening more than 700 million pieces of baggage for explosives each year, and this is on top of protecting other transportation and commerce activity involving approximately 11.2 million trucks, 2.2 million rail cars, and 7,500 foreign flagships annually.

Another of the most important aspects to homeland security is monitoring the activity on our borders, which were previously guarded by the Immigration and Naturalization Service (INS) but are now a responsibility of the U.S. Citizenship and Immigration Services (USCIS) bureau of the department. The primary responsibilities of the USCIS is the adjudication of immigrant visa petitions, naturalization petitions, asylum and refugee applications, as well as all other adjudications previously performed by the INS. This bureau includes around 18,000 employees and contractors operating in more than 250 local offices, Application Support Centers, Service Centers, local area immigration services field offices, National Customer Service Call Centers, Form Centers, and Internet services.

The next major responsibility of the department is the analysis of threats and the development of safeguards against those threats. The department does this by coordinating information with federal, state, tribal, local, and private entities using the Homeland Security Operations Center (HSOC). This information-sharing allows the department to determine the most effective response to critical infrastructure and cyber security threats in a way that was impossible before it came into existence, and it also allows the department to alert the public to potential threats using the color-coded Homeland Security Advisory System that ranges from green for "low" to red for "severe,"

with “guarded” (blue), “elevated” (yellow), and “high” (orange) in between.

In the event of an attack or disaster on U.S. soil, the department is also responsible for making sure that emergency professionals are prepared to meet whatever challenge they may face. To this end, the National Response Plan was written to establish “a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents.” The plan borrows best practices and procedures from the incident management disciplines inherent in homeland security, emergency management, law enforcement, firefighting, public works, public health, responder and recovery worker health and safety, emergency medical services, etc. and uses them to create a response structure involving federal, state, tribal, local, and private cooperation designed to accomplish these goals: saving lives and ensuring the health and safety of the public, responders, and recovery workers; ensuring security of the homeland; preventing an imminent incident, including a terrorist attack; protecting and restoring critical infrastructure and key resources; conducting law enforcement investigations to resolve an incident, apprehend its perpetrator(s), and collect and preserve evidence for prosecution and/or attribution; protecting property and mitigating damages and impacts to individuals, communities, and the environment; and facilitating recovery of individuals, families, businesses, governments, and the environment.

Clearly the charges given to the Department of Homeland Security by the Congress are of the gravest nature, and while some commentators have decried the creation of the department as a massive expansion of the federal government, its defenders interject that its creation was simply a restructuring of already existing government agencies whose effectiveness was tested and proved unsuccessful on Sept. 11, 2001. In any case, there is little doubt of department’s importance to the daily safety of American citizens.

