

Bill of Rights in Action



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PUTIN'S ILLIBERAL DEMOCRACY



President of Russia (CC BY 4.0)

Russian President Vladimir Putin speaking at the Grand Kremlin Palace in Moscow in 2012 for the Russian Federation National Awards.

If you are a citizen of Russia today and you join an unauthorized demonstration or protest, you may be fined \$9,000 and face years in prison. If you plan a demonstration but fail to first get approval from the government, or if a demonstration for which you obtained approval causes property damage, you may be in for a much bigger fine and hard labor.

The subject of your demonstration can also cause you trouble. For example, if the demonstration you want to organize is for gay pride, you can be sure that your request for authorization will be denied. Moreover, you can be prosecuted for “offending the religious feelings of believers” if you question the existence of God in an online forum, like a blog or chatroom.

And if you are a political leader, your party must be sanctioned by the government. You might also pay for unsanctioned political activity with your very life. How did these circumstances arise in Russia?

The Promise of Democracy

Twenty-five years ago, the Soviet Union collapsed. The Warsaw Pact, the legal framework for Russia’s half century of domination of Eastern Europe, was officially terminated and many of the USSR (Soviet) republics achieved independence. The newly liberated states instituted popular elections throughout, as did Russia itself, making it seem that the world was entering a new phase of peace where the principles of Western-style liberal democracy would flourish.

The reality is that governments of former Soviet republics often had the trappings of democracy but maintained an illiberal, or authoritarian, character. For example, President Alexander Lukashenko of Belarus has held office since 1994. In 1996, he disbanded parliament but soon replaced it with a new parliament full of his handpicked allies. He has bragged to the press of his “authoritarian ruling style.”

ELECTIONS AND DEMOCRACY

This edition of *Bill of Rights in Action* looks at case studies of factors affecting democratic processes in elections. The first article examines the rise of illiberal democracy in Russia under the leadership of Vladimir Putin. The second article looks at the unexpected election of Truman to the U.S. presidency in 1948. The third article explores the impact and implications of the *Citizens United* Supreme Court decision.

World History/Current Issues: “Putin’s Illiberal Democracy,” by guest writer Patrick Jennings.

U.S. History: “Harry Truman and the Election of 1948,” by guest writer Lucy Eisenberg, Esq., and CRF senior editor Damon Huss.

U.S. Government/Current Issues: “Elections, Money, and the First Amendment,” by longtime contributor Carlton Martz.



Tsar Nicholas II (center) with members of his family, the Romanovs, circa 1913. The tsar's suppression of political opponents and handling of World War I led to his abdication. He and his family were later executed by the ruling Bolsheviks (Communists) in 1918.

Since 1999, Vladimir Putin, the current president of Russia, and his personal friends — wealthy businessmen, military figures, and members of the intelligence services — have dominated Russia's economy, media, and political life. Russian military might is once again being used to threaten neighboring states and bolster Russian power abroad. The promise of a democratic Russia seems to be vanishing.

Russia: A Long History of Tyranny

Before 1991, Russians had enjoyed perhaps only seven months of democracy in a thousand years of its history. A feudal society until the early 18th century, Russia became a great European power under the Romanov Tsars (monarchs), who kept a large part of the population in serfdom (semi-slavery) and controlled the rest of the population with secret police, press restrictions, political imprisonment, exile, and execution.

The Tsarist monarchy was overthrown in a popular uprising in March 1917, which ushered in a brief period of Russian democracy. But that democratic experiment ended five months later, when the Communist Party came to power through revolution in October 1917. Picking up where the monarchy left off, the Communist Party instituted old Tsarist practices and added political indoctrination, widespread propaganda, mass internal deportations, and prohibitions on the ownership of property and business.

With the end of Communist domination in 1991, Russia was poised for a birth of political and economic freedom. Under the leadership of Boris Yeltsin, the first President of the Russian Federation, laws were passed to assure political freedom and individual

rights. The country also moved from a government-planned to a market economy. The government distributed ownership of state-owned industries to private individuals.

Unfortunately, despite attempts to ensure fair and equal distribution throughout the population, ownership of most enterprises ended up in the hands of government and management insiders. In addition, the transition from a state-planned to a market-driven economy led to serious drops in economic activity, severe inflation, job losses, and shortages of consumer goods.

The Rise of Putin

From an early age, Vladimir Putin had wanted to join the KGB (the Soviet Union's spy and security organization). He pursued his goal despite the opposition of his parents, both factory workers who had survived the siege of Leningrad during World War II. Told that the intelligence service preferred students with law degrees, he then enrolled at Leningrad State University, hoping to be recruited.

At last, in his final year of university, he was offered a position in the KGB. He spent the first years of his career as a counterintelligence agent, monitoring the activities of foreigners in Leningrad (now St. Petersburg).

In the early 1980s, Putin received training in foreign espionage and was sent to East Germany, where he worked with the East German intelligence agency, the Stasi. His job was to find candidates suitable for intelligence missions in the West that targeted Western technology.

When the Soviet empire collapsed in 1991, Putin returned to St. Petersburg. There he headed academic and governmental organizations involved with promoting international relations and trade for the city. By 1996, he had moved on to Moscow, where he would head a number of positions in the Boris Yeltsin regime, including the Federal Security Services, a successor to the KGB. During this time, he also completed work on his dissertation for a Candidate in Science in Economics, equivalent to a PhD in the West.

Yeltsin appointed Putin to be acting prime minister in August 1999. One month later, a series of apartment house bombings in Russian cities killed nearly 300 people. The Russian government blamed terrorists from Chechnya, a largely Muslim former state of the Russian Federation. The Chechens had successfully gained independence a few years earlier after fighting Russian forces to a stalemate.

After the apartment bombings, Putin ordered the resumption of military operations in Chechnya. By February 2000, Russian forces had retaken Chechnya's capital, Grozny, and began the process of reintegrating Chechnya into the Russian Federation.

Meanwhile, in late December 1999, Yeltsin resigned suddenly and named Putin as acting president. Three

months later, Putin was formally elected president, having secured more than 50 percent of the votes.

Putin in Charge

Relatively unknown when he took over from Yeltsin, Putin focused on rebuilding Russia's economy and reestablishing its international position in the world. During his first two terms as president, from 2000 to 2008, Russia enjoyed impressive economic growth, due in large part to a worldwide surge in crude oil prices, one of Russia's principal exports.

Russia is the largest supplier of natural gas in the world, and its main customers are nations in the European Union. Over the eight years of Putin's first two terms, Russia's economy grew 70 percent, its poverty rate was cut in half, and disposable income doubled. By 2008, Russia had regained the economic power it had experienced at the end of the Soviet empire, although it continued to suffer a high rate of inflation.

Putin's popularity grew alongside the Russian economy. In 2000, he won the election with 53 percent of the votes. In 2004, he won with 71.9 percent. As the Russian constitution limits a president to two consecutive terms, Putin could not run in 2008.

Instead of running again, Putin endorsed and supported his protégé and former campaign manager, Dimitri Medvedev. Medvedev won with 71 percent and then appointed Putin prime minister of the Duma, Russia's legislature. Four years later, in 2012, Medvedev stepped aside as Putin ran a third time for president, winning with a 63.6 percent majority.

International monitoring groups complained of significant irregularities in both the 2008 and 2012 elections. Opinion polls taken at the time, however, showed high approval ratings for Putin. Still, opposition to him and his party, United Russia, has grown over the last few years. Massive demonstrations against election fraud followed the 2011 Duma elections as well as Putin's election in 2012.

Some observers claim that fraud in the 2012 presidential election accounted for as much as 14 percent of Putin's majority, and that Putin should have had to face a second round of voting. It is difficult to believe that he would not have won a run-off, however, as the nearest competitor was the Communist Party, which only polled 17 percent.

A Declining Democracy

Putin's control of Russia's political life has increased since his last election. This is partly due to the large number of candidates from obscure parties who have failed to come together to challenge United Russia. In addition, a law requiring candidates to obtain the support of 10 percent of the regional legislature,



President of Russia (CC BY 4.0)

Russian President Boris Yeltsin handing over power to Vladimir Putin, who would then serve as acting president, in 1999.

which is often heavily controlled by Putin's allies, has kept many opponents of United Russia off the ballot.

Political demonstrations are also severely restricted. Remember that protestors must obtain governmental approval for demonstrations or face heavy fines and possible imprisonment.

Many international organizations, such as Amnesty International and Human Rights Watch, have been forced to register as foreign agents, subjecting them to audits and raids in which the state seizes their operating documents and records. Meanwhile, the Russian government has accused both demonstrators and international rights organizations of representing the interests of the United States.

Russia has also entered into what we in the United States call the "culture wars." Under a federal law "for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values," it is illegal to promote "non-traditional sexual relationships." The intent of the law became clear with the first person arrested for violating it: a young man who held a banner stating "Being gay and loving gays is normal. Beating gays and killing gays is a crime!"

Religious freedom is another culture war in Russia. A 2002 law defines "extremism" as promoting the "exclusivity, superiority, or inferiority of citizens" based on religion. This led to banning several translations of the Koran (Islam's most sacred text) in 2007 and imprisoning readers of the banned materials. In 2016, Russian authorities prosecuted a man who wrote "there is no God" in an online chatroom under a 2013 law against offending persons of faith. The crime carries a maximum punishment of one year in jail.

As a result of these laws, most international democracy monitoring organizations now regard Russia as one of the least democratic nations. One such organization is Freedom House. "The Russian ►

From an early age, Vladimir Putin had wanted to join the KGB.

government seems determined to prevent free expression in any form,” said Freedom House President Mark P. Lagon in 2015, “including in social media.”

Putin and his supporters disagree, claiming that Russian democracy is just different from Western liberal democracy. He calls it “majoritarian democracy.” Sergei Markov, a scholar and adviser to Putin, describes majoritarian democracy this way:

In the West there are elaborate protections for minorities, whereas in Russia the protection of the majority is the priority. It’s still democracy [M]inorities must subordinate themselves to the interests of the majority

By contrast, protecting minority rights, or civil rights, is a hallmark of liberal democracy. For example, the United States Constitution was amended to include the Bill of Rights specifically to limit the power of government, especially over individuals. James Madison himself warned against the “superior force of an interested and overbearing majority.”

Majoritarian democracy, or sovereign democracy, as Putin has defined it elsewhere, appears to be working for him. His approval ratings climbed in the years following the 2012 election, in part because the Russian population supported his aggressive foreign policy. Like Putin, many Russians regret the loss of global influence Russia suffered following the demise of the Soviet Union and are suspicious of Western culture and Western interference in Russian affairs. Putin’s regime carried out military actions not just in Chechnya, but also in Georgia, Crimea, Ukraine, and Syria, all of which bolstered his approval rating to almost 90 percent in the first months of 2016.

Russian Democracy’s Future

Some have argued that Putin’s policies and popularity can be traced to Russia’s conservative and imperialistic roots in the Tsarist and Soviet eras. Putin’s easy election wins and high approval ratings certainly

suggest that he has tapped into illiberal biases developed in 20th century Russian society.

On the other hand, it can be argued that the Russian population has been misled by the Putin government, which owns or indirectly controls Russian television and much of its press. Indeed, since Putin’s rise to power, almost two dozen journalists investigating government corruption have been murdered.

Alexander Litvinenko was a journalist critical of Putin. He had publicly claimed that Russian secret services were behind the 1999 apartment house bombings. He then died by poisoning in the United Kingdom, and the government of the United Kingdom has linked his death directly to Putin.

Putin’s government has also targeted opposition political leaders, most notably Boris Nemtsov. Nemtsov denounced Putin for Russia’s military aggression in the Ukraine and was shot dead on a bridge near Red Square less than two weeks later.

This record of punishment of political and religious dissent concerns human rights advocates worldwide. Also, given the Russian people’s apparent endorsement of restrictions on civil rights and freedom of expression, it is hard to be optimistic about the future of democracy in Putin’s Russia.

DISCUSSION & WRITING

1. Before 1991, how much experience did the Russian people have with democracy? Describe how that could affect the present population’s attitudes toward civil rights and liberties.
2. What was Putin’s path to the presidency of the Russian Federation? What accomplishments made him popular with the Russian people?
3. What restrictions have been placed on democracy under Putin’s administration? Contrast “majoritarian democracy” with “liberal democracy” with examples from the article.

ACTIVITY: Russian History and Freedom

1. Divide the class into eight groups. Assign each group one of the following Russian leaders:

Catherine the Great	Nicholas I	Alexander I	Alexander II
Nicholas II	Vladimir Lenin	Joseph Stalin	Mikhail Gorbachev
2. Each group will research the following issues about the respective reigns of the above leaders:
 - What were the notable events during his or her reign?
 - How did he or she view Russia’s role in the world?
 - How was the government organized under his or her reign?
 - How much freedom did the people have during his or her reign?
3. Each group presents its findings to the class.
4. Engage the class in a discussion to compare Putin’s Russia to the Russia of his predecessors.

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HARRY TRUMAN AND THE ELECTION OF 1948

On the night of Election Day in 1948, presidential rivals President Harry S. Truman and New York Governor Thomas Dewey awaited the election results. Fractures within Truman's own Democratic Party and months of polls predicting Truman's defeat left many to presume he would lose the race. The *Chicago Tribune* newspaper was so confident of Dewey's victory that it printed the headline "Dewey Defeats Truman" in anticipation of the next morning's news. Why did Truman seem to be on the brink of defeat?

Harry Truman was vice president to President Franklin Delano Roosevelt (FDR). When FDR died on April 12, 1945, Truman assumed the presidency. World War II soon concluded in Europe, and with Truman's fateful decision to drop two atomic bombs on Japan, the war concluded in the Pacific in September.

With the end of the war, Truman faced the daunting challenge of stewarding the U.S. from a wartime to a peacetime economy. Over 12 million men in the armed services were returning home and would be looking for jobs. Many would take advantage of low-interest college or small-business loans under the G.I. Bill, passed in 1944.

In an effort to usher in the peacetime economy, Truman aimed to reinvigorate FDR's New Deal policies, a sweeping series of government programs, like Social Security, to counteract the Great Depression. Truman pushed for additional reforms: a minimum-wage increase, public housing, aid to public schools, and a national health insurance program.

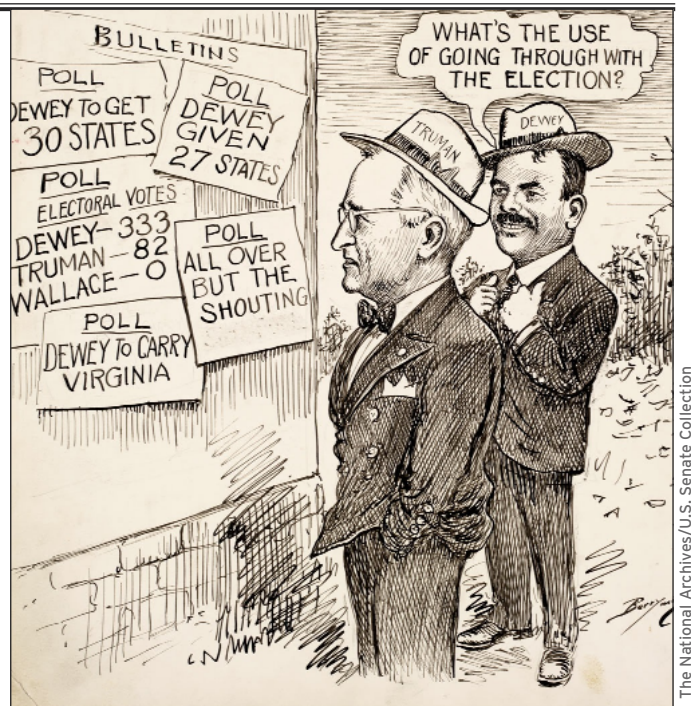
Many of Truman's opponents, notably Republicans in Congress, dismissed him as an "accidental president." But he faced tough opposition even within his own party. Leading up to the 1948 election, he faced major political challenges in three major areas: labor, civil rights, and the Cold War.

Labor Issues

During World War II, labor union membership had doubled. Many unions had also signed no-strike pledges in order to maintain production of weapons, ammunition, and supplies for the war effort. Disputes workers had with employers had to be put on hold.

Between 1945 and 1946, after the war had ended, those disputes boiled over into a "strike wave" during which there were over 4,900 strikes across the country involving 4.6 million workers. Many people were angry because the strikes interrupted business, and Republicans alleged that Communists infiltrated, or secretly joined, the unions to undermine American business.

The strike wave had political consequences. In the 1946 mid-term elections, Republicans took control of Congress for the first time since 1930. (It was the country's 80th Congress.) Truman's approval ratings plummeted—from 82 percent in January 1946 to 35 percent a year



This political cartoon was published on October 19, 1948. What does the timing of the cartoon and its content tell you about public opinion at the time?

later. Over Truman's veto, Congress passed the Taft-Hartley bill in 1947, which restricted the ability of labor unions to organize and strike.

Civil Rights Issues

Truman was greatly concerned about civil rights for black people in the South. State laws stretching back decades had made racial segregation legal. Between 1877 and 1950, nearly 4,000 black people were victims of lynchings in Southern states. Congress had been unable to pass an anti-lynching law in the 1920s.

These realities and the lack of opportunities for African Americans in the South caused a mass migration. Starting in about 1910, and for the next few decades, 1.5 million African Americans migrated out of the South, particularly during the war.

Truman appointed a committee on civil rights that issued a report in October 1947 recommending a federal anti-lynching law and other measures to protect black citizens. He delivered his legislative recommendations to Congress in February 1948.

Truman's proposals caused a roar of outrage in the South. His fellow Democrats in the South began to oppose him. Democratic Senator James Eastland of Mississippi said, "Both races recognize that the society of the South is built upon segregation." Governor Strom Thurmond of South Carolina, also a Democrat, denounced Truman's recommendations.

In March, a committee of six Democratic governors and Senator Harry Byrd of Virginia met in Washington. They issued a report that they would "fight to the last ditch" against the nomination of Harry Truman for president in the 1948 presidential election.



Nominating the Candidates

In the summer of 1948, the parties held conventions to nominate their candidates. First was the Republican convention in June in Philadelphia. Thomas E. Dewey, the moderate governor of New York, was the front-runner. A successful New York prosecutor in the 1930s, Dewey later became governor, enacting the first state law prohibiting racial discrimination in employment. He was the party's nominee in 1944 but lost the election to FDR.

Dewey was also immensely popular. Because he mildly supported the New Deal, however, and also stood behind the Truman Doctrine and the Berlin Airlift, the conservative wing of the Republican Party disliked him. But Dewey won the nomination and chose another popular governor, Earl Warren of California, as his running mate. Republicans expected him to easily beat Truman, who had low popularity in the polls.

In July, the Democrats held their convention, also in Philadelphia. Truman was willing to accept a general proposal for civil rights in the party's platform (statement of principles). But many other liberal Democrats wanted the platform to include Truman's own specific proposals from earlier that year. By the last day of the convention, the party adopted the specific proposals, which included an anti-lynching law and creation of a fair employment committee.

The platform appealed to liberals and the party's core African American constituency. But it angered white Southerners, another core constituency. The Mississippi delegation and half of the Alabama delegation walked out of the convention. The remaining Southern delegates supported a protest candidate from Georgia. A major fracture had opened within the Democratic Party.

Third Party Challenges

The walkout Southern delegates decided to nominate a candidate for a new States' Rights Democratic Party (aka Dixiecrats) in Birmingham, Alabama, which opposed the federal government imposing civil rights laws on the Southern states. On July 17, just a few days after the Democratic convention, the crowd at this new party convention waved Confederate flags and chanted "To hell with Truman!"

The delegates endorsed segregation and rejected the federal government's power to legislate race relations. They then nominated Strom Thurmond as their presidential candidate. Many predicted that Thurmond's Dixiecrats, and not the Democrats, would win in Alabama, Mississippi, South Carolina, and Arkansas. Without internal political pressure from Southern Democrats, however, Truman was able to issue an executive order desegregating the military on July 26.

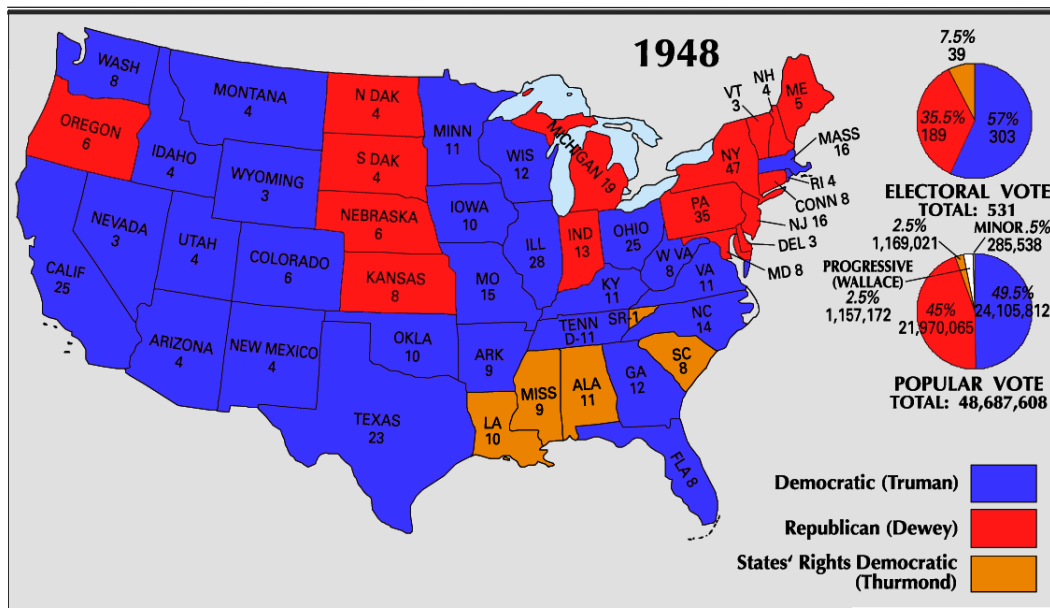
Cold War Issues

Conflict with the Soviet Union (aka USSR) was a backdrop to Truman's entire presidency. The Soviets had been U.S. allies in World War II, but Soviet leader Joseph Stalin believed that conflict between capitalism in the West and Soviet Communism was inevitable.

The USSR increased its military strength to expand influence in the world, and imposed puppet governments in Eastern Europe to create a buffer between it and Western Europe. The United States under Truman fortified its military strength to contain the expansion, and the Cold War was born. Containment of the Soviets became known as the Truman Doctrine.

In June 1948, the Soviets brazenly blocked all access to the city of West Berlin in Germany, or the part of Berlin under the control of Western democracies: Britain, France, and the United States. Many Republicans in Congress and others called for a military response to the USSR.

Truman believed a military reaction might provoke World War III. Instead, he ordered a massive airlift of supplies to the people in West Berlin. Republicans called Truman "soft" on Communism. Ultimately, the "Berlin Airlift" undermined and defeated the Soviet blockade, but in the meantime, the 1948 election loomed.



was strongest. He openly criticized both Truman and Dewey, saying either of them would “convert America into a Hitler state,” claiming that the federal government was restricting states’ rights.

Thurmond’s strategy was not to win the election outright. He wanted to win just enough electoral votes to deprive Truman and Dewey of a clear majority. Under the 12th Amendment to the Constitution, the election would then be

thrown to the House of Representatives. Each state would have one vote, and Thurmond was confident that Truman could not carry a majority of the states.

Dewey’s campaign strategy was to avoid risks and keep his poll numbers up. Therefore, he decided to act “presidential” and stay above the fray. He rarely mentioned Truman’s name in his speeches and did not directly attack the Democrats. He also never laid out a specific plan of what he would do as president.

Truman’s proposals caused a roar of outrage in the South.

According to the polls, Dewey’s strategy was working. Throughout the summer, three major polling companies all showed Dewey far ahead. In a September article, pollster Elmo Roper wrote that his latest survey showed Dewey with a 44 percent to 31 percent lead over Truman, and that only a “political convulsion” could keep Dewey from the White House.

‘Give ‘Em Hell Harry’

The polls had cast a gloomy mood over the White House. To fight the mood, Truman wrote that he wanted to “go directly to the people.” On September 18, he left D.C. on a tour by train through 30 states in 33 days. When he left Washington’s Union Station, his vice president, Alben Barkley, called out to him, “Mow ‘em down, Harry!” Truman responded, “I’m going to give ‘em hell!”

Truman spoke to crowds from his train’s rear platform in a comfortable, “folksy” manner that people liked. His first stop was in Dexter, Iowa, where he spoke before a crowd of 75,000 who had gathered at the National Plowing Contest. Truman was dressed

At the same time as Thurmond’s rise, a left-wing challenge to Truman’s election came from Henry Wallace. Wallace had been FDR’s vice president from 1941 to 1945. Wallace was very liberal and had a sympathetic view toward Stalin. While vice president, he travelled on a goodwill trip to the USSR and gave gifts to Stalin. He gained a reputation as a “Stalinist stooge.”

Even though FDR, too, believed that the U.S. and the USSR could cooperate in world affairs, FDR replaced Wallace with the less controversial Harry Truman in the 1944 election. Truman later appointed Wallace as secretary of commerce. In September 1946, however, Wallace gave a speech severely criticizing Truman’s hard-line policies toward the USSR. Truman then forced Wallace to resign from the Cabinet.

In December 1947, Wallace declared that he would found a new party and run for president as a left-wing challenger to Truman. On July 23, 1948, thousands gathered in Philadelphia for a new Progressive Party and nominated Wallace as their candidate.

Following the Polls

The general election campaign began. Henry Wallace had a difficult time for many reasons. In the Deep South (southernmost states) he ate at black school cafeterias and restaurants. He also invited black leaders to stand with him when he spoke publicly. As a result, white racist hecklers would often throw eggs and garbage at Wallace.

Neither was the Progressive Party’s position on the USSR popular. When he spoke about America’s failures in the Cold War, hecklers would often shout “Go back to Russia!” or “Give our regards to Stalin!” The party could not make it onto every state’s ballot, making voting for Wallace difficult in many areas. Wallace and the Progressive Party also suffered in the polls.

Strom Thurmond spent most of his time campaigning in the South where the States’ Rights Party

like any farmer in shirt sleeves, and spoke happily of his past on a farm.

Unlike Dewey, Truman gave feisty speeches that attacked his opponents. The Democratic Party, he said, represents the common people, while the Republican Party represents the rich. Democrats, he said, will work for agriculture, for small businesses, and for the white-collar (professional) workers, too.

Of the Republicans in Congress, Truman said, “They are cunning men . . . they want a return of the Wall Street dictatorship.” His speech concluded, “I’m not asking you to vote for me. Vote for yourselves. Vote for your farms. Get out there on Election Day and vote for your future.”

Truman loved being out among the people, and the people loved seeing him. In Waco, Texas, Truman shook the hand of a black woman and was booed by a white heckler. Truman was undaunted. Wherever his train stopped, crowds of people rushed up to the tracks yelling “Give ‘em hell, Harry!”

Political opinion writers in major newspapers and magazines were not impressed with these shows of support for Truman, but polls were starting to hint that his popularity was growing. A Gallup poll just before Election Day showed Dewey’s lead dropping from 17 percent in late September to nine percent in October and to just five percent at the end of the month.

Against the Odds

Election Day was November 2, 1948. Truman spent the night in Excelsior Springs, Missouri (his home state). Truman had carried Southern states (except for the three that went to the Dixiecrats) and was doing well in the North and the Midwest. By 9:00 p.m., there was no clear winner, and Truman went to bed.

At midnight, Truman awoke to hear on the radio that Dewey was 1,200,000 votes behind. The NBC radio announcer still claimed Truman was “undoubtedly beaten.” By morning, however, Truman had won over 24 million votes compared to Dewey’s nearly 22 million votes. Truman had 303 electoral votes, and Dewey had only 189. Thurmond won 39 electoral votes, and Wallace won none.

Moreover, Truman’s relentless campaign-trail criticism of the Republicans helped the Democrats regain control of both houses of Congress. Because of the media’s widespread expectations that Truman would lose, Truman’s landslide victory and the congressional “flip” were a tremendous upset for the Republicans.

Truman used his revitalized political support to his advantage. In his State of the Union speech to Congress on January 5, 1949, he called for the federal

government “to help raise the standard of living of our citizens . . . in the fields of social security, health, education, housing, and civil rights.”

“Every segment of our population and every individual has a right to expect from our government a fair deal,” he told Congress. His reform program then became known as the Fair Deal, a way to extend the success of FDR’s New Deal, and one of the major legacies of the election of 1948.

DISCUSSION & WRITING

1. Use evidence from the article to compare the campaigns of Dewey and Truman.
2. What do you think Truman meant when he told supporters, “Vote for yourselves”? Use evidence from the article to explain your answer.
3. Why do you think Henry Wallace won no electoral votes? Use evidence from the article to explain your answer.
4. Domestic policy refers to the policies of the government on issues within the nation, such as labor, education, and agriculture. In what ways did the Cold War influence Truman’s domestic policy decisions?

ACTIVITY: Tough Talk

President Truman feared the strike wave of 1946 would severely disrupt the economy. In fact, when railroad workers struck in May, Truman was so angry he planned to draft the striking workers into the armed forces. He wrote a speech to be delivered over the radio, but he never delivered it. Here is an excerpt:

Let us give the country back to the people. Let’s put transportation and production back to work, hang a few traitors, make our country safe for democracy, tell the Russians where to get off and make the United Nations work. Come on boys, let’s do the job.

In small groups, discuss your answers to the following questions:

1. How would you describe Harry Truman’s personality and use of language in the article?
2. How does the language of the excerpt above compare with your description of him?
3. Why do you think he never delivered the speech? Report to the class your group’s answers to the above questions.

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ELECTIONS, MONEY, AND THE FIRST AMENDMENT

For more than a century, Americans have debated the role money plays in elections. A controversial Supreme Court First Amendment ruling in 2010 has allowed more money into flood political campaigns today than ever before. What, if anything, should we do about this?

Political campaigns have become increasingly expensive. Barack Obama and Mitt Romney together spent more than \$2 billion during the 2012 presidential election campaign. It was the most expensive election in world history. Also, today it costs an average of \$10.5 million to run for a U.S. Senate seat and \$1.7 million for a seat in the House of Representatives. Though there is disagreement, many voters charge that money corrupts our democracy today and call for new campaign finance reforms.

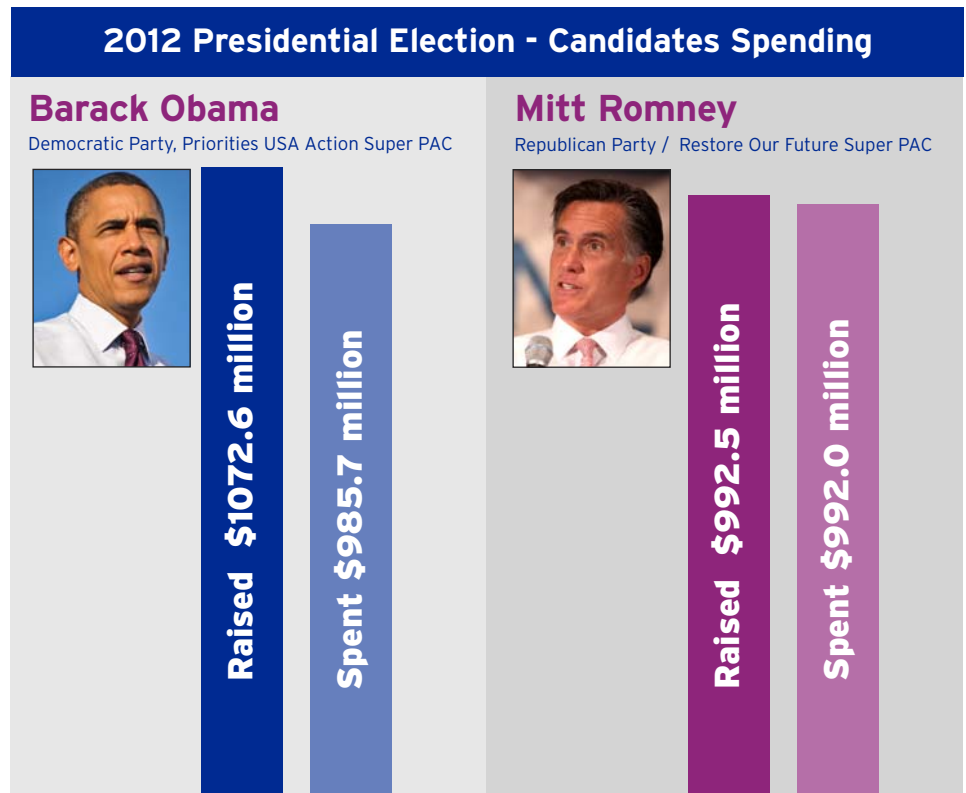
Money and Free Speech

Since the late 19th century when populist William Jennings Bryan and, a few years later, President Theodore Roosevelt first spoke out against the power of Wall Street banks and big corporations influencing elections, Congress has passed several reforms to campaign finance. Following the Watergate Scandal of 1972, Congress created the Federal Election Commission (FEC) to enforce limits on contributions and disclosure (public reporting) laws.

In its 1976 *Buckley v. Valeo* decision, the Supreme Court ruled that an individual's direct contributions to candidates could be limited without violating his or her free speech rights under the First Amendment. The Court said limiting the amount of money an individual could *directly contribute* to a candidate's campaign reduced the likelihood of corruption or even "the appearance of corruption." The maximum amount someone can give to a candidate in an election today is \$2,700.

The court struck down as unconstitutional any limits on the amount of money individuals and fundraising committees could *independently spend*. Unlike direct contributions to a campaign, independent spending *indirectly* benefits a campaign through the funding of advertising and other political communications.

The court ruled that any such limit restricted the donors' freedom of speech and was a violation of the First Amendment. The court reasoned that this money did not go directly to the candidate and so it was less likely to cause corruption.



Traditional PACs

Political action committees (PACs) illustrate how direct contributions and independent spending may work in elections. In 1943, Congress passed a law that prohibited unions from contributing directly to federal candidates. In 1944, the Congress of Industrial Organizations (CIO), a national labor-union group, formed the first PAC to raise money for Franklin D. Roosevelt's re-election. The money for the PAC came from union members' voluntary contributions and not from the treasury of the CIO itself, and so the PAC did not violate the 1943 law.

Since that time, PACs have collected limited political contributions in virtually every federal election from corporate executives, company shareholders, union members, and other individuals, all of whom donate voluntarily. But PACs are independent and may not accept contributions from corporate, union, or other organizational *treasuries*.

PACs may contribute limited money directly to a candidate's campaign in each election and may also independently spend unlimited money to support or oppose candidates (e.g., funding political ads). PACs may not, however, coordinate activities with candidate campaigns.

Citizens United

The 1976 *Buckley* case did not decide whether the First Amendment also protected independent spending



"Citizens United Carpet Bombing Democracy," a political cartoon from January 2012. In the 1870s, cartoonist Thomas Nast began the tradition of using the elephant and the donkey as symbols of the Republican and Democratic parties, respectively. What do you think this cartoon is saying about the Supreme Court's *Citizens United* decision?

by corporations and unions. Supreme Court decisions following *Buckley* said corporations and unions were legally "persons" with the same free speech rights as natural persons.

Other Supreme Court decisions said that big spending by corporations and unions to support candidates would likely have a corrupting "undue influence" on them. Therefore, limiting the free speech of corporation and union "persons" was justified.

In 2002, Congress passed the Bipartisan Campaign Reform Act (BCRA) that prohibited nonprofit organizations from using money from their general treasuries to spend for "electioneering communications" close to an election. Citizens United is a conservative nonprofit that, in 2008, filed a complaint in federal court challenging the BCRA's constitutionality.

In 2010, the Supreme Court decided *Citizens United v. FEC*. In this landmark 5-4 decision, the Court ruled that the sections of the BCRA prohibiting nonprofits from making "electioneering communications" is a form of banning speech and therefore violated the First Amendment's free speech protection. The court also held that the government may not limit any independent political spending by nonprofit organizations or corporations and unions. Any of these organizations may also spend money directly from their treasuries.

Writing for the majority, Justice Anthony Kennedy went on to state that corporations, unions, and nonprofits are legally "persons" entitled to the same political speech rights as natural persons, like you or me. While the majority did not exactly say money equals speech, the justices indicated that money was necessary to make political speech effective in an election.

Kennedy further stated that independent expenditures, including those made by corporations, "do not give rise to corruption or the appearance of corruption." He limited the meaning of corruption only to acts of bribery, when a public officeholder accepts money, gifts, or something else of value in exchange for some specific official act. Laws already exist that make bribery a crime.

Nevertheless, the court agreed that the BCRA's campaign disclosure requirements were constitutional since they helped voters make informed choices. The Court did not rule on the constitutionality of barring corporations and unions from using their treasuries to finance *direct contributions* to candidates. This remains illegal.

Justice John Paul Stevens concurred (agreed) that the disclosure requirements are constitutional. He dissented (disagreed), however, from the Court's main decision, arguing that the BCRA did not ban political speech at all. Instead, the law only regulated the spending of money in an election.

He argued that only "human speakers" and not corporations are in danger of having their political speech banned. "Although they make enormous contributions to our society," he wrote, "corporations are not actually members of it." He noted how corporations cannot vote or run for office, and they can even be foreign-owned corporations affecting U.S. elections.

Stevens argued that the majority decision would undermine American democracy. "Our lawmakers have a compelling constitutional basis, if not also a democratic duty," he wrote, "to take measures designed to guard against the potentially deleterious [damaging] effects of corporate spending in local and national races."

Justice Clarence Thomas concurred with the majority decision, but unlike Stevens he dissented from the part about disclosure requirements. He believed that the requirements should be struck down as unconstitutional. He cited previous Supreme Court decisions that upheld the “right to anonymous speech” to provide voters with relevant information.

Moreover, Thomas warned that forced disclosure of donors’ names could lead to retaliation and threats by their opponents. He cited examples of opponents of a state ballot proposition publishing the names and addresses of the proposition’s supporters. Threats and intimidation against the supporters followed. This, he argued, fundamentally restricts speech through fear of retaliation.

Super-PACs and ‘Dark Money’

Soon after the *Citizens United* decision, candidates quickly began to form new fundraising committees called “super-PACs.” Under FEC regulations, super-PACs may receive unlimited contributions from individuals and the treasuries of corporations, unions, and non-profits. They may then spend unlimited amounts of money for TV ads and other independent spending to support or oppose candidates in federal elections. But they still may not give money *directly* to candidates or parties, as traditional PACs do, and are also prohibited from cooperating with candidate campaigns.

Super-PACs are required to publicly disclose their donor contributions and independent expenditures. But donors soon discovered that they could make unlimited contributions to tax-exempt nonprofit groups classified as “social welfare organizations” and avoid the disclosure laws. These contributions have been called “dark money.”

Super-PACs and dark money accounted for the majority of the \$2 billion spent in the 2012 presidential campaigns. Much of the money was used for “attack ads” against candidates the donors opposed.

The Debate over Money in Elections

The *Citizens United* decision sparked a national debate. Many today argue that big money is corrupting America’s elections. They claim that:

- Wealthy donors are more likely to gain greater access to influence elected officials than ordinary voters.
- Elected officials are more likely to act in favor of the special interests of wealthy donors than the interests of the general public.
- Elected officials are more likely to fear that if they oppose the special interests of major donors, those donors will withdraw their support in the next election, or worse, back an opponent.
- Multimillion-dollar spending by super-PACs and dark money is likely to weaken political party control of their platforms, nomination of candidates, and campaign advertising.

Why Do Corporations Have Rights?

The 14th Amendment, ratified in 1868, prohibited states from “. . . depriving any person of life, liberty, or property, without due process of law. . . .” Twenty years later, the Supreme Court in *Pembina v. Pennsylvania* ruled there was no doubt that private corporations are legally persons. “Such corporations,” the court reasoned, “are merely associations of individuals united for a special purpose. . . .” The United States Code, the collection of laws enacted by Congress, has since stated that “. . . the words ‘person’ and ‘whoever’ include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals. . . .”

The Supreme Court applied some First Amendment rights to corporations in the 1936 case of *Grosjean v. American Press Co.* This decision involved a newspaper that a state government taxed in order to retaliate against its criticism.

In 1976, the court’s *Buckley v. Valeo* decision held that spending money to influence elections is protected as freedom of speech under the First Amendment. *Citizens United* in 2010 applied this right to corporations for “independent expenditures.”

Therefore, corporations legally possess the right of “political speech” the same as natural persons do under the First Amendment. However, corporations do not enjoy all constitutional rights such as the right to vote.

Corporations are legally persons with certain rights, including freedom of speech. Do you agree or disagree with this concept in American law? Why or why not?

However, based on its *Citizen United* decision, the Supreme Court would not consider any of these activities corrupting unless bribery is involved. The *Citizen’s United* decision flatly stated that greater access to candidates enjoyed by wealthy donors or organizations is not election corruption.

Supporters of the *Citizens United* decision warn that to broaden election corruption beyond bribery to include activities such as those listed above would threaten freedom of speech. The American Civil Liberties Union (ACLU) issued a statement in support of *Citizens United*, warning against “campaign finance regulation premised on the notion that the answer to money in politics is *to ban political speech*.”

“Our system of free expression,” the ACLU’s statement continues, “is built on the premise that the people get to decide what speech they want to hear; it is not the role of the government to make that decision for them.”

Supporters also point out that big-money donors are not guaranteed victory for their candidates. More speech can hurt as much as it can help candidates. “Simply put,” says Citizens United President David N. Bossie, “since the *Citizens United* decision there is more free speech in America . . . In fact, the candidates with the biggest super-PAC war chests have often lost.” In the 2016 presidential race, for example, the largest super-PAC supported Jeb Bush with \$100 million, but Bush still had to drop out of the race. ➤

Opponents of the *Citizens United* decision say that big money by itself in today's elections has a corrupting "undue influence" on candidates and elected officials. They argue that Theodore Roosevelt was concerned about large corporation donations, not bribery. A "unity statement" signed by numerous campaign-reform organizations states, "When elected representatives only hear the policy preferences of the very rich it distorts government's responsiveness to the people."

Other opponents argue that big money in elections has caused "political inequality." According to this argument, wealthy donors with their super-PACs, dark money, and negative ads drown out the voices of most citizens. Liz Kennedy of Demos, a campaign-reform nonprofit, cites the 2012 election to show that *Citizens United* has "allowed concentrated big money in politics to increase, further marginalizing those without vast wealth in our political system."

Some reformers say the best solution is to adopt public financing of elections, while others say that it is enough to just strengthen disclosure laws that the

Supreme Court has already ruled to be constitutional. Almost all critics argue that the *Citizens United* decision should be overturned.

But as the ACLU statement notes, the "mixture of money and politics" would not end even if *Citizens United* was overturned. That mixture has a long history, and the best course of action forward remains a central debate of our national politics.

DISCUSSION & WRITING

1. Do you think money has corrupted American elections? Why or why not?
2. Compare traditional PACs with super-PACs. What are the main differences?
2. Do you agree or disagree that the First Amendment's free speech clause should ban any limits on super-PAC contributions and independent spending? Why?
3. Do you think the laws that bar corporations and unions from making any *direct contributions* to candidates should be repealed? Why or why not?

ACTIVITY: To Reform or Not to Reform

Both supporters and opponents of the Supreme Court's *Citizen's United* decision agree that campaign financing should be fair. They might disagree, however, on the best way to achieve fairness. Below are four descriptions of varying options on campaign finance reform, including no reform at all. Which option do you think is the best?

1. Each student will choose one of the options on campaign finance reform and write a brief essay, defending it by using information provided in the article.
2. Students will then meet in small groups to argue for their choices.
3. The groups will report the results of their discussions to the class.
4. Finally, the class will vote on which campaign-finance option is the best.

Campaign Finance Reforms

Overturn Citizens United

Add an amendment to the Constitution that overturns *Citizens United* in one or both of the following ways:

- Congress and the states may set reasonable limits on contributions and spending in elections.
- Only human beings are persons who are entitled to freedom of speech under the First Amendment.

Note that an amendment requires two-thirds vote of both houses of Congress plus ratification by three-fourths of the states, or, a constitutional convention that has never been tried.

Establish Public Financing for Elections

Public financing plans may be voluntary or required by law. One plan calls for matching government money with contributions to a candidate up to a certain amount, like \$200 per donor. Another plan provides a set government grant to each candidate and prohibits any other contributions.

Other reformers propose that the government gives every registered voter a voucher worth a specific amount, like \$200. Every voter may use the voucher to contribute to one or more candidates, who then cash the vouchers to use in their campaigns.

Enact Stronger Disclosure Laws

First, repeal the tax-code provisions that allow dark money donors to be hidden from public view. Stronger contribution and spending disclosure laws would also have to require frequent reporting of who gave how much and for what purpose. Such information would have to be easily available to the public.

Oppose Reforms

Reforms that limit money in elections have suppressed free speech, led to PACs that have weakened political parties, and made it more difficult for newcomer candidates to raise money. Reforms for disclosure of donor information have led to retaliation. The government should instead use its resources to investigate and prosecute cases of bribery.

Standards Addressed

Putin's Illiberal Democracy

National World History Standard 44: Understands the search for community, stability, and peace in an interdependent world. **Middle School:** (3) Understands events that led to an easing of Cold War tensions from the 1970s to the early 1990s (e.g., . . . the collapse of the government of the Soviet Union and other communist governments around the world in the late 1980s and 1990s . . .). **High School:** (13) Understands how global political change has altered the world economy (e.g., what participation in the world economy can mean for different countries; the relationship between demands for democratic reform and the trend toward privatization and economic liberalization in developing economies and former communist states, and how multilateral aid organizations and multinational corporations have supported or challenged these trends).

California H-SS Standard 10.9: Students analyze the international developments in the post-World War II world. (7) Analyze the reasons for the collapse of the Soviet Union . . . and growing resistance to Soviet rule by dissidents in satellite states and the non-Russian Soviet republics.

California H-SS Standard 12.3: Students evaluate and take and defend positions on what the fundamental values and principles of civil society are (i.e., the autonomous sphere of voluntary personal, social, and economic relations that are not part of government), their interdependence, and the meaning and importance of those values and principles for a free society. (4) Compare the relationship of government and civil society in constitutional democracies to the relationship of government and civil society in authoritarian and totalitarian regimes.

Harry Truman and the Election of 1948

National High School U.S. History Standard 26: Understands the economic boom and social transformation of post-World War II United States. (2) Understands influences on the American economy after World War II (e.g., the impact of the Cold War, increased defense spending, the U.S. economy in relation to Europe and Asian economies).

National U.S. History Standard 27: Understands how the Cold War . . . influenced domestic and international politics. **Middle School:** (4) Understands the Truman . . . doctrines of foreign policy in terms of the international tensions that prompted [it]. **High School:** (1) Understands U.S. foreign policy from the Truman administration . . .

National U.S. History Standard 28: Understands domestic policies in the post-World War II period. **Elementary School:** (1) Understands the civil rights movement during President Truman's presidency (e.g., his support of civil rights, the effect on the Democratic party). **Middle School:** (1) Understands the domestic policies of Presidents Truman and Eisenhower (e.g., . . . Truman's Fair Deal program for securing fair employment practices, desegregation, civil rights, and race relations). **High School:** (1) Understands different social and economic elements of the Truman and Eisenhower administrations (e.g., Truman's policies in labor relations, housing, education and health; postwar reaction to the labor movement . . .).

California H-SS Standard 11.8: Students analyze the economic boom and social transformation of post-World War II America. (3) Examine Truman's labor policy and congressional reaction to it. (5) Describe the increased powers of the presidency in response to the Great Depression, World War II, and the Cold War.

California H-SS Standard 11.9: Students analyze U.S. foreign policy since World War II. (3) Trace the origins and geopolitical consequences (foreign and domestic) of the Cold War and containment policy, including . . . the Truman Doctrine, the Berlin Blockade . . .

California H-SS Standard 11.10: Students analyze the development of federal civil rights and voting rights. (1) Explain how . . . African Americans' service in World War II produced a stimulus for President Truman's decision to end segregation in the armed forces in 1948.

California H-SS Standard 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society. (2) Discuss the significant domestic policy speeches of Truman . . .

Elections, Money, and the First Amendment

National Civics Standard 1: Understands ideas about civic life, politics, and government. **Middle School:** (3) Knows institutions that have the authority to direct or control the behavior of members of a society (e.g., a school board, state legislature, courts, Congress). **High School:** (2) Knows formal institutions that have the authority to make and implement binding decisions . . . (3) Understands the nature of political authority (e.g., characteristics such as legitimacy, stability, limitations).

National Civics Standard 4: Understands the concept of a constitution, the various purposes that constitutions serve, and the conditions that contribute to the establishment and maintenance of constitutional government. **High**

School: (3) Understands how constitutions may limit government's power in order to protect individual rights and promote the common good. (7) Knows the social, economic, and political conditions that foster constitutional government.

National Civics Standard 20: Understands the roles of political parties, campaigns, elections, and associations and groups in American politics. **Middle School:** (5) Knows how and why Americans become members of associations and groups, and understands how membership in these associations provides individuals with opportunities to participate in the political process. **High School:** (6) Understands the significance of campaigns and elections in the American political system, and knows current criticisms of campaigns and proposals for their reform. (8) Understands the extent to which associations and groups enhance citizen participation in American political life.

National Civics Standard 25: Understands issues regarding personal, political, and economic rights. **Middle School:** (4) Understands the importance to individuals and society of such political rights as the right to vote and run for public office and the freedom of speech, press, assembly, and petition. **High School:** (6) Understands how personal, political, and economic rights are secured by constitutional government and by such means as the rule of law, checks and balances, an independent judiciary, and a vigilant citizenry.

California H-SS Standard 8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it. (6) Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., function of elections, political parties, interest groups).

California H-SS Standard 12.3: Students evaluate and take and defend positions on what the fundamental values and principles of civil society are (i.e., the autonomous sphere of voluntary personal, social, and economic relations that are not part of government), their interdependence, and the meaning and importance of those values and principles for a free society. (1) Explain how civil society provides opportunities for individuals to associate for social, cultural, religious, economic, and political purposes. (2) Explain how civil society makes it possible for people, individually or in association with others, to bring their influence to bear on government in ways other than voting and elections.

Common Core State Standards

ELA-Literacy.SL.11-12/9-10.1: Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12/9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

ELA-Literacy.SL.9-10.1.d: Respond thoughtfully to diverse perspectives, summarize points of agreement and disagreement, and, when warranted, qualify or justify their own views and understanding and make new connections in light of the evidence and reasoning presented.

ELA-Literacy.SL.11-12.1.d: Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.

ELA-Literacy.SL.11-12.3: Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

ELA-Literacy.SL.9-10.6: Adapt speech to a variety of contexts and tasks, demonstrating command of formal English when indicated or appropriate. (See grades 9-10 Language standards 1 and 3 . . . for specific expectations.)

ELA-Literacy.SL.11-12.6: Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate. (See grades 11-12 Language standards 1 and 3 . . . for specific expectations.)

ELA-Literacy.RH.9-10.1: Cite specific textual evidence to support analysis of . . . secondary sources, attending to such features as the date and origin of the information.

ELA-Literacy.RH.9-10.2: Determine the central ideas or information of a . . . secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

ELA-Literacy.RH.9-10.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.

ELA-Literacy.RH.9-10.10: By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

ELA-Literacy.RH.11-12.1: Cite specific textual evidence to support analysis of . . . secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

Continued on page 14.

Standards (continued)

ELA-Literacy.RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

ELA-Literacy.RH.11-12.4: Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

ELA-Literacy.RH.11-12.10: By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

ELA-Literacy.WHST.11-12/9-10.1: Write arguments focused on *discipline-specific content*.

ELA-Literacy.WHST.11-12/9-10.2: Write informative/explanatory texts, including the narration of historical events . . .

ELA-Literacy.WHST.11-12/9-10.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

ELA-Literacy.WHST.11-12/9-10.7: Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem . . .

ELA-Literacy.WHST.11-12/9-10.10: Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

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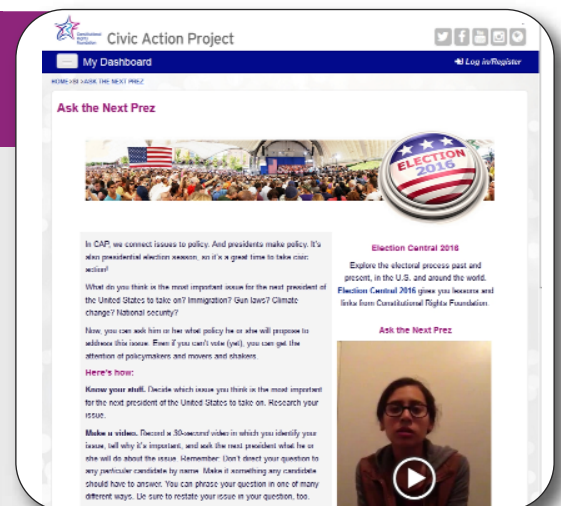
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What do students think are the most important issues for the next president of the United States to take on? Immigration? Gun laws? Climate change? National security?

CRF's Civic Action Project (CAP) is launching the *Ask the Next Prez* campaign! Students record 30-second videos about issues they care about, and ask the next president what he or she will do about those issues. They post these questions on social media, and who knows? They may get the attention of the next president of the USA.

To find out more, go here: www.crfcap.org/askthenextprez



About Constitutional Rights Foundation

Constitutional Rights Foundation is a non-profit, non-partisan educational organization committed to helping our nation's young people to become active citizens and to understand the rule of law, the legal process, and their constitutional heritage. Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government, education, and the media. CRF's program areas include the California State Mock Trial, youth internship programs, youth leadership and civic participation programs, youth conferences, teacher professional development, and publications and curriculum materials.

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www.crf-usa.org/common-core

Criminal Justice in America (5th Ed.)

The most comprehensive secondary criminal justice text available. With Full Color Photographs, Charts, and Graphs

Grades 9-12

Our most popular publication, *Criminal Justice in America*, has been completely revised, updated, and formatted in color. It now has new and revised readings, up-to-date statistics, and new, expanded case studies. It is the most comprehensive secondary text available on the subjects of criminal law, criminal procedure, and criminology. It can serve as a text for an entire law-related education course, or as a supplement for civics, government, or contemporary-issues courses.

Its extensive readings are supported by:

- directed discussions
- role plays
- mock trials
- cooperative and interactive exercises
- activities with outside resource experts
- research activities for students

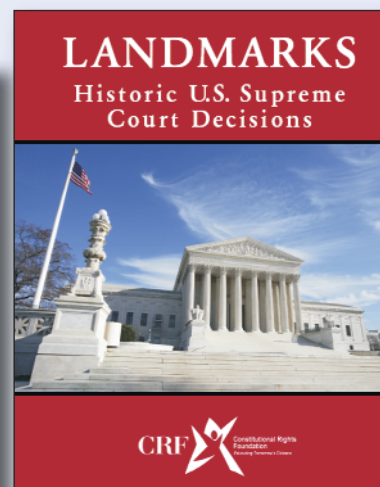
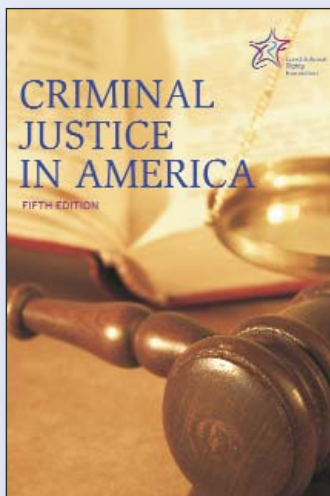
The Student Edition is divided into six units:

- **Crime** includes sections on crime victims, victims' rights, history of crime, methods for measuring crime, youth gangs, white-collar crime, swindlers and con artists, elements of crimes, murder, theft, inchoate crimes, crimes against the justice system, hate crimes, cybercrimes, and legal defenses to crime.
- **Police** includes sections on history of law enforcement, criminal investigations, community policing, suppressing gang- and drug-related crime, crime labs, current issues in forensic science, search and seizure, interrogations and confessions, the exclusionary rule, the use of force, police corruption, racial profiling, and police-community relations.
- **The Criminal Case** explores a hypothetical criminal case from arrest through trial. It includes all the key steps of the criminal trial process.
- **Corrections** includes sections on theories of punishment, history of corrections, sentencing, alternatives to incarceration, prison conditions, parole, recidivism, and capital punishment.
- **Juvenile Justice** includes sections on the history of the juvenile system, delinquency, status offenses, steps in a juvenile case, rights of juveniles, juvenile corrections, transfer to the adult system, and the death penalty and life imprisonment for juveniles.
- **Solutions** includes sections on the causes of crime, racism in the justice system, history of vigilantism, policy options to reduce crime and make the criminal justice system fairer, and options for individual citizens.

The Teacher's Guide, a completely reworked comprehensive guide, provides detailed descriptions of teaching strategies, suggested answers to every question in the text, activity masters, tests (for each chapter and unit and a final test), background readings, and extra resources to supplement the text.

In addition, our web site offers links to supplementary readings, the latest statistics, almost every case mentioned in the text, and much more.

#10120CBR Criminal Justice in America, Student Edition, 408 pp.	\$24.95
#10121CBR Criminal Justice in America, Teacher's Guide, 126 pp.	\$12.95
#10122CBR Criminal Justice in America, Set of 10 Student Editions	\$199.95



Landmarks: Historic U.S. Supreme Court Decisions

Grades 9-12

U.S. Supreme Court cases have greatly affected U.S. history. Let your students discover some of the most important cases. Each reading in the student text focuses on one case, giving historical background, exploring the majority and dissenting opinions, and explaining the case's significance.

A separate teacher's guide contains lesson plans for each reading. The plans include focus activities, discussion questions with suggested answers, step-by-step instructions for interactive activities, and debriefing questions and suggestions.

The student text begins with a reading on how the Supreme Court works. The book continues with readings on the following important cases:

Marbury v. Madison (1803)
McCulloch v. Maryland (1819)
Gibbons v. Ogden (1824)
Dred Scott v. Sandford (1857)
Plessy v. Ferguson (1896)
Schenck v. U.S. (1919)
Palko v. Connecticut (1937)
Brown v. Board of Education (1954)
Mapp v. Ohio (1961)
Gideon v. Wainwright (1963)
Miranda v. Arizona (1966)
U.S. v. Nixon (1974)
Regents of UC v. Bakke (1978)
Texas v. Johnson (1989)
Bush v. Gore (2000)

Web Links: *Landmarks* Links offer extensive links to more information on each case and on how the Supreme Court works.

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The Development of Law Series

Linked to world history standards

Grades 9-12

One of our most popular texts returns in a new edition — *Of Codes & Crowns* is fully revised and updated. And it now has a companion volume, *Of Democrats & Dictators*, which begins where *Codes* leaves off. The two volumes trace the development of law from ancient Mesopotamia to modern times. Each volume features lessons with:

- short, high-interest readings
- discussion questions to facilitate understanding
- interactive activities to foster critical thinking for each unit.

Volume One: Of Codes & Crowns (3rd Ed.)

From the Ancient World to the Renaissance

Unit 1: Hammurabi's Treasure explores one of the first-known written codes of laws, the Code of Hammurabi, based on an "eye for an eye."

Unit 2: Blood Feud highlights one of the major problems with an "eye for an eye," the never-ending blood feud. It tells the story of Orestes, which is the mythological origin of the Greek tribunal, and examines the tribunal process for settling blood feuds.

Unit 3: Jewish Law looks at one of the foundations of the Western legal tradition, the law of Moses.

Unit 4: Roman Law examines the most influential and sophisticated legal system of the ancient world and shows how it developed.

Unit 5: Islamic Law analyzes the *Sharia*, the system of law based on the Koran and the *Sunna* (the teachings and practices of the Prophet Muhammad).

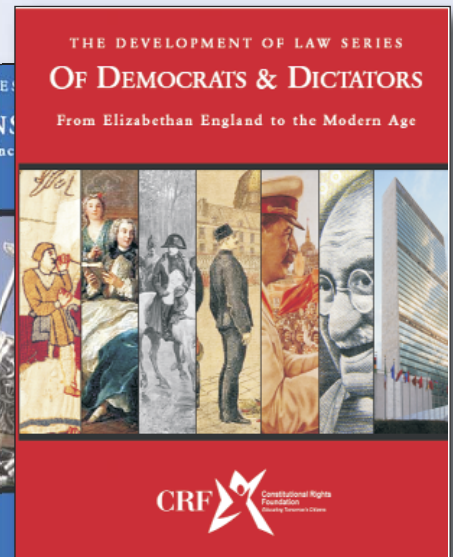
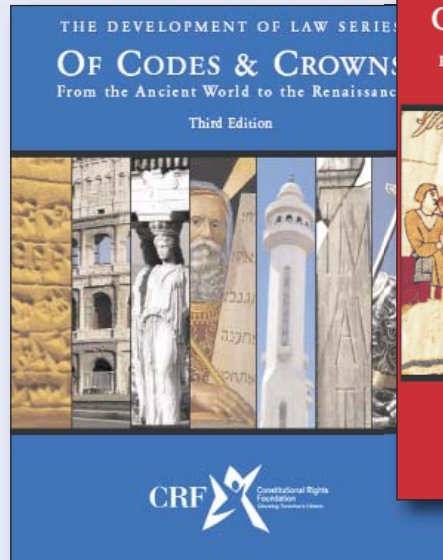
Unit 6: Merry Old England looks at different legal processes in medieval England — trial by combat and ordeal — and examines the beginnings of the jury system.

Unit 7: The Magna Carta tells the story of King John's battles with the church and his barons and how his battles led to his signing the Magna Carta, one of the basic guarantees of English freedom.

Unit 8: The Trial of Galileo tells the story of Galileo, the greatest scientist of his time, and his conflict with the Catholic Church, which resulted in his trial for heresy.

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Unit 3: The Code Napoleon explores the first modern code of laws, which became the model for legal systems in most other nations in the world.

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Unit 5: The Totalitarians looks at the perversion of law under Hitler's Nazi Germany and Stalin's Soviet Union.

Unit 6: War Crimes focuses on the development of rules of war, their implementation in the Nuremberg trials following World War II, and the creation of the International Criminal Court.

Unit 7: Gandhi and Civil Disobedience looks at Gandhi and the question of when it is proper to disobey the law.

Unit 8: International Law traces the emergence of international law in the modern age and looks at its value and limitations.

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Mock Trial Series

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Grades 6-12

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People v. Hayes

A Murder Trial

NEW

Jamie Hayes, a college student, is accused of killing a campus security guard. Hayes is raising the affirmative defense of defense of another in order to claim the homicide was justifiable. The prosecution alleges that Hayes struck the guard in the head with a baseball bat while the guard was lawfully restraining a student. The defense argues that Hayes did strike the guard but had not formed the intent to commit a homicide. Pretrial issue: Statements made by Hayes during interrogation and the Fifth Amendment protection against self-incrimination.

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People v. Tanner

Homicide and memory reliability

A young adult's 20-year-old memory of a sibling's death sparks a police investigation leading to a murder charge. Pretrial issue: Should evidence of other violence be excluded because it is irrelevant and highly prejudicial?

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People v. Shem

Theft by larceny and consent to search

A graduate student in fine arts, defendant Evan Shem is a talented artist with a knack for recreating famous works of art. Shem is accused of stealing a painting from the art gallery where he interned and replacing it with a fake. Pretrial issue: Can Shem's roommate consent to the search of a storage cabinet located in an unattached carport, or did the search violate the Fourth Amendment protection against unreasonable searches and seizures?

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People v. Concha

Murder and search and seizure

Following a high-school student's death from an overdose of Adderall, which the student did not have a prescription to take, police arrest a student suspected of selling the drug to the victim. The defendant, Rae Concha, is charged with second-degree murder and possession with intent to sell a controlled substance. Pretrial issue: Did an undercover officer's shining of a flashlight into the defendant's car at night constitute a search?

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People v. Vega

Hit and run and custodial interrogation

Adrian Vega, an accomplished student athlete and child of the city's mayor, is charged with felony hit and run following an accident. Police questioned Vega shortly after the accident without giving *Miranda* warnings. Police must issue these warnings to anyone in custody whom they question. Pretrial issue: Was the defendant in custody when questioned by the police?

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California Mock Trial Celebrates Its 35-Year Anniversary!

For over three decades, high school students across California have taken criminal cases to court, in the roles of attorneys, witnesses, bailiffs, and court clerks through Constitutional Rights Foundation's (CRF) California Mock Trial. In Mock Trial, students have tackled issues of murder as well as assault, drag-racing, and domestic terrorism, just to name a few. They have also grappled with complex constitutional issues, such as the right to bear arms, free speech, and protections against self-incrimination.

CRF started the state-wide mock trial program in 1971 with only 100 schools. With the help of county coordinators, the program quickly expanded across the state reaching 34 counties. Now the program has the privilege of serving 450 schools and impacting 10,000 students annually.

We at CRF are grateful to all the people who have been passionately involved in California Mock Trial, as participating students, attorney-volunteers, teacher-coaches, and county coordinators. It is people across the state who make California Mock Trial one of the best mock trial programs in the nation. On behalf of CRF, we thank you all for 35 years of participation and support and look forward to celebrating many more anniversaries together.

This year's case, *People v. Hayes*, was named for the longtime editor of *Bill of Rights in Action*, Bill Hayes, who retired from CRF in 2015. Bill also helped develop each year's Mock Trial case for the last 24 years.

Browse years' worth of Mock Trial case packets for sale at www.crf-usa.org/publications/.

Each packet regularly priced at \$5.95 is now **\$3.50** in celebration of the 35th anniversary.

#70043CBR *People v. Hayes*, 64 pp. ~~\$5.95~~ \$3.50

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