# Bill of Rights in Action



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# THE TROUBLED ELECTIONS OF 1796 AND 1800

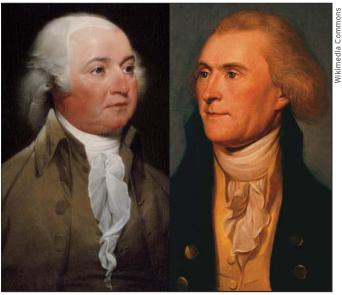
George Washington won the first two U.S. presidential elections without being challenged. When he decided not to run for a third term in 1796, intense rivalries, political disputes, and attempted manipulations of the Electoral College came into play. These factors would again affect the 1800 election, essentially a rematch of 1796, pitting a sitting president, John Adams, against his own vice president, Thomas Jefferson.

The men who drafted, debated, and approved the United States Constitution, known as the Framers, had envisioned the presidency as a position above regional and political disputes. They understood that disagreements were inevitable in a democracy. But they also saw the president's role as a conciliator who tried to bring people together despite their disagreements.

George Washington exemplified the Framers' view. He deplored factions, or competing political groups in government, which he believed to be selfish special interests that opened "the door to foreign influence and corruption." He disapproved of political parties.

Despite Washington's disapproval, two political parties emerged during his two presidential terms, the Federalist Party and the Democratic-Republican Party. The Federalists believed in a strong central government, a right to vote limited to men with property, and the economic policies of the first Secretary of the Treasury, Alexander Hamilton. Hamilton advocated that the federal government should assume the states' Revolutionary War debts. He also advocated for the establishment of a national bank and policies that aided manufacturers in New England and New York City.

The Democratic-Republicans (aka Republicans) advocated for a limited central government and strengthened rights of states. They envisioned the United States



John Adams, painted by John Trumbull circa 1792, and Thomas Jefferson, painted by Charles Wilson Peale in 1791.

as a country of small farmers and artisans empowered with the right to vote. Republicans (not connected to today's Republican Party) formed around the leadership of Secretary of State Thomas Jefferson.

In foreign affairs, the two parties also split. Federalists favored close ties with Great Britain, the North's major trading partner. Republicans favored close ties with France. As ambassador to France, Jefferson had witnessed and secretly aided the French Revolution, but left before it resulted in mass executions.

In 1795, the United States and Great Britain signed a treaty that favored New England but refused to compensate southern states for slaves taken by the British during the American Revolution. The treaty angered Republicans and the French, who felt betrayed after having supported the Americans during the Revolutionary War.

#### The 1796 Election

With Washington's voluntary retirement, the presidency was open to competitors from both parties in the first contested presidential election. Federalists charged >

#### **POLITICAL STRATEGIES**

This edition of *Bill of Rights in Action* looks at how leaders use strategic means to gain power, maintain power, and effect justice. The first article examines behind-the-scenes schemes and strategies in early U.S. presidential elections. The second article looks at the ways in which Cyrus the Great presaged modern ideas of tolerance to maintain order. The third article explores the pros and cons of how the U.S. could build economic power through the Trans-Pacific Partnership.

**U.S. History:** The Troubled Elections of 1796 and 1800 by guest writer Patrick Jenning **World History:** Cyrus the Great and the Creation of the Persian Empire by longtime contributor Carlton Martz **Economics:** Free Trade, Globalization, and the Trans-Pacific Partnership by Carlton Martz

that Republicans' advocacy of democracy would bring on mob rule, like the French Revolution. Republicans believed Federalists really wanted to establish a monarchy.

In this tense atmosphere, Article Two of the Constitution defined how the president was to be chosen. It created the Electoral College, whose members (electors) would vote for the president. Each state was given a number of electors equal to the total of its congressmen.

Article Two also stated:

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each . . . and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate . . . .

The states were free to determine how the electors were chosen. For example, seven states allowed qualified voters to choose electors, whether in a district-by-district or state-wide popular vote. In other states, the legislature chose electors.

Twelve candidates in all from the two parties ran for president. Unlike today, in 1796 there was no such thing as a president's "running mate." Instead, the candidate receiving a majority of the votes nationally was elected president, while the person with the second highest vote count became vice president.

Each party did have an intended presidential candidate, which was Secretary of State Thomas Jefferson for the Republicans and Vice President John Adams for the Federalists. All candidates ran for president, but each party also had an intended vice president, which was Aaron Burr for the Republicans and Thomas Pinckney for the Federalists. As stated in Article Two, each elector had two ballots (votes) to cast and did not have to indicate which ballot was for president nor which was for vice president.

Because of this process, the only way either of the parties could ensure that their favored candidate for president won the election was to have some electors withhold or not cast their second ballots. They would have all the respective party's electors use their first ballots for the intended presidential candidate. Most, but not all, electors would then use their second ballots for the intended vice presidential candidate. The goal was that just enough electors would withhold their second ballots from the intended vice president to ensure second place for that candidate.

The parties' respective plans failed. Electors all met in their states on the same day to vote, but each state's electors were also separated from all the other states' electors by hundreds of miles. There were no telephones or Internet, of course, so immediate communication in order to coordinate the withholding of second ballots was impossible.



In this 1800 political cartoon, the eye of God is shown directing the American eagle to snatch the Constitution from Jefferson's hands. Jefferson is shown kneeling at an "Altar to Gallic Despotism" ("Gallic" means "French"). The "Mazzei" letter refers to an infamous letter in 1796 in which Jefferson called Washington "monarchical." Which political party would have issued this cartoon? And why?

Hamilton, too, had his own scheme. He preferred Pinckney over Adams for president on his own Federalist Party ticket. Adams, he thought, was too moderate in his Federalist views. And he thought Pinckney would be more likely to reward him with political favors.

The problem for Hamilton was the Federalists' strategy. They decided that if each New England elector used one vote for Adams, while each southern elector used one vote for Pinckney, then the final tally would have Adams as president with Pinckney as vice president.

Hamilton therefore persuaded some Federalist electors in South Carolina to withhold second ballots from Adams. Hamilton wanted them to tip the vote tally in favor of their fellow South Carolinian, Pinckney.

Adams had been informed about Hamilton's scheme, however, and was angry. Electors in New England who favored Adams countered Hamilton's plot by withholding their second ballots for Pinckney. As a result, Adams won the election with 71 electoral votes to Jefferson's 68. Pinckney finished third.

It was clear to many in public life that Article Two's procedure was flawed. For the first and only time in U.S. history, a president and vice president each came from different political parties. In 1800, the flaws would have even more serious consequences.

#### The Adams Presidency

During the four years of the Adams presidency, tensions between the Federalists and the Republicans mounted, in large part because of their differences over U.S. relations with two warring foreign powers, France and Great Britain.

In July 1798, French warships seized U.S. merchant ships in international waters, and a naval conflict began between France and the United States. Republicans were openly critical of the war. Federalists, led by Hamilton, reacted to the criticism with a series of laws known as the Alien and Sedition Acts.

The Sedition Act was used to silence and imprison opponents of the Adams administration. Jefferson and the Republicans denounced the law as unconstitutional and the legislatures of Virginia and Kentucky passed resolutions against it. The Kentucky resolution, secretly composed by Jefferson, proclaimed the right of states to nullify, or reject, acts by the federal government that states considered to be unconstitutional.

In private letters, Jefferson even suggested secession from the union as a proper response to the Sedition Act. Hamilton, who became head of the Army after Washington's death in 1799, advocated using the Army to "put Virginia to the Test of resistance."

#### The 1800 Election

Because each state was free to determine the time and method for choosing its electors to the Electoral College, the election of 1800 lasted from April until December. New York was first to vote. There, Aaron Burr consolidated support for the Republican Party among the voters of New York City to gain control of the state legislature. The legislature, which in 1796 had favored Adams, in turn promptly selected 12 electors favorable to Jefferson and Burr.

Burr's services were rewarded in June when Republicans selected him to run as Jefferson's vice president. About the same time, Federalists nominated

Adams for re-election as president and Thomas Pinckney's brother, Charles of South Carolina, for vice president.

Both sides viewed the election as critical to the nation's future and engaged in vicious personal attacks

against their opponents. Jefferson financed scurrilous attacks on his one-time friend, Adams. One Republican newspaper in Massachusetts even referred to the president as "bald, blind, crippled, toothless Adams."

Hamilton, too, tried once again to sabotage his fellow Federalist Adams's campaign. First, Hamilton tried to advance Secretary of State Charles Pickering as the Federalist presidential nominee. Adams learned of the plot and dismissed Pickering. Then, Hamilton wrote a scathing pamphlet attacking Adams's record and judgement in ways that delighted Adams's Republican opponents. While Hamilton's motives for this attack on his

party's leader are obscure, some saw it as an attempt to undercut Adams in favor of Charles Pinckney.

Jefferson also found himself attacked by Federalists who called him a coward for fleeing the governor's mansion during the Revolutionary War. Federalist newspapers also condemned Jefferson for having once written "it does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg." The Federalists used this as proof that he was an atheist. At this point, it seemed that the only thing the two presidential candidates agreed on was their hatred of Hamilton.

As the long election year wore on, political maneuvering continued with some state legislatures switching from direct popular voting for electors to legislative selection in order to gain advantage for the candidate the state legislature supported.

#### A Surprise Deadlock

In early December, the electors cast their ballots in their separate states. While the formal counting of ballots would not take place until February in the new capital of Washington, D.C., it was generally acknowledged that the Republicans had won the presidency. Unfortunately, none of the Republican electors had withheld a vote for Burr as expected, so the two Republican candidates, Jefferson and Burr, tied at 73, thus making the election unresolved.

On February 11, 1801, Vice President Jefferson officially tallied the votes. The Constitution stated that when two candidates tied, the House of Representatives must choose between them. Each state could cast one vote, and it was up to the legislators to decide who would be president and who would be vice president.

While Burr indicated publicly that Jefferson should become president, he quietly campaigned among Federalists to win the presidency for himself. Some Federalists even reasoned that Burr, a northerner, might be induced to betray the Republicans and join the Federal-

ists if he became president.

Hamilton, however, while detesting Jefferson, viewed Burr as a dangerous, unprincipled man. "His ambition aims at nothing short of permanent power and wealth in his own person,"

he wrote to one Federalist representative. In a letter to another representative, Hamilton wrote that Burr had the reputation of being "the most unfit man in the U. S. for the office of President."

The Constitution required the winning candidate to obtain a clear majority of state votes in the House. So the candidates needed nine of the 16 states to win. The Republicans controlled eight states, and two additional states were evenly divided between Federalists and Republicans. The Federalists, who had lost the election, controlled only six states, but this was enough to deny both Jefferson and Burr the clear majority of nine states.

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would have even more

serious consequences.

Thus, the Federalists held the key to which Republican leader, Jefferson or Burr, would become president.

Over a week, the House passed 34 ballots. Each time, Jefferson received eight votes and Burr six. The Representatives of Vermont and Maryland divided evenly and cast a blank ballot each time to maintain the majority requirement at nine. Fearful that the impasse might continue past March 4, the date that Adams's presidency would end, House members suggested numerous schemes for dealing with the crisis, including holding new elections or elevating the president pro tem of the Senate to the presidency. There was even talk of civil war, and Governor James Monroe of Virginia contemplated sending the state militia to the capitol if Jefferson was denied the presidency.

Finally, on the 35th ballot, the impasse was broken. James Bayard, the sole representative from Delaware, claimed he had received assurances from Jefferson's allies that Jefferson would continue many Federalist policies. Bayard announced that he would abstain from voting, lowering the total state count to 15 states, changing the majority needed for election from nine to eight.

After much debate, several Federalist legislators followed Bayard's lead. Jefferson won 10 states, a clear majority. Burr, then, became vice president. Bayard's claim that he had struck a deal with Jefferson would be debated for years. As president, however, Jefferson did not challenge Hamilton's financial programs, remove Federalist appointees from office, or eliminate the Navy — three provisions Hamilton had given to Bayard and other Federalists for bargaining with Jefferson.

#### Legacy

Jefferson referred to the election of 1800 as the "Revolution of 1800." Not only had political power transferred peacefully from one party to another, but the victory of the more democratic Republican Party foreshadowed the expansion of voting rights in the coming years. Jefferson was re-elected in 1804, defeating Charles Pinckney, who would run and lose again in 1808, this time to James Madison.

The Federalists never again won a presidential election. They disappeared completely after their opposition to the War of 1812 with Great Britain led them to threaten secession of the New England states. Many of their policies for establishing a strong central government and financial credit for the United States did last until the present day.

Aaron Burr eventually learned of Hamilton's attacks on his character before and after the winter of 1800. While running for governor of New York in 1804, Burr challenged Hamilton to a duel. In the early morning duel on July 11, Burr shot Hamilton, who died the next day from his wound.

Adams returned to his home in Massachusetts after losing the 1800 election and never again ran for office. Jefferson and Adams, who had been close friends for years before they parted ways during the two elections they contested, would regain their friendship late in life. Both died on the same day, July 4, 1826, 50 years to the day after the Declaration of Independence was signed.

#### **WRITING & DISCUSSION**

- 1. In his 1796 Farewell Address, President Washington warned the American people about the dangers of political parties. He described the desire for one party to dominate another in politics as a "frightful despotism" leading to "a more formal and permanent despotism." Do you agree? Why or why not? Use evidence from the article in your answer.
- 2. If you lived in 1800, which of the two parties would have appealed to you more? Use evidence from the article to support your opinion.
- 3. Federalists attacked Jefferson's unorthodox religious views. Democratic-Republicans attacked Adams's appearance and age. Hamilton called Burr a "disgrace." Is it fair for political candidates to attack their opponents' characters, or should they focus on political disagreements? Why or why not?
- 4. Are political parties necessary in a democracy, or do they create needless conflict?

#### **ACTIVITY: Amending Article Two**

In the elections of 1796 and 1800, the Electoral College process caused some confusion in the election of the president and vice president.

The year is 1801. You are a member of the House of Representatives. You and your fellow legislators want to amend Article Two of the Constitution to correct the problems of the Electoral College.

- 1. Meet in a committee of five legislators. Review and discuss the process and problems of the elections of 1796 and 1800 as described in the reading.
- 2. Decide as a committee how you would want to fix the problems with Article Two and the Electoral College. Draft an amendment to present to other members of the House of Representatives. Choose a spokesperson for your committee.
- 3. Committees will take turns sharing their draft amendments with the House and their reasons for their amendment.
- 4. After all committees have presented, the House will discuss and then vote on which draft amendment they want to accept. If two-thirds accept it, it passes in the House.

(Teachers, once the class has completed the activity, show them the 12th Amendment (1804) and discuss how it addressed the problems of the Electoral College.)

# CYRUS THE GREAT AND THE CREATION OF THE PERSIAN EMPIRE

The Persian king, Cyrus the Great, created the largest empire the world had ever seen in his time. He then devised a new way of governing conquered peoples.

#### Ancient History: Telling Fact from Fiction

Historians think Cyrus the Great was born sometime around 580 B.C. and died in 530 B.C. What happened in the years between is not entirely clear. Some of the sources of information about him, going back more than 2,500 years, are contradictory, biased, and based more on fiction than fact.

The ancient Persians themselves never wrote their own history. However, references to Cyrus exist on stone and clay inscriptions. In addition, there are Babylonian records, a mention of him in the Hebrew Bible (Old Testament), and stories about his life recorded by Greek writers who believed the Persians, like all non-Greeks, were "barbarians."

The Greek writer Herodotus, known as the "Father of History," wrote *The Histories*, which describes what he learned during his extensive travels. He interviewed knowledgeable people, collected their stories, and chose to write about the versions he thought most believable. He followed this method when he wrote about Cyrus 90 years after his death. Modern historians tend to accept much of what Herodotus wrote about Cyrus, but sometimes question his stories with a moral attached to them.

Another Greek, Xenophon (pronounced *zeno-fon*), wrote his *Cyropaedia* (*Education of Cyrus*) 70 years after Herodotus wrote his *Histories*. Xenophon had more direct contact with the Persians than Herodotus. Xenophon's writings also tend to portray Cyrus as an ideal monarch, as he intended to teach his fellow Greeks about the qualities of good rulers. Historians today consider Xenophon's work a mix of fact and fiction.

#### The Young Cyrus

In *The Histories*, Herodotus told a widely believed story of Cyrus's birth and early life. The story makes Cyrus's birth and childhood seem like a myth. The story begins when King Astyages of Media married off a daughter to the Persian king of neighboring Anshan, Cambyses I. Shortly after news that his daughter was pregnant, Astyages had a dream that she would give birth to a boy who would someday overthrow him.

Astyages believed his dream was a prophecy, or vision of the future. Fearing for his throne, Astyages ordered one of his army generals, Harpagus, to kill his newborn grandson,



Cyrus II of Persia (aka Cyrus the Great) as depicted on a monument at Sydney Olympic Park, Australia.

(Siamax/Wikimedia Commons)(CC BY-SA 3.0)

Cyrus. Harpagus, however, disobeyed and secretly handed over the infant to a poor shepherd and his wife.

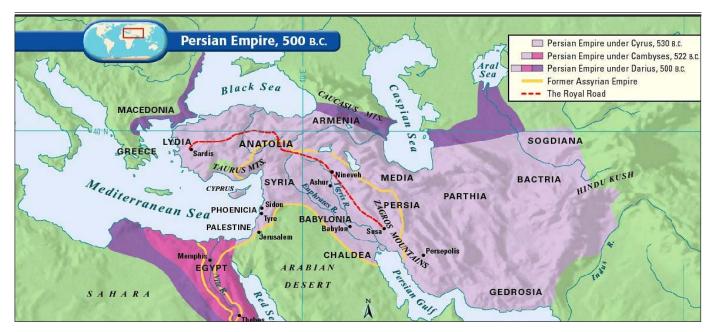
About ten years later, King Astyages learned Cyrus was alive. The king had always felt guilty about ordering the death of his grandson, so he rejoiced and sent the young Cyrus back to his true parents in Anshan. But Astyages was angry at Harpagus because he had lied to him about killing Cyrus. As Herodotus tells it, Astyages deceived Harpagus into eating a stew at a banquet made with the remains of Harpagus's son whom the king had killed.

According to Xenophon, Cyrus at the Persian royal court of his father grew to be a handsome prince admired by all. Xenophon wrote that Cyrus was trained to be a tough warrior. Herodotus, however, described a soft life in the Persian royal court.

In his *Education of Cyrus*, Xenophon included a conversation in which King Cambyses I passed on advice to his teenage son on how to be a successful general and ruler. Since Xenophon was not a witness to such a conversation nor had any record of it, he made it up. Nevertheless, the essence of what Cambyses purportedly advised Cyrus seems to foreshadow what kind of king he actually became.

Cyrus asked his father what was the best way to gain an advantage over the enemy. Cambyses replied, "The man who proposes to do that must be designing and cunning, wily and deceitful, a thief and a robber, overreaching the enemy at every point."

Cyrus next asked how to secure the love of his subjects. Cambyses said he should show his subjects that "you are eager to help them in times of distress" and in all times "go hand in hand with them."



#### Cyrus "King of Kings"

Cyrus became King of Anshan after his father died in 559 B.C. Like his father, Cyrus owed allegiance to Astyages, the king of Media and his grandfather. But Cyrus had become restless, ambitious, and unwilling to continue paying him annual tribute (gold, valuable goods, soldiers).

According to the story told by Herodotus, Harpagus was "burning for revenge" for the murder of his son by King Astyages and the gruesome banquet that followed. Harpagus plotted with Cyrus to overthrow King Astyages by promising to turn his soldiers to Cyrus's side when he attacked Media.

The plot worked, and Cyrus, at about age 30, defeated his grandfather in 550 B.C. Cyrus then took the throne of Media, neatly fulfilling Herodotus's account of Astyages's dream. Cyrus did not order his death, but sent him to rule a remote province. Cyrus then married another daughter of his grandfather (his aunt!). Thus, Cyrus united the Persians and Medes into one kingdom. He took the title, "King of Kings."

The kingdom of Lydia controlled a large area that included numerous city-states in what is now Turkey. The Lydian king, Croesus (pronounced *kree-sus*), was shocked by Cyrus's conquest of Media. Worried about his own security, Croesus mounted an attack on Media to crush Cyrus. According to Herodotus, Croesus was confident because he had received a prophecy from a famous Greek oracle: "If Croesus attacked the Persians, he would destroy a great empire."

After several battles, Cyrus finally defeated King Croesus around 445 B.C. In addition, Cyrus captured Lydia's city-states. Thus, Croesus discovered that the "great empire" he would destroy was his own! According to Herodotus, Cyrus made King Croesus his "wise advisor."

Leaving a small garrison of soldiers in Lydia, Cyrus soon continued his quest for conquest and led most of his army eastward into Central Asia. But shortly after he left for the east, Lydian and Ionian city-states revolted.

Cyrus sent a part of his army back to Lydia to reconquer and punish the rebels. Cyrus could be generous to the people he conquered, but treated them harshly if they were disloyal or revolted.

At about age 40, Cyrus returned from fighting in Central Asia to attack his greatest opponent yet: the Babylonian Empire. This was the latest of a series of civilizations reaching far back to Sumer and Akkad in what is now Iraq.

The Babylonians had maintained a long tradition of cuneiform writing on clay tablets, the world's oldest writing system. Unlike the Persians, the Babylonians kept a record of their history. This practice continued when Cyrus invaded Babylonia.

In 539 B.C., Cyrus won a major battle against the Babylonian king, Nabonides. He then retreated to his capital, Babylon, on the Euphrates River that ran through the city. Herodotus says Cyrus diverted the Euphrates, which enabled his soldiers to walk on the riverbed into Babylon. In any case, Babylonian records agree Cyrus captured Babylon and King Nabonides without bloodshed. Cyrus spared the conquered king and sent Nabonides into exile.

Cyrus quickly took command of the Babylonian Empire's territories and received tribute from the Persian Gulf to the Mediterranean Sea and borders of Egypt. In less than 20 years, he had expanded the Persian Anshan kingdom to the largest empire the world had ever seen.

#### Cyrus "King of the World"

According to Babylonian accounts, Cyrus ordered his men not to loot and burn Babylon. He then ordered the temples of the traditional Babylonian gods, especially Marduk, rebuilt. They had been neglected by Nabonides who had tried to replace Marduk with another god. A

Babylonian cuneiform tablet recorded that the people "All rejoice to look upon him as king."

In 1879, British Museum archaeologists, digging in the ruins of Babylon, discovered a remarkable object known as the "Cyrus Cylinder." This is a clay barrel-shaped object about ten inches long and four inches wide covered with cuneiform writing dictated by Cyrus himself. When translated, the Cyrus Cylinder revealed the Persian king's version of his conquest and early rule of Babylonia.

The Cyrus Cylinder made a strong case for Cyrus's legitimacy as the new king of Babylonia. Cyrus said Marduk chose him to replace the shameful King Nabonides, and made possible the Persian king's victories over the Medes and other enemies. Pleased that Cyrus ruled "in justice and righteousness," Marduk "walked at his side" to Babylon and enabled him to enter the city "without bloodshed and save the people."

The language of the Cylinder then shifted to first person as Cyrus addressed the Babylonians directly: "I am Cyrus, king of the world, the great king, the powerful king, king of Babylon, king of Sumer and Akkad, king of the four quarters of the world." Cyrus then listed the blessings he had brought to the people.

In probably the most remarkable part of the Cylinder, Cyrus stated that he freed foreign peoples taken to Babylonia as slaves. "I collected together all of their people," he declared, "and returned them to their settlements."

Cyrus did not specifically mention the group of Jews

the Babylonian king Nebuchadnezzar II had taken as slaves back to Babylon about 60 years earlier. But the Jewish community was also freed to return to Jerusalem and rebuild their Temple destroyed by Nebuchadnezzar. This was confirmed in the Old Testament of the Bible (Ezra 1:1-2).

The modern concept of "human rights" did not exist in Cyrus's time. But Cyrus's liberation of captive peoples and allowing them to continue

practicing their religion seems modern. He did seem to recognize that fairly treating peoples he conquered made it easier for him to rule them.

#### "Cyrus the Great"

For the next several years, Cyrus organized his empire. He began to construct a new Persian capital, Pasargadae. He also established policies that permitted the peoples he conquered to continue practicing their local traditions, customs, laws, and religions.

Cyrus was never considered a god like the Egyptian pharaohs, but he did possess absolute power. Still, he appointed Persian relatives and nobles as regional governors, called satraps.



This 15th century painting by Jean Fouquet depicts Cyrus the Great permitting the Jewish people to return to Jerusalem.

Below the satraps, Cyrus put the administration of most government matters in the hands of local people, thus strengthening their loyalty to him. Government business was carried out in the local language, not Persian. He

> did not confiscate the land, but left most of it in the hands of the original owners. Perhaps most important to the people, Cyrus permitted them to continue worshipping their traditional gods. These examples of self-government plus respect for other religions were rare for this time.

> Babylonian and other ancient sources agree that Cyrus's policies were generally followed throughout

the empire. For this reason as well as his conquests, Persians call him to this day "Cyrus the Great."

#### The Death of Cyrus

Herodotus wrote that in 530 B.C. Cyrus led a new military campaign east of the Aral Sea against the Massagetae people and their Queen Tomyris. When Cyrus approached her army, she asked him to turn back and "be king over thine own people, and endure to see us ruling those whom we rule." But Cyrus had no intention of backing away from another conquest.

According to Herodotus, Cyrus abandoned his camp, but left it well stocked with food and wine. The Massagetae warriors entered the camp without a fight and promptly feasted and got drunk. Cyrus's warriors then

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attacked and slaughtered them except for a few they captured, including Queen Tomyris's son.

The Queen, however, had held back her main force. Fearing for her son's life, she did not attack right away but sent a message to Cyrus, calling for him to release her son. According Herodotus, if Cyrus refused, the Queen warned, "I will give thee thy fill of blood, blood-thirsty as thou art." Cyrus ignored the warning.

The Queen's son, shamed at being captured while drunk, took his own life. When she learned of this, Queen Tomyris blamed Cyrus. This resulted in several battles that ended with the Persians defeated and Cyrus dead.

Herodotus wrote that Queen Tomyris had Cyrus's head cut off and put in a skin bag full of Persian blood. She proclaimed, "You have ruined me by . . . taking my son. See now — I fulfil my threat; you have your fill of blood." Somehow, Cyrus's son and successor king, Cambyses II, retrieved Cyrus's body and took it back to Pasargadae to be buried in a tomb.

Xenophon, writing 70 years after Herodotus, said nothing about a campaign against Queen Tomyris. According to Xenophon, Cyrus in old age at Pasargadae summoned his two sons, Cambyses II and Tanaoxares, along with friends and others.

From his deathbed, Cyrus declared Cambyses, his older son, to be his successor as king, then made Tanaoxares satrap of Media and other lands. According to Xenophon, Cyrus implored his sons to honor one another:

Your deeds will be [seen] in all the eyes of mankind, and if they be righteous deeds... they will blazon forth your power; but if you [plot] evil against one an other, you will forfeit the confidence of every man. . . Therefore,

if my words are strong enough to teach you your duty to one another, it is well. But if not, let history teach you, and there is no better teacher.

Then, Xenophon wrote, Cyrus grasped the hands of all present, covered his face, and died.

Cambyses II went on to conquer Egypt and part of North Africa. He and his brother, however, became enemies. One story even had Cambyses ordering the killing of Tanaoxares. Nonetheless, the Persian Empire continued to flourish for another 200 years until conquered by Alexander the Great in 330 B.C.

#### **WRITING & DISCUSSION**

- 1. Why do today's historians sometimes have difficulty writing about ancient history? Use examples from the article.
- 2. What moral may Herodotus have been hinting at in the way he described the end of Cyrus's life? Compare it to the way Xenophon described the end of Cyrus's life.
- 3. Cambyses advised young Cyrus to "go hand in hand" with his subjects in order to be loved by them. Do you think Cyrus followed this advice as king and emperor? Why or why not? Use examples from the article.
- 4. Thomas Jefferson, Benjamin Franklin, and John Adams all had Xenophon's *Cyropaedia* in their personal libraries and admired Cyrus the Great. They did not yet know about the Cyrus Cylinder. Recall the American Revolution and the U.S. Constitution. What actions of the Cyrus described in the *Cyropaedia*, both as a young man and as a king, would have made the Founding Fathers admire him so much? Use examples from the article.

#### **ACTIVITY: Cyrus the Great?**

In the *Cyropaedia*, Xenophon judged Cyrus to be a great man. Xenophon wrote:

And even to this day the barbarians tell in story and in song that Cyrus was most handsome in person, most generous of heart, most devoted to learning, and most ambitious, so that he endured all sorts of labor and faced all sorts of danger for the sake of praise.

Xenophon, Education of Cyrus

- 1. All students should closely read Xenophon's quote. As a whole class, discuss how Xenophon describes Cyrus.
- 2. Students should form small groups of four or five and reread the article, looking for examples that support each of Xenophon's claims about Cyrus's greatness. Are there also examples that do *not* support any of Xenophon's claims? Are any of Xenophon's claims not supported by *any* evidence?
- 3. Then, each group should discuss the guiding question: **Was Cyrus great?** Each group should try to reach consensus, either for a *yes* or *no* answer, with at least three reasons to support the group's decision.
- 4. Each group will share their group's decision and supporting reasons.
- 5. Finally, each student can form his or her own opinion regardless of the group's decision and write one well-developed paragraph answering the guiding question above, using examples from the article and from discussion.

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# FREE TRADE, GLOBALIZATION, AND THE TRANS-PACIFIC PARTNERSHIP

One of the issues of the 2016 presidential election is the Trans-Pacific Partnership (TPP) free trade agreement. President Barack Obama supports it while both presidential candidates, Hillary Clinton and Donald Trump, are opposed. What is free trade? And is TPP good or bad for America?

In 1776, Adam Smith, a Scottish economist, presented the case for free trade. He wrote in *The Wealth of Nations* that if nations eliminated taxes on imported goods, also called tariffs, free trade would then allow cheaper foreign goods to reduce consumer prices. This would also open up export markets for every country.

Both Smith and David Ricardo, a British economist, developed the concept of "comparative advantage." This is the idea that each nation naturally possesses advantages over other nations in the production of certain economic goods and should specialize in making those. For example, they argued at the time that Britain should manufacture woolen cloth with its superior steam-driven

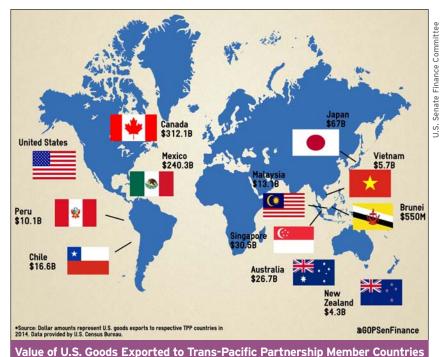
machinery and leave wine-making to France with its superior grape-growing climate.

The idea of free trade spread, but there was always some resistance. Factories sometimes had to shut down when foreign imports undercut domestic (the country's own) prices, and workers sometimes rioted when they lost their jobs. Nevertheless, the consumers benefitted from the lower prices brought on by free trade.

During the Great Depression of the 1930s, the cry for tariffs to protect home industries and workers reached a peak. In 1930, the U.S. Congress passed the Smoot-Hawley Act that raised import tariffs on thousands of farm and manufactured goods to an average of 53 percent. A "trade war" resulted in which other countries raised their tariffs against American goods. All countries then suffered from higher consumer prices, a drop in international trade, and increased unemployment, hurting an already devastated U.S. economy.

#### Globalization

After World War II, the U.S. and other major trading nations joined together to revive free trade. In 1947, the General Agreement on Tariffs and Trade (GATT) negotiated rules for regulating trade and reducing tariffs on manufactured goods. In 1995, GATT was largely replaced by the World Trade Organization (WTO) with more free trade regulation rules.



The result was that tariffs and other trade barriers fell. Countries became tied together by free trade more than ever before. This development is today often called "globalization."

By the late 1990s, however, a downside of globalization began to appear. Between 1999 and 2011, there was a net employment loss of about two million American workers in manufacturing industries unable to compete with import competition from China, which had become a major power in globalized trade. In effect, Chinese low-paid factory workers held a comparative advantage over Americans who did similar work for higher pay.

China, Japan, and other countries also created a trade advantage through "currency manipulation." This occurs when a government buys and sells foreign currencies to keep the value of its own currency artificially low. Some U.S. economists and leaders argue that this made Chinese and Japanese goods comparatively less expensive and that it put even more pressure on American manufacturers and their workers.

#### **NAFTA**

In 1994, another trade agreement helped define the U.S. place in the globalized economy. The U.S. joined with Canada and Mexico to form the North American Free Trade Agreement (NAFTA). Mexico, unlike Canada, was still a developing country with mostly low-wage workers.

Negotiated by President George H. W. Bush and signed into law by President Bill Clinton, NAFTA was designed to end tariffs and other barriers to trade and investment among the three countries. Most U.S.-Canada trade was already tariff-free under their 1988 free-trade agreement. Within 15 years, all U.S.-Mexico industrial and agricultural tariffs were to be eliminated. NAFTA also addressed non-tariff issues like protecting intellectual property (e.g., copyrights and patents). Additionally, NAFTA put into place a process for settling trade disputes.

Under pressure from American labor unions and environmental groups, President Clinton negotiated "side agreements" on worker rights and the environment. Mexico, in particular, was supposed to pass laws for the rights of workers to form unions and bargain for higher wages. This would help close the wage gap between Mexico and its two trade partners.

Twenty years later, numerous studies on NAFTA reported that trade among the U.S., Canada, and Mexico had greatly increased. Many tariffs and other trade barriers had been reduced or eliminated. American consumers benefitted from lower-priced imported goods. Overall, according to the Congressional Research Service, the net effect of NAFTA on the American economy was positive but modest.

However, while most U.S. export businesses, investors, consumers, and some employees did well under NAFTA, workers in industries under pressure from cheaper imports did not. During most years between 1994 and 2014, the U.S. had a manufacturing trade deficit with Mexico and Canada. A trade deficit occurs when a country imports more products than it exports. Thousands of U.S. manufacturing plants, unable to compete with cheaper foreign imports, closed or relocated to Mexico or elsewhere in search of lower labor costs.

A number of studies estimate the net loss of U.S. manufacturing jobs due to NAFTA at around 700,000. As with the China trade shock of the 1990s, most of those who lost their jobs were fairly well-paid factory workers, but with low skills and no more than a high school education.

NAFTA's labor and environment side agreements came under heavy criticism for lack of enforcement. Neither manufacturing companies in Mexico, many American-owned, nor the Mexican government did much to improve wages. While the current U.S. federal minimum wage is \$7.25 per hour, that of Mexico is \$4.25 per day. These low wages give Mexico a comparative advantage in manufacturing, but many Mexicans have little ability to buy imported American consumer goods.



The three nations of NAFTA represented. From L to R: President Enrique Peña Nieto of Mexico, Prime Minister Justin Trudeau of Canada, and U.S. President Barack Obama.

#### "Winners" and "Losers"

Manufacturing jobs in the U.S. have been declining since the 1970s due to automation and competition from foreign labor. Nevertheless, American manufacturing itself has recently been resurging.

Globally competitive American industries no longer make such things as clothing, TV sets, and steel because other countries have a comparative advantage over the U.S. Instead, successful U.S. factories manufacture hightech machinery, advanced electronics, and aircraft that enjoy a comparative advantage over foreign competition.

Free trade agreements like NAFTA and the proposed Trans-Pacific Partnership support this trend by expanding export markets. But, there are both "winners" and "losers." The winners are competitive export industries,

highly skilled workers, and consumers. The losers are industries that fail to compete against cheap imports and also lower skilled workers who lose jobs when factories close or move outside the country.

The winning, but fewer, manufacturing workers today produce more goods per employee because they typically use computerized technology. These workers are better

paid because they have to possess higher skills and more education than a high school diploma.

What about the millions of lower-skilled manufacturing workers, however, who have lost their jobs because of cheaper imports? Most economists say that restoring traditional assembly line jobs would require huge protective tariffs. They would probably spark international trade wars like those that damaged the U.S. economy in the Great Depression.

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together by free trade

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Since the 1960s, Congress has provided special federal assistance for displaced workers laid off because of foreign trade. Critics of the federal program say it has long been underfunded by Congress and does not prepare enough laid-off workers to do highly-skilled jobs.

#### A New Agreement: The TPP

Beginning in 2008, the U.S. negotiated the Trans-Pacific Partnership (TPP) with 11 other countries: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. The TPP is the largest multinational free trade agreement the U.S. has ever negotiated.

President Barack Obama signed the final draft of the TPP on February 4, 2016. However, Congress must approve it before it goes into effect in the U.S. Major arguments for and against the TPP are discussed below.

#### **Arguments for TPP**

#### Trade in Goods and Services

The TPP will eliminate or reduce tariffs and other trade barriers on industrial and agricultural goods in all 12 countries. U.S. tariffs are already lower than the ones most other partners will have to drop. The TPP will open a huge trade market, consisting of 800 million consumers. This will stimulate the creation of millions of American jobs. The U.S. also has a golden opportunity to expand its existing trade surplus in services like telecommunications, an area not covered by NAFTA.

#### Investment

Companies investing in the 12-partner free trade zone will be protected from discriminatory treatment by trading partners. Disputes between companies and the nations they trade with will be settled by a special arbitration process. However, governments cannot be sued by companies, claiming laws on such things as environmental protection interfere with their sales and profits, as was the case with NAFTA.

#### **Intellectual Property**

Copyright protection for such things as books and songs will extend from the lifetime of the author plus 50 years to 70 years. TPP encourages a balance between the rights of intellectual property owners and public "fair use," such as for teaching.

#### Labor Rights

TPP partners must adopt and enforce laws that conform with internationally recognized worker rights, such as labor union organizing and collective bargaining. TPP members must also have a national minimum wage, regulations for work hours and job safety, as well as strive to eliminate forced and child labor. Such labor standards go far beyond those in NAFTA's "side agreement." They are

also part of the core TPP agreement, which was not the case under NAFTA.

#### **Environmental Standards**

TPP partners are obligated to enact and enforce laws to conserve the environment, reduce pollution, and protect wild animals and plants. The 12 nations may not weaken or waive their environmental laws to attract trade and investment. These standards are more demanding than those of NAFTA.

#### Dispute Settlement

While trade disputes between companies and governments are decided by a separate procedure, all other disputes are contested between governments. An impartial panel normally meets to hear the two parties present their cases. Written arguments may also be submitted by interested outside groups, something NAFTA did not permit.

After the panel issues its final report, the two sides will probably negotiate a settlement. If necessary, the panel's judgment may be enforced by such means as fines or imposing tariffs on the offending country.

#### Obama and National Strategic Purpose

President Obama argues that the TPP not only has economic advantages for the U.S., but also a national strategic purpose. He says we, not China, should "write the rules" for free trade in the Asia-Pacific region, making sure China does not dominate to our disadvantage. Failure of Congress to approve TPP, Obama warns, will damage America's economic, diplomatic, and military credibility in this important area.

#### **Arguments Against TPP**

#### Another Jobs Disaster

Between 1990 and 2014, during the explosion of trade with China and the NAFTA countries, U.S. manufacturing jobs fell by 31 percent, according to the Congressional Research Service. Much of this job loss resulted from the closing of factories or their "race to the bottom" to relocate in the lowest wage country possible. Labor union leaders see little in the TPP to prevent another jobs disaster.

#### Trade Deficit

In 2015, the U.S. had a trade deficit in goods valued at more than \$500 billion. The deficit reflects goods made by workers overseas and not in the U.S. By one calculation, the 2015 deficit in goods cost two million American jobs.

Opponents of TPP point out that during most years since NAFTA began in 1994, the U.S. had trade deficits with Mexico and Canada. Of the 11 TPP partners, the U.S.



Anti-TPP protesters in New Zealand.

already has a trade deficit with six of them, the largest with Japan and Mexico.

#### Labor Rights

Enforcement of the new TPP labor rights requirements is uncertain in Vietnam, Malaysia, and Brunei because of their poor record in this area. Each nation is supposed to pass labor reform laws, such as the right to organize unions, and then enforce those laws. The TPP allows these countries five years to enact them, but no clear penalty if they do not.

Mexico never fully implemented labor reforms under NAFTA and is not specifically required to do so under the TPP. Without the labor rights spelled out in the TPP, Mexico and the three Asian countries are unlikely to improve wages. Low wages will continue to threaten the jobs of American workers.

#### **Environmental Standards**

TPP environmental standards are more specific than those in NAFTA, but enforcement is weak. For example, TPP members are asked to "combat" illegal trade in wild animals rather than prohibiting this trade. Most importantly, there is no TPP provision for addressing climate change. TPP permits "fracking," a method of drilling for natural gas that adds to water and air pollution and worsens climate change.

#### **Currency Manipulation**

TPP does not ban currency manipulation that artificially reduces the value of a country's money in order

to make its exports even cheaper. TPP does have a "side agreement" with a declaration by the members who promise to avoid manipulating their currencies, but TPP provides no enforcement method.

#### National Strategic Purpose

President Obama's argument to block China's influence in the Asia-Pacific region with TPP is too late. China is already a major economic power and has free trade agreements with about a dozen Asia-Pacific nations. The U.S. should not be distracted from focusing on the impact of TPP on the American economy.

#### Clinton and Trump Oppose TPP

Democrat Hillary Clinton once supported TPP, but now opposes it because it lacks "high standards for creating good jobs, raising wages, and enhancing our national security." Republican Donald Trump, calls the TPP "a bad deal" and would use high tariffs against China and other countries to force them to stop currency manipulation.

#### Impact of TPP on U.S. Economy

In May 2016, the U.S. International Trade Commission, an independent and impartial federal agency, released its long-awaited TPP impact report. It projected overall positive but small effects of the TPP on the U.S. economy by 2032. For example, while employment in manufacturing would be 0.2 percent lower, employment overall would be 0.07 percent higher. This report quashed both the best hopes of TPP supporters and worst fears of TPP opponents.

#### **WRITING & DISCUSSION**

- 1. What do you think is better: an economy protected by tariffs or one open to free trade? Why?
- 2. What should we do about manufacturing workers who have lost their jobs because of cheaper free trade imports?
- 3. What is your opinion of President Obama's "National Strategic Purpose"? Explain using evidence from the article.

#### ACTIVITY: What Should Congress Do About the TPP?

- 1. After reading the article, each student will take one of the following positions on the TPP and write reasons to support it.
  - A. Congress should vote to approve the TPP.
  - B. Congress should vote to reject the TPP.
  - C. Congress should vote to reject the current TPP and call for the president to renegotiate it with certain changes.
- 2. The students will then meet in small groups to discuss their positions and try to reach agreement.
- 3. The groups will finally report the results of their discussions to the rest of the class.

#### **Sources**

#### The Troubled Elections of 1796 and 1800

Boonshoft, Mark. "Elizabeth De Hart Bleecker Diary, April 30, 1800." New York Public Library, 28 April 2016. URL: nypl.org • Ferling, John. *Adams vs. Jefferson: the Tumultuous Election of 1800*. Oxford: Oxford University Press, 2005. • "From Alexander Hamilton to James A. Bayard, 27 December 1800." *Founders Online*. National Archive, n.d. URL: founders.archives.gov • "From Alexander Hamilton to Theodore Sedgwick, 2 February 1799." *Founders Online*. National Archive, n.d. URL: founders.archives.gov • "From Alexander Hamilton to Theodore Sedgwick, 22 December 1800." *Founders Online*. National Archive, n.d. URL: founders.archives.gov • Hofstadter, Richard. *The American Political Tradition and the Men Who Made It*. New York: Penguin Random House, 1948. • "Introductory Note: Letter From Alexander Hamilton Concerning the Public Conduct and Character of John Adams, Esq. President of the United States, [24 October 1800]." *Founders Online*. National Archives, n.d. URL: founders.archives.gov.

#### Cyrus the Great

Abbott, Jacob. History of Cyrus the Great. Cedar Lake: Readaclassic, 2010. • Allen, Lindsay. The Persian Empire. Chicago: University of Chicago Press, 2005. • Briant, Pierre. From Cyrus to Alexander, A History of the Persian Empire. Winona Lake: Eisenbauns, 2002. • Burke, Andrew, Maxwell, Virginia, and Shearer, Iain. Iran. 6th ed. Melbourne: Lonely Planet, 2012. • "Cyropaedia," "Herodotus," "Histories (Herodotus)," and "Xenophon." Wikipedia.org. 22 April 2016. • "Cyrus Cylinder: How a Persian Monarch Inspired Jefferson." BBC News. 11 March 2013. URL: bbc.com • Finkel, Irving. ed. The Cyrus Cylinder, The King of Persia's Proclamation from Ancient Babylon. London: I. B. Tauris, 2010. • Garland, Robert. "Being Persian" [DVD lecture]. The Other Side of History: Daily Life in the Ancient World. Chantilly: The Great Courses, 2012. • Herodotus. Histories. Trans. G. C. Macaulay. 1890. 26 May 2016. URL: sacredtexts.com • Llewellyn-Jones, Lloyd. King and Court in Ancient Persia 559-331 BCE. Edinburgh: Edinburgh University Press, 2013. • Schmitt, Rudiger et al. "Cyrus." Encyclopaedia Iranica (1993). Vol. 6. 20 April 2016 URL: iranicaonline.org. • Waters, Matt. Ancient Persia, A Concise History of the Achaemenid Empire 550-330 BCE. New York: Cambridge University Press, 2014. • "The World's Oldest Writing." Archaeology. May/June 2016:26-33. • Xenophon. Cyropaedia. Project Gutenberg. Release #2085. Trans. Henry Graham Dakyns. 9 Aug. 2011. 26 May 2016. URL: onlinebooks.library.upenn.edu.

#### **Free Trade**

"10 Presidential Candidates Criticize the Trans-Pacific Partnership." Public Citizen. 2015. 6 June 2016. URL: citizen.org • Acemoglu, Daron, et al. "Import Competition and the Great Employment Sag of the 2000s." • Journal of Labor Economics. Jan. 2016. 4 July 2016. URL: economics.mit.edu • Appelbaum, Benjamin. "Simmering for Decades, Anger About Trade Boils Over in '16 Election." New York Times. 29 Mar. 2016. • Autor, David, et al. "The China Shock: Learning from Labor Market Adjustments to Large Changes in Trade." Feb. 2016. 28 June 2016. URL: ddorn.net. • Why Obama's Key Trade Deal with Asia Would Actually Be Good for American Workers." Washington Post. 12 Mar. 2015. • Bierman, Noah and Lee, Don. "Trump Trashes Globalization." Los Angeles Times.29 June 2016. • Boyle, Matthew. "Exclusive—Donald Trump: Obama's Trans-Pacific Free Trade Deal is 'Insanity.'" Breitbart. 9 Nov. 2015. • Bradford, Scott C. "The Payoff to America from Global Integration." Peterson Institute for International Economics. 1 Jan. 2005. URL: piie.com Brown, Sherrod. Myths of Free Trade, Why American Trade Policy Has Failed. New York: The New Press, 2006. • Fergusson, Ian F. and Williams, Brock R. Congressional Research Service. The Trans-Pacific Partnership (TPP): Key Provisions and Issues for Congress. 4 May 2016. URL: crs.gov • Fergusson, Ian F. et al. Congressional Research Service. The Trans-Pacific Partnership (TPP): In Brief. 9 Feb. 2016. URL: crs.gov • Foroohar, Rana. "After Decades of Consensus, The Value of Global Free Trade is Being Contested by the Left and the Right." Time. 11 April 2016: 32-35. • Goldstein, Natalie. Globalization and Free Trade. 2nd ed. New York: Facts on File, 2012. • Granville, Kevin. "The Trans-Pacific Partnership Trade Accord Explained." New York Times. 5 Oct. 2015. • Griswold, Daniel. "The Truth About Foreign Trade." Los Angeles Times. 1 Aug. 2016. • Hufbauer, Clyde and Cimino-Isaacs, Cathleen. "Why the Trans-Pacific Partnership Isn't a Bum Deal." PBS Newshour. 5 Feb. 2016. • Hussain, Imtiaz and Dominguez, Roberto. North American Regionalism and Global Spread. New York: Palgrave MacMillan, 2015. • Irwin, Douglas A. Free Trade Under Fire. 3rd ed. Princeton, N. J.: Princeton University Press, 2009. • "Jobs and Trade on the Campaign Trail." New York Times. 2 April 2016. • Manning, Robert A. "Myths and Realities of the Trans-Pacific Partnership." The National Interest. 26 Oct. 2015. • Meltzer, Joshua. "The Trans-Pacific Partnership is a Win for All Parties." Brookings. 9 Dec. 2015. URL: brookings.edu. • Memoli, Michael A. "Obama Races to Cement Trade Pact." Los Angeles Times. 27 May 2016. • Merica, Dan and Bradner, Eric. "Hillary Clinton Comes Out Against TPP Trade Deal." CNNPolitics.com. 7 Oct. 2015. 5. • "NAFTA's 20-Year Legacy and the Fate of the Trans-Pacific Partnership." Public Citizen. Feb. 2014. URL: tradewatch.org • "NAFTA 20 Years Later." U. S. Department of Commerce International Trade Administration. n.d. URL: trade.go • "North America Trade Agreement" and "Trans-Pacific Partnership." Wikipedia.org. 15 June 2016. • Navarro, Peter. "Trump's 45% Tariff for China." Los Angeles Times. 21 July 2016. • Office of the United States Trade Representative. Summary of the Trans-Pacific Partnership Agreement. Oct. 2015. URL: ustr.gov • Overbeek, Johannes. Free Trade Versus Protectionism, A Source Book of Essays and Readings. Cheltenham: Edward Elgar, 1999. • Prestowitz, Clyde. "Our Incoherent China Policy: The Proposed Trans-Pacific Partnership is Bad Economics—and Even Worse Geopolitics as Containment of China." The American Prospect. Fall 2015. • "Q & A: The Trans-Pacific Partnership." Human Rights Watch. 21 Jan. 2016. URL: hrw.org • "The Rage Against Trade." [editorial]. New York Times. 6 Aug. 2016. • "Release of Text Confirms TPP Fears." Sierra Club Atlantic Chapter. 19 Jan. 2016. URL: atlantic2.sierraclub.org • Scott, Robert E. "The High Price of 'Free' Trade." Economic Policy Institute. 17 Nov. 2003. URL: epi.org • Scott, Robert E. and Glass, Elizabeth. "Trans-Pacific Partnership, Currency Manipulation, Trade, and Jobs." Economic Policy Institute. 3 Mar. 2016. URL: epi.org • Semuels, Alana. "How the Trans-Pacific Partnership Threatens America's Recent Manufacturing Resurgence." The Atlantic. 8 Oct. 2015. • "The TPP's Uneven Attempt at Labor Protection." The Atlantic. 22 Jan. 2016. • Shaiken, Harley. "The Impact of International Free-Trade Agreements on Job Growth and Prosperity." Journalists' Resource. 12 Jan. 2015. URL: "The NAFTA Paradox." Berkeley Review of Latin journalistsresource.org • American Studies. Spring 2014. URL: clas.berkeley.edu • Signoret, Jose and Bloodgood, Laura. United States International Trade Commission. Trans-Pacific Partnership Agreement: Likely Impact on the U. S. Economy and on Specific Industry Sectors. May 2016. • Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs House of Representatives. Hearing. The Trans-Pacific Partnership: Prospects for Greater U. S. Trade. 4 Mar. 2015. Washington, D. C.: U. S. Government Publishing Office, 2015. • "TPP's Copyright Trap." Electronic Frontier Foundation. 22 July 2015. 8 Aug. 2016. URL: eff.org. • "The Trans-Pacific Partnership, a Free Trade Agreement Between the U. S. and 12 Pacific Rim Nations." The Journalists' Resource. 30 Mar. 2016. URL: journalistsresource.org. • U. S. Department of Commerce International Trade Administration. "Benefits of Trade Agreements." May 2016. URL: trade.gov • U. S. Department of Labor Employment and Training Administration. Getting Back to Work. n. d. 28 June 2016. URL: doleta.gov • Villarreal, M. Angeles and Fergusson, Ian F. Congressional Research Service. NAFTA at 20: Overview and Trade Effects. 28 April 2016. URL: crs.gov • Williams, Brock R. et al. Congressional Research Service. The Trans-Pacific Partnership: Strategic Implications. 3 Feb. 2016. URL: crs.gov

#### **Standards Addressed**

#### The Troubled Elections of 1796 AND 1800

National U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. Elementary School: (4) Understands the differences in leaders (e.g., George Washington, Alexander Hamilton and Thomas Jefferson) and the social and economic composition of each political party in the 1790s. Middle School: (4) Understands the development and impact of the American party system (e.g., social, economic, and foreign policy issues of the 1790s; influence of the French Revolution on American politics; the rise of the Federalist and Democratic-Republican parties; the election of 1800 . . .). High School: (6) Understands the factors that led to the development of the two-party system (e.g., the emergence of an organized opposition party led by Thomas Jefferson, Hamilton's financial plan).

National High School Civics Standard 8: Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society. (7) Understands how the design of the institutions of government and the federal system works to channel and limit governmental power in order to serve the purposes of American constitutional government

**National High School Civics Standard 20:** Understands the roles of political parties, campaigns, elections, and associations and groups in American politics. (1) Knows the origins and development of the two party system in the United States . . . .

California H-SS Standard 5.7: Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic. (3) Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people . . . . (4) Understand how the Constitution is designed to secure our liberty by both empowering and limiting central government . . . .

California H-SS Standard 8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it. (4)

Understand how the conflicts between Thomas Jefferson and Alexander Hamilton resulted in the emergence of two political parties (e.g., view of foreign policy, Alien and Sedition Acts, economic policy, National Bank, funding and assumption of the revolutionary debt)

California H-SS Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution. (4) Discuss Article II of the Constitution as it relates to the executive branch . . . .

California H-SS Standard 12.6: Students evaluate issues regarding campaigns for national, state, and local elective offices. (2) Discuss the history of the nomination process for presidential candidates . . . . (6) Analyze . . . the function of the Electoral College.

(Continued on page next page)

#### **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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#### Standards (continued)

#### Cyrus the Great

National World History Standard 8: Understands how Aegean civilization emerged and how interrelations developed among peoples of the Eastern Mediterranean and Southwest Asia from 600 to 200 BCE. Elementary School: (3) Understands significant military developments of the Persian Empire (e.g., the growth of and geographic influences on the Persian Empire, from the reign of Cyrus I through the wars with Greece; sources of the conflict between the Greeks and the Persians . . .). High School: (3) Understands the major events and the significance of the Persian Wars (e.g., Herodotus' version of the key events of the Persian Wars and how reliable this account might be). (5) Understands how conquest influenced cultural life during the Hellenistic era . . . .

**National World History Standard 11:** Understands major global trends from 1000 BCE to 300 CE. **Middle School:** (2) Understands the development of large regional empires (e.g., the significance of military power, state bureaucracy, legal codes, belief systems, written languages, and communications and trade networks; how trade networks, merchant communities, state power, tributary systems of production, and other factors contributed to the economic integration of large regions of Afro-Eurasia).

California H-SS Standard 6.4: Students analyze the geographic, political, economic, religious, and social structures of the early civilizations of Ancient Greece. (5) Outline the founding, expansion, and political organization of the Persian Empire. (8) Describe the enduring contributions of important Greek figures in the arts and sciences . . . .

#### **Free Trade**

National World History Standard 45: Understands major global trends since World War II. Middle School: (3) Understands the causes and consequences of the world's shift from bipolar to multipolar centers of economic . . . power. High School: (2) Understands causes of economic imbalances and social inequalities among the world's peoples and efforts made to close these gaps.

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. (1) Understands how changes in the national and global economy have influenced the workplace (e.g., the effects of increased global trade and competition on the U.S. economy . . .).

National Economics Standard 10: Understands basic concepts about international economics. Middle School: (5) Understands that extensive international trade requires an organized system for exchanging money between nations (i.e., a foreign exchange market). (6) Knows that despite the advantages of international trade (e.g., broader range of choices in buying goods and services), many nations restrict the free flow of goods and services through a variety of devices known as "barriers to trade" (e.g., tariffs, quotas) for national defense reasons or because some companies and workers are hurt by free trade. High School: (1) Understands that trade between nations would not occur if nations had the same kinds of productive resources and could produce all goods and services at the same real costs. (3) Knows that comparative advantages change over time because of changes in resource prices and events that occur in other nations. (5) Knows that a nation pays for its imports with its exports. (6) Understands that public policies affecting foreign trade impose costs and benefits on different groups of people (e.g., consumers may pay higher prices . . ), and that decisions on these policies reflect economic and political interests and forces.

California H-SS Standard 8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution. (3) Explain how states and the federal government encouraged business expansion through tariffs . . . .

**California H-SS Standard 11.9: Students analyze U.S. foreign policy since World War II.** (1) Discuss the establishment of the . . . General Agreement on Tariffs and Trade (GATT) and [its] importance in shaping modern Europe and maintaining peace and international order.

California H-SS Standard 12.6: Students analyze issues of international trade and explain how the U.S. economy affects, and is affected by, economic forces beyond the United States's borders. (1) Identify the gains in consumption and production efficiency from trade, with emphasis on the main products and changing geographic patterns of twentieth-century trade among countries in the Western Hemisphere. (2) Compare the reasons for and the effects of trade restrictions during the Great Depression compared with present-day arguments among labor, business, and political leaders over the effects of free trade on the economic and social interests of various groups of Americans.

#### Common Core State Standards (ELA-Literacy)

**SL.6-8.1:** Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 6-8 topics, texts, and issues, building on others' ideas and expressing their own clearly.

**SL.6-8.3:** Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.

**SL.11-12.1:** 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 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**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.

**SL.6-8/11-12.6:** Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate. (See grades 6, 7, 8, and 11-12 Language standards 1 and 3 . . . for specific expectations.)

**RH.6-8.1:** Cite specific textual evidence to support analysis of primary and secondary sources.

**RH.6-8.2:** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

**RH.6-8.3:** Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).

**RH.6-8.4:** Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

**RH.6-8.6:** Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).

RH.6-8.7: Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

RH.6-8.8: Distinguish among fact, opinion, and reasoned judgment in a text.

**RH.6-8.10:** By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

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

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.

**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).

**RH.11-12.7:** Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

**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.

WHST.6-8/11-12.1: Write arguments focused on discipline-specific content.

WHST.6-8/11-12.2: Write informative/explanatory texts, including the narration of historical events . . . .

**WHST.6-8/11-12.4:** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

WHST.6-8/11-12.9: Draw evidence from informational texts to support analysis, reflection, and research.

**WHST.** 6-8/11-12.10: 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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# #AsktheNextPrez

### 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) has launched 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: crfcap.org/askthenextprez

#### Civics on Call

#### www.crf-usa.org/civics-on-call

Discussion of current events and controversial issues is one of the six proven practices of highly effective civic education identified by the Civic Mission of Schools (CMS). "When students have an opportunity to discuss current issues in a classroom setting," reports CMS, "they tend to have a greater interest in civic life and politics as well as improved critical thinking and communication skills."

So CRF is launching Civics on Call, an updated one-stop web page for classroom-ready lessons on issues of the day. All lessons are free, downloadable, and reproducible for classroom use. We will continue to add lessons here for your easy access, and you will find the following current events lessons at Civics on Call today:



**Civics On Call** 

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- Naturalized Citizens and the Presidency



- The Syrian Refugee Crisis and U.S. Policy
- Police Body Cameras and the Use of Force



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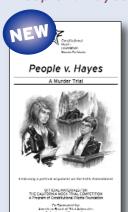
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