

THE ELECTION OF 1980

In 1976, Ronald Reagan competed with President Gerald Ford for the Republican Party nomination. He narrowly lost. Ford then went on to lose the general election that year to Democrat Jimmy Carter. Four years later, Reagan's fortunes changed. He got the Republican nomination and then defeated the incumbent President Carter in what was one of the most consequential elections in U.S. history. How did Reagan do it?

Many Americans in the 1970s experienced a growing distrust of government and the actions of those in power. The Watergate scandal in the early part of the decade led to the resignation of President Richard Nixon, a Republican. This was followed by Nixon's pardon by his Republican successor Gerald Ford. The increasingly unpopular U.S. engagement in the Vietnam War finally ended in defeat in 1975 with a death toll of 58,000 American military service members.

In 1976, Democratic Party candidate James Earl "Jimmy" Carter, Jr. ran on a message of restoring integrity in government. He edged out President Ford in the 1976 election with 51 percent of the popular vote, and with 297 electoral votes to Ford's 240.

Carter's subsequent presidency was dogged, however, by rising inflation and interest rates, which he tried to control by cutting deficit spending. A national energy shortage in 1979 reached a crisis level and caused growing anger and resentment among many Americans. Carter battled public perceptions that he was incompetent.

In response to this, Carter told the nation in a televised speech on July 15, 1979, that it faced a "crisis of confidence," and the "most important task" facing the American people was to restore faith in government to solve problems. He hoped to repair his image as a weak president.

Then, in November 1979, a group of college students stormed the U.S. Embassy in Tehran, Iran, and



Then-candidate Ronald Reagan and President Jimmy Carter shake hands after completing their only one-on-one presidential debate on October 28, 1980.

Cleveland Press Collection, Michael Schwartz Library,
Cleveland State University

took hostage over 50 American citizens. For the remainder of his presidency, Carter couldn't get the hostages freed.

By the time the 1980 election season began, the Republicans sought a candidate who they thought would restore Americans' trust in their leaders, rebuild the economy, and most importantly restore the U.S. reputation globally.

The Candidates

Ronald Reagan

Reagan had had a successful career in radio and acting. In 1962, he switched from the Democratic Party to the Republican Party. In 1964, Reagan publicly announced his support for the presidential campaign of Senator Barry Goldwater, a small-government conservative Republican from Arizona who opposed the Civil Rights Act of that year. Reagan's career shift from acting to politics began.

IN THIS ISSUE

- U.S. History:** *The Election of 1980* by CRF Senior Editor Damon Huss and Shelby County Schools Teacher Brian Huber1
- World History:** *South Africa: Confronting the Country's Apartheid Past* by CRF Senior Program Director Sarah Badawi.....5
- Current Issue/World History:** *Leave or Remain: Brexit in the UK* by Patrick Jennings8

This and Some Future Issues of *Bill of Rights in Action* Will Only Be Available Electronically!

Starting in fall 2020, we plan to publish two issues of the quarterly *Bill of Rights in Action* in electronic format only and two issues in print and electronic format. To receive notification of when the electronic edition is available for download, sign up at www.crf-usa.org/bill-of-rights-in-action.

**SPECIAL
NOTICE**



President Jimmy Carter greeting a crowd in Columbus, Ohio, in May 1980.

From 1967-1975, Reagan was twice elected governor of California. In this office, he earned a reputation as a leading spokesperson for a growing conservative movement that opposed the cultural radicalism of the 1960s and supported a limited role for the government in solving social problems. After barely losing his 1976 primary bid against Gerald Ford, Ronald Reagan easily won the Republican Party primary election and the nomination in 1980, beating out ten other Republican candidates.

Among those he beat were former director of the Central Intelligence Agency George H.W. Bush from Texas and Representative John Anderson from Reagan's home state of Illinois. John Anderson dropped out in the spring of 1980. But some favorable polling led him to re-enter the race as an independent (not representing any political party).

George H.W. Bush criticized Reagan's policy of deregulating businesses as "voodoo economics." Deregulation means removing government restrictions on how businesses hire and fire workers, invest profits, and make general business decisions. But Reagan strategically chose Bush as his vice-presidential running mate.

Jimmy Carter

Jimmy Carter was a successful peanut farmer from Plains, Georgia. He got involved in politics in Georgia as a vocal proponent of school integration in the early 1960s. He served in the Georgia State Senate from 1963 to 1967 and later served as Georgia's governor from 1971 to 1975. Unlike Reagan, Carter never left the Democratic Party.

In the run-up to the 1980 election, Carter's poor standing in polls prompted several Democrats to run against him in the primaries. One of them was Senator Edward "Ted" Kennedy of Massachusetts.

Kennedy was well-known as a prominent liberal Democrat and brother of President John F. Kennedy. Ted Kennedy strongly criticized Carter for his policies of deregulating the oil and airline industries. Kennedy had

also introduced a bill for national health insurance that Carter opposed. Some of Kennedy's supporters even called Carter a "secret Republican."

Carter beat Kennedy in all but 10 state primaries. Without a clear shot at winning a majority of delegates, many urged Kennedy to drop out of the race. But Kennedy did not drop out, even after Carter won a clear majority on the first ballot at the Democratic Party convention. He initiated a brief fight over convention rules but finally conceded the race to Carter. The general election contest between Reagan, Carter, and independent John Anderson would now begin.

Contrasting Visions

In 1980, Carter said the election was "the sharpest difference in the voters' choice that I remember in my lifetime." He called himself and Vice President Walter Mondale a "tested and trustworthy team."

Energy policy was on most people's minds. After giving his "crisis of confidence" speech in July 1979, Carter had been able to enact a comprehensive energy plan so that by 1980 Americans were consuming less gasoline and were importing 1.5 million fewer barrels of oil than they had in 1977.

But the mood of the country in 1979 was still angry, and long lines at gas stations sometimes resulted in incidents of violence. Carter's approval rating had dropped to 31 percent — equal to that of President Nixon at the height of the Watergate scandal. By 1980, the American economy fell into a recession, making it a challenge for Carter to brag about domestic-policy achievements.

Carter had more success on foreign policy, at least initially. He became president with the goal to make human rights central to U.S. foreign policy. To this end, his administration ended military aid or economic aid to dictatorships in Nicaragua, El Salvador, Chile, and Uganda.

He could also claim some success with regard to relations with the world's other superpower, the Soviet Union (aka USSR). Carter criticized human rights violations by the USSR but maintained a policy of détente, or an easing of tensions. In 1979, the U.S. and the USSR signed the Strategic Arms Limitation Talks (SALT) II treaty that limited both nations' manufacture of long-range nuclear weapons.

In 1980, however, the USSR invaded Afghanistan, prompting Carter to take a harder stance against the U.S.'s communist rival. He announced that the U.S. would boycott the 1980 summer Olympic Games in Moscow, the capital of the USSR. But polls revealed that Americans viewed the Iranian hostage crisis and the Soviet invasion of Afghanistan as evidence that Carter was weak.

Reagan's economic agenda became central to his message. He proposed expanding deregulation, freezing all federal hiring, ending what he thought was wasteful spending in the government, and cutting taxes

on corporations. His plan also proposed to cut personal tax rates by 10 percent. Despite his focus on cutting deficit spending, Reagan also promised to strengthen Social Security for senior citizens.

Perhaps most importantly, Reagan sought to contrast himself with Carter on foreign policy. He supported Carter's recent harder stance against the Soviet Union. But Reagan argued that he would have been tougher against the USSR all along, and he supported greatly increasing military spending.

In April 1980, a failed attempt to rescue the hostages in Tehran that Carter had ordered resulted in the deaths of eight American military personnel. Perceptions that Carter was ineffective only grew stronger as November 1980 Election Day approached.

The General Election Campaign

Reagan entered the general election with a strong lead over Carter in the polls. Reagan presented himself as the cure for the economic recession that he squarely blamed on Carter. He said, "Recession is when your neighbor loses his job; depression is when you lose yours; and recovery is when Jimmy Carter loses his."

But a couple of campaign decisions proved highly controversial for the former California governor. Reagan gave a speech in Philadelphia, Mississippi, reaffirming states' rights in an area where three civil-rights workers had been murdered in 1964 opposing that state's official support for racial segregation.

And in a speech in the Bronx, New York, he called the Vietnam War a "noble cause" and said that both creationism and Darwinian evolution should be taught side-by-side in public schools. This speech and his Mississippi speech bolstered Carter's campaign strategy to portray Reagan as "extremely dangerous."

On October 28, one week before Election Day, Carter and Reagan squared off in their first and only televised debate against each other without the independent John Anderson. Carter emphasized his own record and experience. But when he turned to criticize Reagan for opposing the passage of the Medicare program, Reagan famously responded, "There you go again." Observers noted the moment made Reagan appear confident.

Reagan delivered an equally famous though more solemn line at the end of the debate. He addressed the American people generally and asked, "Are you better off than you were four years ago?" In the midst of a recession and with recent memories of gasoline shortages in their minds, Reagan's question would prove highly effective. And with the Iranian hostage crisis unresolved, Reagan's question implicitly cast doubt on Carter's competence.

Landslide Victories

On Election Day, the contest was a landslide for Reagan. He beat Carter by over eight million popular votes. Moreover, Reagan won 44 states, beating Carter in the Electoral College with 489 votes to Carter's mere 49.



Ronald Reagan campaigning in Indiana for the presidency in 1980.

Ronald Reagan Presidential Library and Museum

What led to the landslide? Certainly, events and circumstances all worked against Carter: the poor economy and unchecked inflation of the times; concerns over the U.S.'s global standing and responsibilities; and perennial debates about the role and size of government.

An additional major contributing factor to Reagan's win likely was the rise of the religious right. The 1970s saw a surge of evangelical Christianity in the political sphere. Jimmy Carter himself was an evangelical Christian and campaigned successfully on that fact in 1976. But in 1980, two-thirds of white voters who identified as evangelical Christian voted for Reagan.

Many Democrats in Midwestern states like Ohio, Pennsylvania, Michigan, and Wisconsin (aka the Rust Belt) were hardest hit by the poor economy and shared the social conservatism of the religious right. They voted for Reagan in large numbers. They came to be known as "Reagan Democrats."

The influence of evangelical conservatives has impacted several subsequent presidential elections, including the 2000 and 2004 elections for Republican George W. Bush, who was himself an evangelical Christian. And in 2016, Donald Trump won the votes of 80 percent of white evangelical voters — surpassing even Ronald Reagan's appeal.

The year 1980 was a watershed year for the Republican Party that sought to move past the country's memory of Nixon's humiliating resignation only six years prior. The Republicans picked up 53 seats in the House and 12 in the Senate in 1980. And in 1984 Reagan would beat Carter's former vice president Walter Mondale with an even greater landslide: 49 states went for Reagan that year.

In Reagan's November 3, 1980, Election Eve speech, he called the United States a "shining city on a hill." It was a reference to a phrase used by the Puritan John Winthrop of Plymouth Bay Colony — evoking pride in what Reagan believed America to be and perhaps a subtle nod to evangelicals. It was also the kind of positive image of the nation that many Americans seemed to want. ►

WRITING & DISCUSSION

1. Explain the differences between the policies of President Carter and his challenger Ronald Reagan in 1980. Use evidence from the article.
2. Do you think it was right for Sen. Ted Kennedy to stay in the Democratic primary race even into the Democratic National Convention in 1980? Why or why not? Do you

think it was right for John Anderson to run as an independent candidate? Why or why not?

3. Why do you think Reagan's question "Are you better off than you were four years ago?" was so effective in helping him win the 1980 election? Use evidence from the article.

ACTIVITY: Two Visions of Governance

1. Read the excerpts from speeches of Ronald Reagan and Jimmy Carter, respectively.
2. With a partner, discuss and answer the questions following the excerpts.
3. Using information from the article and from your discussion with your partner, write a short essay of three paragraphs responding to the following prompt: *Compare and contrast the visions of governance for the United States of Reagan and Carter in 1980. Which one do you agree with more and why?*



Never before in our history have Americans been called upon to face three grave threats to our very existence, any one of which could destroy us. We face a disintegrating economy, a weakened defense and an energy policy based on the sharing of scarcity.

The major issue of this campaign is the direct political, personal and moral responsibility of Democratic Party leadership – in the White House and in Congress – for this unprecedented calamity which has befallen us. . . .

. . .

We need rebirth of the American tradition of leadership at every level of government and in private life as well. . . . But, back in 1976, Mr. Carter said, "Trust me." And a lot of people did. Now, many of those people are out of work. Many have seen their savings eaten away by inflation. Many others on fixed incomes, especially the elderly, have watched helplessly as the cruel tax of inflation wasted away their purchasing power. And, today, a great many who trusted Mr. Carter wonder if we can survive the Carter policies of national defense.

"Trust me" government asks that we concentrate our hopes and dreams on one man; that we trust him to do what's best for us. My view of government places trust not in one person or one party, but in those values that transcend persons and parties. The trust is where it belongs – in the people. . . . That kind of relationship, between the people and their elected leaders, is a special kind of compact.

– Ronald Reagan,
Republican National Convention, July 17, 1980



During the last Presidential campaign, I crisscrossed this country and I listened to thousands and thousands of people – housewives and farmers, teachers and small business leaders, workers and students, the elderly and the poor, people of every race and every background and every walk of life. It was a powerful experience – a total immersion in the human reality of America.

And I have now had another kind of total immersion – being President of the United States of America. Let me talk for a moment about what that job is like and what I've learned from it.

I've learned that only the most complex and difficult task comes before me in the Oval Office. No easy answers are found there, because no easy questions come there.

. . .

And I have learned that the Presidency is a place of compassion. My own heart is burdened for the troubled Americans. The poor and the jobless and the afflicted – they've become part of me. My thoughts and my prayers for our hostages in Iran are as though they were my own sons and daughters.

The life of every human being on Earth can depend on the experience and judgment and vigilance of the person in the Oval Office. The president's power for building and his power for destruction are awesome. And the power's greatest exactly where the stakes are highest – in matters of war and peace.

– President Jimmy Carter,
Democratic National Convention, August 14, 1980

Questions

1. What did each candidate think was the most important issue facing the United States?
2. What qualities did each candidate seem to think was most important for a president to have?
3. Which candidate seemed to talk more about issues that you think are important today?

SOUTH AFRICA: CONFRONTING THE COUNTRY'S APARTHEID PAST



A wall at the Apartheid Museum in Johannesburg displays the names and dates of the many laws created to implement and enforce South Africa's brand of racial segregation.

Following the first free and fair elections in South Africa in 1994, the country's new government created a national Truth and Reconciliation Commission (TRC). The TRC was tasked with investigating gross human rights violations committed from 1960 to 1994 (or most of the apartheid era). The commission's assignment was daunting and controversial from the outset. More than 20 years later, the commission's significance for South Africa, and for other countries trying to address past violence and oppression, remains the subject of debate.

Origins of Apartheid

After a colonial period marked by often violent competition between descendants of Dutch settlers (known as Afrikaners) and settlers of British descent, the two groups formed a unified country in 1910. This white minority in power then sought to separate and control the land's native African peoples and the other people of color they had brought to South Africa to serve their economic interests.

The early government-designated most urban areas as “whites-only,” but cities depended on the labor of people of color. So the government moved “non-white” people to nearby crowded settlements known as “townships,” which had little or no infrastructure or services. The largest and most well-known is Soweto (short for South Western Township), outside of Johannesburg. Today, it is home to almost 1.3 million people.

At every step, black people and other people of color resisted. In 1923, the African National Congress (ANC) formed out of an earlier organization to protect the rights of black people.

The Afrikaner-dominated National Party (NP) came to power in 1948 and instituted a platform of racial segregation called *apartheid*. The word *apartheid* means “separateness” or “apartness” in Afrikaans, the language of the Afrikaners.

The Apartheid Era

The NP had campaigned on the promise to implement apartheid, and it kept that promise (or tried to) until 1994. Building on discriminatory laws from the earlier colonial periods, the NP erected a legal framework of segregation that dictated every conceivable facet of life. It was dizzying in its breadth and detail.

One of the seminal laws of the apartheid state was the Population Registration Act. Passed in 1950, this law defined the racial categories that informed subsequent segregation laws. It designated people as either “White,” “Black” (also referred to as “African,” “Native,” or “Bantu”), or “Coloured.” This last category included several subcategories that accounted for other “non-white” people in South Africa.

People were classified based on a myriad of pseudo-scientific or just arbitrary methods, such as physical appearance. According to a 1956 newspaper article quoted at the Apartheid Museum in Johannesburg, a person's athletic skill or preference could tip the scale one way or the other: “a soccer player is a Native, a rugby player is a Coloured.”

A person's race classification determined everything from where they could live, where or whether they could own land, and where they could work. It also determined what kind of job they could have, where they could go to school, and whether or when or for how long they could travel from one place to another.

Perhaps not surprisingly, repeated rounds of rebellion and repression characterized the apartheid era in South Africa. One of the most notorious incidents was the 1960 massacre in the township of Sharpeville, where police killed 69 and wounded 180 people who had gathered to protest “pass laws” that severely restricted black people's freedom of movement.



A Truth and Reconciliation Commission press conference in Cape Town. Pictured second from left is Archbishop Desmond Tutu.

In 1963, ANC leaders including Nelson Mandela and Walter Sisulu were charged with a range of crimes related to trying to overthrow the government. In this infamous trial, known as the Rivonia Trial, the men were sentenced to life in prison. Later, in 1976, police killed anywhere from 176 to as many as 700 people and wounded about 4,000, many of them children, during student-led demonstrations in Soweto.

International condemnation followed these events. The British Commonwealth expelled South Africa in 1961, and the United Nations Security Council (UNSC) condemned the Rivonia Trial. The UN also labeled apartheid a “crime against humanity” in 1973, over objections from South Africa, the United States, the United Kingdom, and Portugal. The UN General Assembly suspended South Africa the following year, and the UNSC imposed a mandatory arms embargo on South Africa in 1977.

The End of Apartheid

In early 1990, then-President F.W. de Klerk announced the legalization of previously banned political organizations, including the ANC, and granted the release of political prisoners. Nelson Mandela was released from prison on February 11, 1990, after almost 28 years.

Mandela, de Klerk, and other leaders worked to negotiate a transition to a multi-racial, democratic government in South Africa. But growing political and ethnic conflict was ravaging the country. State security forces, right-wing Afrikaner paramilitary groups, and supporters of different factions of black liberation movements clashed all across the country.

Between 1990 and 1994, 14,000 people (almost all of whom were black) were killed. A panel at the Apartheid Museum points out that this was “several times more than had died in the previous four decades.” This period of political violence threatened to derail the first elections of the “new South Africa” scheduled for April 27, 1994.

Nonetheless, those elections did take place. Nelson Mandela became the first president of South Africa to be chosen by a majority of its citizens. South African

writer Sisonke Msimang is blunt in her assessment of what they achieved, especially for white South Africans: “By using negotiations rather than armed insurrection, Mandela and his comrades averted civil war and sheltered whites from mass violence.”

Seeking Truth and Reconciliation

A month after the first elections, the new government announced that it would establish a Truth and Reconciliation Commission (TRC), the structure and function of which would be laid out in legislation.

The TRC’s members were nominated, vetted, and selected through a public process that included televised interviews. The 17 commissioners ultimately appointed were a racially, ethnically, and politically diverse group. Anglican Archbishop Desmond Tutu, a Nobel Peace Prize winner and longtime anti-apartheid activist, was named Chairman of the TRC. The commission met for the first time in December 1995.

Its legal mandate included several specific tasks. Through investigations and public hearings, it was to find out as much as possible about the truth of what happened in cases of gross human rights violations from March 1, 1960, to May 10, 1994. It would grant amnesty to perpetrators of these violations when certain conditions were met. And it would make recommendations to the government about reparations to and rehabilitation for victims of the violations. To accomplish these, the TRC was given powers of subpoena (order someone to appear), search, and seizure.

The law that governed the TRC’s work defined gross violations of human rights as “killing, abduction, torture or severe ill-treatment” and the “attempt, conspiracy, incitement, instigation, command or procurement to commit” such acts. As the commission would later note, this meant that its focus was actually quite limited and would “by no means” provide a complete picture of apartheid’s crimes and abuses.

The Work of the TRC

With several offices across the country and different departments tasked with various aspects of the commission’s mandate, one of the many practical issues the TRC had to deal with was hiring “statement takers.” These crucial staff would fan out nationwide to receive testimony. To do so, the staff had to include speakers of all 11 of South Africa’s official languages.

As people gave testimony and/or applied for amnesty, their statements and allegations had to be corroborated. Archbishop Tutu stressed that all of this work had to be done quickly so that the TRC’s public hearings, which would be televised, could begin as soon as possible. He also constantly reminded the commissioners that those public hearings must include the voices of “the little people,” not just those from high-profile cases.

The first public hearings were held in East London from April 15-18, 1996, and included 33 testimonies.

Many more hearings soon followed. South Africans bore witness to their country's violent past in towns and townships big and small and in gatherings that ranged from a few grieving people to the largest of 3,500. Testimonies were heard in the weekly TV broadcasts that aired from April 1996 to March 1998. When this phase of the TRC's work was over, it had taken testimony from about 21,000 people.

The Question of Amnesty

The issue of *amnesty* (protection from civil or criminal prosecution) was the most controversial aspect of the TRC's mandate and work. The commission was given the power to grant amnesty to perpetrators of the gross human rights violations it was documenting.

Some victims' families felt that amnesty amounted to impunity and took the issue to the country's Constitutional Court. They argued that the amnesty denied them their constitutional right to seek justice through the courts and to bring civil actions against perpetrators for compensation. When the court handed down its ruling affirming that the amnesty process was indeed constitutional, it stressed that this was not a blanket amnesty where anyone associated with the previous regime was protected. Amnesty would only apply in certain circumstances.

To receive amnesty, a perpetrator had to apply for it, and the commission had to be satisfied that two important conditions had been met. First, the act had to have been "associated with a political objective committed in the course of the conflicts of the past." Second, the applicant had to "make a full disclosure of all relevant facts." It was not a requirement that the applicant apologize or show any remorse. The requirement that a person apply for the amnesty meant that anyone who didn't do so took the chance of being prosecuted.

Many critics have pointed out that there were too many opportunities for perpetrators — especially those who had been part of the apartheid state apparatus — to avoid either criminal or civil accountability. Two indemnity laws passed in 1990 and 1992 by the outgoing white-minority government had already allowed thousands of people to avoid prosecution.

Critics have also noted that many perpetrators didn't apply for amnesty because they thought their secrets, and their crimes, were safe. Beginning with the decline of the apartheid regime, thousands of documents and evidence



Archbishop Desmond Tutu was awarded the Nobel Peace Prize in 1984 and was elected Archbishop of Cape Town in 1986, becoming the first black person to head the Anglican Church in South Africa.

In an anecdote from her days as a commissioner with the TRC, Mary Burton recalls a moment from the second day of the first TRC hearings in East London. Ernest Malgas was a long-time anti-apartheid activist who had been arrested and detained repeatedly, and who was imprisoned for 15 years. He appeared before the commission frail, elderly, and wheelchair-bound.

Burton wrote: "As he described how he had been interrogated, and tortured by a method known as the 'helicopter,' he broke down . . . This was too much for Archbishop Tutu, who laid his head down on his arms on the table in front of him and wept too. The image went instantly around the world. Later reflecting on this experience, the Archbishop vowed he would never let himself be thus overcome again: nothing should be allowed to take attention away from the victim and the story."

of abuses were destroyed. The National Intelligence Agency did this as late as 1996 in direct defiance of two "cease and desist" orders from the Mandela government.

The TRC received 7,112 applications for amnesty. By the time it concluded its work in 2000, it had granted 849 of them and denied 5,392. (Some applications were withdrawn).

Reparations

Reparations were an extremely complex issue. The TRC ultimately recommended that one part of reparations take the form of an individual reparation grant (IRG) to be made to all victims in six annual payments of about \$4,750 – \$6,300 (in today's dollars), depending on family size and other factors. In its final report, the TRC added that "reparation is essential to counterbalance amnesty." Since amnesty protected perpetrators from civil liability, the state accepted that responsibility.

Though it eventually did take on that responsibility, the government's action on these recommendations — five years after they were made — fell short. Victims received only a one-time IRG payment of about \$8,300 (in today's dollars).

In addition to the IRG, the commission recommended that reparations should include community rehabilitation programs, institutional reforms, and "symbolic reparations," such as establishing monuments and memorials and renaming roads and public spaces.

The TRC's Unfinished Business

The TRC had a specific task to accomplish with limited resources. In its final report, the commission acknowledged that "it is not possible for one commission, with a limited life-span and resources, on its own to achieve reconciliation against the background of decades of oppression, conflict and deep divisions."

One area of unfinished business is the question of perpetrators of gross human rights violations who were denied amnesty. In 1998, the TRC handed over a list of more than 300 names to the National Prosecuting Authority, asking it to investigate them to pursue prosecutions.

Between 2001 and 2016, only five cases, involving 11 perpetrators, were prosecuted. Evidence emerged that during that time, these investigations were stopped by high-level political decisions. As recently as February 2019, Archbishop Tutu and nine of the former truth commissioners called on current president Cyril Ramaphosa to investigate why these prosecutions were suppressed.



The 6th hole of Papwa Sewgolum Golf Course in Durban, South Africa, just a few meters from an informal settlement where residents are crowded into shacks, with unpaved roads and few services. The golf course is named for a renowned golfer of Indian descent whose career was ruined by the apartheid government.

South Africa Today

One of the most enduring criticisms of the TRC is that it didn't confront the structural effects of apartheid. The TRC's final report stresses that millions of South Africans were subjected to daily violations that were "systemic, all-pervading and evil" but that were beyond the legal scope of the commission's work.

What does the long-term impact of apartheid look like? According to a 2018 report by the World Bank, South Africa is the most unequal country in the world. The richest 10 percent of the population — which is overwhelmingly white — controls 70 percent of the nation's wealth. The bottom 60 percent of the population — which is mostly black but also includes other people of color — controls just 7 percent. The unemployment rate for black South Africans in 2018 was over 30 percent; for white South Africans, it was about 7 percent. Against this backdrop, the majority of South Africans experience soaring violent crime rates, daily rolling blackouts, and stagnant economic growth.

Yet against this backdrop of extreme inequality that bears marks of apartheid, former president F.W. de Klerk insisted in a TV interview in 2020 that apartheid

could not be considered a crime against humanity, despite UN resolutions and a 2002 statement by the International Criminal Court to the contrary. His comments sparked fresh outrage nationwide.

The work of the TRC was clearly but one step in South Africans' reckoning with apartheid. As Archbishop Tutu affirmed in the last TRC report in 2003, the work of real reconciliation is a job for the "long haul and depends not on a commission for its achievement but on all of us making our contribution. It is a national project after all is said and done."

WRITING & DISCUSSION

1. Summarize the origins and history of apartheid.
2. Why was F.W. de Klerk's statement in 2020 that apartheid was not a crime against humanity controversial? Use at least three examples from the article in your answer.
3. Taking into account the history of and current conditions in South Africa, do you think widespread inequality puts all citizens of a country at risk? Support your response with examples from the article as well as other cases you may know.

ACTIVITY: Examining the TRC's Amnesty Process

Using the main article, work individually, with a partner, or in a group of 4-5 students to critically examine the TRC's amnesty process. As a starting point, answer the questions below. Then add an additional question of your own to pose to another student or student group. Make sure to use evidence from the text and be prepared to report your findings back to the whole class.

- Do you think the Constitutional Court made the right decision in allowing the TRC's amnesty process to go forward? Why or why not?
- Do you think the amnesty process and the criteria that the TRC established were fair? Why or why not?
- Do you think the TRC's amnesty process could lead to reconciliation in South Africa? Why or why not?



facebook.com/
constitutionalrightsfoundation



instagram.com/crfusa/



twitter.com/crfusa



linkedin.com/company



pinterest.com/crfusa



youtube.com/crf2crf

LEAVE OR REMAIN: BREXIT IN THE UK



Andrew Parsons/No10 Downing Street, used under a CC BY-NC-ND 2.0 license

Britain's Prime Minister Boris Johnson delivering a speech in London in March 2020 after the UK left the European Union ("Brexit") on January 31, 2020.

On January 23, 2020, Queen Elizabeth II of the United Kingdom (UK) assented to an Act of Parliament that would withdraw the UK from the European Union (EU) at the end of 2020. After 47 years, the UK would no longer be part of an economic and political union that had transformed Europe since the end of World War II in 1945. Why did this happen?

What Is Brexit?

The UK's withdrawal from the EU followed three-and-a-half years of discord in the island nation after passage of the national referendum known as *Brexit*. The term Brexit is a blend of "Britain" and "exit." Prime Minister David Cameron called for the referendum in 2013. In 2016, the referendum presented voters with a simple choice: to leave the EU (a position called *Leave*) or to remain in the EU (a position called *Remain*). Cameron was confident that *Remain* would win. But 52 percent of voters chose *Leave*, and 48 percent chose *Remain*.

After the vote, Cameron resigned. His successor, Theresa May, struggled for three years to negotiate a deal with the EU that would win the approval of Parliament. These negotiations were complex because membership in the EU shaped many aspects of life in the UK, including trade, business administration, immigration, and travel and education abroad. After Parliament rejected her last proposals in early 2019, May ended her efforts and resigned as leader of the Conservative Party and as Prime Minister.

Boris Johnson, a former journalist and London Mayor, succeeded May as prime minister. He pledged to Parliament that he would "Get Brexit Done." Unlike his two predecessors, Johnson had supported the *Leave* campaign in 2016. In fact, he had long been a skeptic of the EU. His writings had contributed to the growth of a faction within the Conservative Party that advocated the UK's withdrawal from the EU.

As prime minister, Johnson is determined to complete *Brexit*. In September 2019, he tried to limit debate on his policies by suspending Parliament, but the UK's Supreme Court declared his actions unlawful. He then demanded a national election but failed to win the required two-thirds of members of Parliament.

Finally, Johnson circumvented the two-thirds restriction by introducing a substitute measure that required only a simple majority. The measure passed and the election was held in December. Johnson and the Conservatives won a clear majority. In January, Parliament voted to leave the EU at the end of 2020, with or without a trade deal with the European Union.

From EEC to EU

The UK's departure from the EU marks a major change in the European order. Since World War II, European nations have followed a path of increasing continental unity. In 1958, Belgium, Germany, France, Italy, Luxembourg, and the Netherlands signed a treaty to create the European Economic Community (EEC). These countries sought to create a common market in Europe, removing all barriers to trade among member states. Over the decades, more and more member states began to share common regulations of industries, such as coal, steel, and atomic energy. The EEC eventually grew to include 22 additional countries.

For its part, the UK did not take part in the treaty that created the EEC, nor did it apply for membership until 1963. Twice, in 1963 and 1967, French President Charles de Gaulle vetoed the UK's application. De Gaulle warned that the UK had an underlying hostility to the integration of European countries, and that the UK was more allied to the United States than to Europe. He said the UK would eventually undermine the common market of Europe. Britain finally joined the EEC in 1973, two years after de Gaulle's death.



An anti-Brexit demonstration in October 2019.

In 1975, the UK held its first national referendum on continuing membership in the EEC. During the campaign, the Labour Party, composed mainly of social democrats (progressives) and trade union members, voted by a slight majority to remain in the EEC. But Conservative Party members, composed of supporters of free trade and pro-business interests, supported the UK's membership by a much higher margin of 88 percent.

Popular and party support for the EEC changed during the next 40 years. In 1984, Prime Minister Margaret Thatcher successfully negotiated a 66 percent reduction of the UK's contribution to the EEC. Although the savings the UK enjoyed afterwards strengthened Conservative support for the EEC, in the coming years progressive, pro-environment, and pro-organized labor stances adopted by the EEC leadership conflicted with the Thatcher government's internal policies. However, these same EEC policies led the Labour Party to drop its opposition to EU membership.

In 1993, the EEC finally formed one common market in Europe. Goods, services, labor (workers), capital (money to invest in businesses), and people could all freely cross the borders of the member states. This new common market was named the European Union, which adopted a common currency (the Euro) and was governed partially by an elected European Parliament with both legislative and budgetary powers. At the time of the Brexit vote of 2016, the EU consisted of 27 member states, including 11 that the Soviet Union had dominated before 1991.

No member of the EU had withdrawn from the organization before the UK did so in 2020. After the vote to leave, some observers worried that the UK's exit signaled that decades of cooperation among European nations would end. Support for the EU remains strong in most member nations. In other nations, particularly Italy, Greece, and Bulgaria, distrust of the EU is

significant. Some fear that a breakup of the EU might return Europe to what Winston Churchill called "a series of frightful nationalistic quarrels" that had plagued it for centuries.

Why Withdraw?

Single-issue political groups that favored UK withdrawal from the EU formed in the 1990s. While based primarily on Conservative support, they also attracted adherents from the Labour party. Analysis of the 2016 referendum reveals that voters split more by region, education-level,

and age than party affiliation. *Leave* voters dominated in rural areas, but most voters in cities voted *Remain*. Support for withdrawal increased with each ten years of voter age. Seventy-three percent of voters between 18 and 24 years selected *Remain*, while 60 percent of voters aged 60 years and older chose *Leave*.

The UK's *Leave* voters reflected trends that have been growing across Europe. Anti-immigrant sentiment has grown among voters in other EU nations in response to the arrival in Europe of many asylum-seekers fleeing the devastating civil war in Syria, as well as extreme poverty and war in a number of African countries. Many *Leave* voters complained that the EU's "free movement of people" policies impaired the UK's control over immigration.

Racism and xenophobia (fear of foreigners) became central to debates over Brexit. Polling showed that many working-class Britons were concerned about the free movement of people allowing immigrants to take their jobs. Nationalist politicians such as Nigel Farage supported *Leave* and exploited workers' prejudices and economic woes with posters displaying racist images of Arab and South Asian men, including depictions of stereotypes of Muslims, in an effort to play to widespread Islamophobia.

But evidence suggests that many voters were uninformed about Brexit and what it meant. British writer Otto English supported *Remain* and talked to *Leave* voters who said they were "voting for chaos," or they saw it as a symbolic vote "for Boris [Johnson]." Others were not even aware that the UK was already a member state in the EU. After the Brexit polls closed, "What is the EU?" became the second most frequent Google search in the UK. "What does it mean to leave the EU?" was the top search question.

Young people, people in large cities like London, and people in Scotland and Northern Ireland all tended to support *Remain*. For young people, the free

movement of people represented something positive because they often find jobs outside the UK — in EU countries. Polling showed that older voters and rural voters tended to be more opposed to immigration.

Many *Leave* voters also complained that membership in the EU had led the UK to sacrifice part of its sovereignty. A poll of 12,369 British voters throughout the UK on the day of the Brexit vote revealed that 49 percent of *Leave* voters said the single biggest reason for their vote was “the principle that decisions about the UK should be taken in the UK.” Thirty-three percent cited immigration concerns, while only 6 percent cited economic concerns. On the other hand, 43 percent of *Remain* voters cited risks to the economy and jobs as “too great” to leave the EU, followed by 31 percent who favored the EU’s single market.

On the issue of sovereignty, for instance, British fishermen complained of excessive EU regulations and competition from foreign boats in UK waters. While the fishing industry is a minor part of Britain’s industry and workforce, the fishermen’s grievances became a central issue in the 2016 Brexit debate. Boris Johnson also highlighted them in his election campaign in 2019.

The *Leave* campaign gained support from some left-of-center voters who criticized the EU for favoring corporate interests at the expense of consumers and workers. Many right-of-center voters also chose *Leave* out of skepticism about political leadership in both parties. To an extent, the *Leave* vote reflected populist attitudes that have been growing in other European nations and the United States.

A Vote for Free Trade?

It’s unclear how the UK will fare economically after it leaves the EU. Opponents of Brexit argue that higher custom duties and a decline in exports will reduce the UK’s gross national product by as much as eight percent. They expect multinational companies headquartered in London to move operations to other EU nations, costing the UK jobs and tax revenue. Opponents also point to non-economic impacts, such as diminished security and international influence.

Proponents of Brexit dismiss most of these economic criticisms. They argue that the UK contributes more money to the EU than it receives in benefits. They also contend that British consumers will pay less for non-European imports from non-EU nations when they are not subject to the EU’s Common Customs Tariff. A tariff is a tax on imports, in this case a tax on imports



The European Parliament approved the UK withdrawal from the EU on January 29, 2020, with 621 votes in favor, 49 opposed, and 13 abstentions.

from non-EU countries. Beyond these specific financial claims, *Leave* proponents see a more robust future for the UK’s economy after it is free from the EU’s regulatory powers.

In February 2020, Prime Minister Johnson praised Parliament’s vote to withdraw from the EU. He declared that it ended “a debate that has run for three and a half years — some would say 47 years.” For Johnson the overarching goal of Brexit is to return the UK and the world to free trade, or a global policy that does not limit imports and exports from one country to another.

Johnson denies that Brexit was a vote to isolate the UK and impose protectionist economic policies. Protectionism is the opposite of free trade. It is the use of restrictions on imports to protect domestic producers of goods, like consumer products. The main tool of protectionism is the tariff.

Whether Johnson’s views reflect those of most *Leave* voters remains to be seen. However, the UK has a history of standing aloof from continental Europe while looking to the world beyond the continent. The UK was an active player in European politics for centuries, but its overall policy was defensive: opposing European states attempting to dominate the continent while maintaining a superior fleet to guard against invasion by European armies.

Johnson rejects anti-Brexit Britons’ fear that his determination to “take back control” will ultimately involve relaxing protections for workers and the environment. But many Brexit opponents worry that without the EU’s regulations, the Johnson government will seek closer economic ties with the Trump administration, favoring business interests over those of workers, consumers, and the environment.

Johnson has stated that, if necessary, the UK will leave the EU without a trade deal. In his February 2020 speech, however, he expressed his preference for an agreement that would mirror the EU’s trade agreement with Canada, the Comprehensive Economic and Trade

Agreement (CETA). He described CETA as “a free trade agreement, which opens up markets and avoids the full panoply of EU regulation” Whether Johnson can convince the EU nations to agree to a “Canada deal” remains to be seen. Significant opposition to such an agreement has already developed in the EU and the UK alike.

The Future of the UK

Brexit may also have dramatic consequences for the UK’s internal affairs in both Scotland and Northern Ireland, where a substantial majority voted *Remain*. Polls taken in Scotland since the Brexit referendum show a growing sentiment in favor of Scottish independence. In 2014, 44.7 percent of the Scottish electorate voted to leave the UK.

In Northern Ireland, where tensions between Catholic and Protestant areas gave rise to decades of violence in the 20th century, support and opposition to Brexit divided along religious and community lines. Protestant communities voted *Leave* while Catholic areas voted *Remain*. Some observers have noted that there-imposition of tariffs and border agents between the Catholic-majority Republic of Ireland and the slightly Protestant-majority Northern Ireland could renew demands by Catholics for separation from the UK.

To address this problem, Teresa May and the EU earlier agreed to maintain a policy called the Common Customs Tariff until a permanent solution could be negotiated. Under this arrangement, goods would continue to flow from the UK to Ireland and between the EU and the UK unencumbered by tariffs or regulations. The agreement became known as the Irish Backstop.

Many Conservatives opposed the temporary Irish Backstop, claiming that it effectively undermined the point of the Brexit vote. After becoming Prime Minister, Boris Johnson negotiated a new agreement with the EU under which goods would still move freely between Ireland and Northern Ireland, but the UK will impose an internal trade barrier between Northern Ireland and the rest of Great Britain. Northern Ireland’s Protestants claim it will isolate Northern Ireland from the rest of the UK and bond it closer to the Republic of Ireland.

While Northern Ireland’s Catholic leaders support the agreement, they continue to oppose the UK’s exit from the EU. Their desire to unite their communities with the Republic of Ireland has strengthened.

The COVID-19 pandemic has made the UK’s decision to withdraw from the EU by the end of 2020 more challenging. The European Union has called for the UK to delay its withdrawal until 2021. Despite the worldwide economic collapse and the heavy toll that the pandemic has exacted from the British Isles, Prime Minister Johnson remains determined to leave by the end of the year.

WRITING & DISCUSSION

1. Describe the relationship between the UK and the EU since World War II. How significantly did Brexit change that relationship?
2. What were the key differences between those in the UK who opposed Brexit and those who supported it?
3. Was Charles de Gaulle ultimately correct in his warnings about the UK entering the European common market? Why or why not? Use evidence from the article in your answer.

ACTIVITY: Withdrawals Past and Present

How does Brexit compare to other withdrawals of nations from treaty agreements, past and present? Working individually or with a partner, research one of the following examples of treaty-withdrawals or national independence movements and write a one-page report comparing and contrasting it with Brexit.

- Japan’s withdrawal from the League of Nations in 1933
- The establishment of the Kurdistan Regional Government in 1992
- The Scottish independence referendum of 2014
- The Catalan declaration of independence in 2017
- U.S. withdrawal from the Paris Agreement on climate change in 2017
- Hong Kong protests for independence in 2019-2020

Subscribe to *Bill of Rights in Action*

Sign up for a free subscription or make changes to your current subscription at: www.crf-usa.org/bria



Sources

The Election of 1980

Anderson, William L. "Rethinking Carter." Mises Institute, 25 Oct. 2000. Accessed 05 Apr. 2020. mises.org/library/rethinking-carter • Butterfield, Fox. "WRITE IN REAGAN, DEMOCRATS ARE URGED." *The New York Times*, 23 Feb. 1984. Accessed 26 Mar. 2020. www.nytimes.com/1984/02/23/us/write-in-reagan-democrats-are-urged.html • Cannon, Lou. "Ronald Reagan: Campaigns and Elections." Miller Center, University of Virginia, N.D. Accessed 30 Mar. 2020. millercenter.org/president/reagan/campaigns-and-elections • Clymer, Adam. "John Anderson, Who Ran Against Reagan and Carter in 1980, Is Dead at 95." *The New York Times*, 04 Dec. 2017. Accessed 30 Mar. 2020. www.nytimes.com/2017/12/04/us/politics/john-anderson-who-ran-against-reagan-and-carter-in-1980-is-dead-at-95.html • "Crisis of Confidence." American Experience, N.D. Accessed 05 Apr. 2020. www.pbs.org/wgbh/americanexperience/features/carter-crisis/ • Haberman, Clyde. "Religion and Right-Wing Politics: How Evangelicals Reshaped Elections." *The New York Times*, 28 Oct. 2018. Accessed 25 Mar. 2020. www.nytimes.com/2018/10/28/us-religion-politics-evangelicals.html • "James Carter." The White House, N.D. Accessed 05 Apr. 2020. www.whitehouse.gov/about-the-white-house/presidents/james-carter/ • "Jimmy Carter for President 1980 Campaign Brochure: 'A Tested and Trustworthy Team'." 4President.org, N.D. www.4president.org/brochures/1980/cartermondale1980brochure.htm • "John Anderson for President 1980 Campaign Brochure: 'Most polls show that if people believe John Anderson can win, he will win. Your support will make Anderson President.'" 4President.org, N.D. Accessed 05 Apr. 2020. www.4president.org/brochures/andersonlucy1980brochure.htm • "July 17, 1980: Republican National Convention." Miller Center, University of Virginia, N.D. Accessed 01 June 2020. millercenter.org/the-presidency/presidential-speeches/july-17-1980-republican-national-convention • Newport, Frank. "History Shows Presidential Job Approval Ratings Can Plummet Rapidly." *Gallup News Service*, 11 February 1998. Accessed 15 May 2020. news.gallup.com/poll/4258/history-shows-presidential-job-approval-ratings-can-plummet-rapidly.aspx • "Reagan and the 1980 Debates." *YouTube*, uploaded by HISTORY, 10 Feb. 2011. youtu.be/YgkDeQqFH-Y • "Reagan coalition." Wikipedia, 26 June 2019. Accessed 25 May 2020. en.wikipedia.org/wiki/Reagan_coalition • "Reagonomics or 'voodoo economics'?" BBC News, 5 June 2004. Accessed 10 May 2020. news.bbc.co.uk/2/hi/americas/270292.stm • "Ronald Reagan, Election Eve Address 'A Vision for America.'" *The American Presidency Project*, UC Santa Barbara, N.D. Accessed 30 Mar. 2020. www.presidency.ucsb.edu/node/285591 • "Ronald Reagan for President 1980 Campaign Brochure: 'The time is now for strong leadership.'" 4President.org, N.D. www.4president.org/brochures/reagan1980brochure2.htm • Stuart, Peter C. "Abortion issue thrown into political arena." *The Christian Science Monitor*, 02 July 1980. Accessed 04 Apr. 2020. www.csmonitor.com/1980/0702/070240.html • Strong, Robert A. "Jimmy Carter: Campaigns and Elections." Miller Center, University of Virginia, N.D. Accessed 10 Apr. 2020. millercenter.org/president/carter/campaigns-and-elections • "Ted Kennedy and the vitriolic 1980 US election - Newsnight archives." *YouTube*, uploaded by BBC Newsnight, 14 Jan. 2016. www.youtube.com/watch?v=ZbOJsJzBgdw • "United States presidential election of 1980." Encyclopaedia Britannica, N.D. Accessed 10 Apr. 2020. www.britannica.com/event/United-States-presidential-election-of-1980 • Vavreck, Lynn. "The Long Decline of Trust in Government." *The New York Times*, 03 July 2015. Accessed 20 May 2020. www.nytimes.com/2015/07/04/upshot/the-long-decline-of-trust-in-government-and-why-that-can-be-patriotic.html • Ward, Jon. "The Humiliating Handshake and the Near-Fistfight that Broke the Democratic Party." *Politico Magazine*, 21 Jan. 2019. www.politico.com/magazine/story/2019/01/21/camelots-end-kennedy-vs-carter-democratic-convention-1980-224030 • Waxman, Olivia B. "Could Trump Lose the Republican Nomination? Here's the History of Primary Challenges to Incumbent Presidents." *TIME*, 10 Oct. 2019. Accessed 20 Apr. 2020. time.com/5682760/incumbent-presidents-primary-challenges/

South Africa: Confronting the Country's Apartheid Past

"1950 - Population Registration Act No. 30." *The Heart of Hope*. Accessed 18 Apr. 2020. omalley.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01828/05lv01829/06lv01838.htm • Burton, Mary Ingouville. *The Truth and Reconciliation Commission*. Auckland Park (South Africa), Jacana Media, 2016. • de Klerk, F.W. "Dealing with the past," *The Truth and Reconciliation Commission 10 Years On*, edited by Charles Villa-Vicencio and Fanny du Toit, Cape Town, David Philip Publishers, 2018, pp. 175-178. • ———, Roelf Meyer, and Cyril Ramaphosa. Interview with Lerato Mbele on *Interface*, (SABC 3), 30 April 2006. *The Truth and Reconciliation Commission 10 Years On*, edited by Charles Villa-Vicencio and Fanny du Toit, Cape Town, David Philip Publishers, 2018,

pp. 188-190. • Fihlani, Pumza and Dominic Bailey. "South Africa elections: Charting divides 25 years after apartheid." BBC News, 2 May 2019. Accessed 5 May 2020. www.bbc.com/news/world-africa-48050197 • Katwala, Sunder. "The Rivonia Trial." *The Guardian*, 10 Feb 2001. Accessed 20 Apr. 2020. www.theguardian.com/world/2001/feb/11/nelsonmandela.southafrica2 • Mabuza, Ernest. "NPA must prosecute apartheid-era crimes, urges TRC commissioner." *Sunday Times*, 3 June 2019. Accessed 29 Apr. 2020. www.timeslive.co.za/news/south-africa/2019-06-03-npa-must-prosecute-apartheid-era-crimes-urges-trc-commissioner/ • Modise, Tim and panel. "A Public Symposium: Dialogue & Reflection." *The Truth and Reconciliation Commission 10 Years On*, edited by Charles Villa-Vicencio and Fanny du Toit, Cape Town, David Philip Publishers, 2018, pp. 9-16. • Msimang, Sisonke. "All Is Not Forgiven." *Foreign Affairs*, Jan./Feb. 2018, pp. 28-34. • Parmentier, Stephan & Elmar Weitekamp, "The Truth and Reconciliation Commission in South Africa in Perspective: Origins and Achievements" in Mangai Natarajan (ed.), *International and Transnational Crime and Justice*, Cambridge University Press, 2019. • Pernegger, Li and Susanna Godehart. *Townships in the South African Geographic Landscape – Physical and Social Legacies and Challenges*. Training for Township Renewal Initiative, South Africa National Treasury, Pretoria, Oct. 2007. Accessed 28 Apr. 2020. www.treasury.gov.za/divisions/bo/ndp/TTRI/TTRI%20Oct%202007/Day%201%20-%202029%20Oct%202007/1a%20Keynote%20Address%20Li%20Pernegger%20Paper.pdf • "Profile: Archbishop Desmond Tutu." *BBC News*, 22 July 2010. Accessed 30 Apr. 2020. www.bbc.com/news/world-africa-10725711 • Sooka, Yasmin. "The TRC's Unfinished Business: Prosecutions." *The Truth and Reconciliation Commission 10 Years On*, edited by Charles Villa-Vicencio and Fanny du Toit, Cape Town, David Philip Publishers, 2018, pp. 17-22. • South African Broadcasting Corporation (SABC) News. "Former President FW de Klerk on unbanning of political parties and Mandela's release." *YouTube*, 2 Feb. 2020. www.youtube.com/watch?v=VBE844vDkx4 • South African History Archive/South African Broadcasting Corporation. "The TRC Special Report Series." Accessed multiple times Apr. 2020. sabcrc.saha.org.za/background.htm • "South African Truth Commission." *Wex - Legal Information Institute*. Cornell Law School. Accessed 30 Mar. 2020. www.law.cornell.edu/wex/south_african_truth_commission • "These are the biggest townships in South Africa." *Business Tech*, 14 Aug. 2016. Accessed 20 Apr. 2020. businesstech.co.za/news/trending/132269/these-are-the-biggest-townships-in-south-africa/ • The World Bank. *Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities*. The World Bank, Mar. 2018. documents.worldbank.org/curated/en/530481521735906534/pdf/124521REV-UO-South-Africa-Poverty-and-Inequality-Assessment-Report-2018-FINAL-WEB.pdf • "This Day in History: November 6, 1962 — U.N Condemns Apartheid in South Africa." *History.com*. Accessed 17 Apr. 2020. www.history.com/this-day-in-history/u-n-condemns-apartheid • "TRC commissioners want inquiry into suppression of apartheid-era crimes." *Sunday Times*, 6 Feb. 2019. Accessed 20 Apr. 2020. www.timeslive.co.za/news/south-africa/2019-02-06-trc-commissioners-want-inquiry-into-suppression-of-apartheid-era-crimes/ • Truth and Reconciliation Commission of South Africa. *Report, vol. 1, vol. 5, vol. 6*. South Africa Department of Justice, Pretoria, 1998 and 2000. Accessed multiple times Mar.-Apr. 2020. www.justice.gov.za/trc/report/ • "United Nations Security Council Resolution 418." *Wikipedia*. Accessed 17 Apr. 2020. en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_418 • United States Institute of Peace. "Truth Commission: South Africa." Accessed 25 Mar. 2020. www.usip.org/publications/1995/12/truth-commission-south-africa • van de Walle, Nicolas. "Capsule Review — Sharpeville: A Massacre and Its Consequences by Tom Lodge." *Foreign Affairs*, Nov./Dec. 2011. Accessed 20 Apr. 2020. www.foreignaffairs.com/reviews/capsule-review/2011-11-01/sharpeville-massacre-and-its-consequences • Young, Norma. "A misguided attempt by FW de Klerk to reframe apartheid's impact damages his legacy." *Quartz Africa*, 26 Feb. 2020. Accessed 9 May 2020. qz.com/africa/1808502/south-africa-fw-de-klerk-tried-to-reframe-apartheids-impact/

Leave or Remain: Brexit in the UK

"Brexit 'major influence' in racism and hate crime rise." BBC News, 20 June 2019. Accessed 25 May 2020. www.bbc.com/news/uk-wales-48692863 • Campbell, John. "Brexit: What are the backstop options?." BBC News, 16 Oct. 2019. Accessed 20 May 2020. www.bbc.com/news/uk-northern-ireland-politics-44615404 • "European Union." *Wikipedia*, N.D. Accessed 16 May 2020. en.wikipedia.org/wiki/European_Union • Castle, Stephen, and Landler, Mark. "U.K. Is Sticking to Brexit Plans Despite Virus Upheaval." *The New York Times*, 24 Apr. 2020. Accessed 30 Apr.

(Continued on page 14.)

Standards Addressed

The U.S. Election of 1980

National U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. **High School (3):** Understands how the rise of religious groups and movements influenced political issues in contemporary American society (e.g., the position of major religious groups on such issues as abortion, gay rights, women in the clergy, and educational issues; the causes and significance of religious evangelism and its effect on American political and religious culture in the 1980s; how Supreme Court decisions since 1968 have affected the meaning and practice of religious freedom).

California State HSS 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 . . . Carter, Reagan . . .

California HSS Framework (2016), Chapter 16: “Students begin their studies of contemporary America by surveying American presidents who served during these decades. Presidents Richard Nixon, Jimmy Carter, Ronald Reagan . . . This information will help students address the question *How has the role of the federal government (and especially the presidency) changed from the 1970s through more recent times?*” (p.426).

California HSS Framework (2016), Chapter 16: “In 1980, Ronald Reagan won the presidency and forged a new Republican Party by uniting fiscal and social conservatives with a landslide victory. . . .” (p. 427).

Common Core State Standards: SL 11-12.1, SL 11-12.3, RH 11-12.1, RH 11-12.2, RH 11-12.3, RH 11-12.4, RH 11-12.10, WHST 11-12.1, WHST 11-12.2, WHST 11-12.9, WHST 11-12.10

South Africa: Confronting the Country's Apartheid Past

National World History Standard 44: Understands the search for community, stability, and peace in an interdependent world. **Middle School (3):** Understands efforts to improve political and social conditions around the world (e.g., . . . how the apartheid system was dismantled in South Africa and the black majority won voting rights . . .). **High School (5):** Understands the role of political ideology, religion, and ethnicity in shaping modern governments (e.g., . . . how successful democratic reform movements have been in challenging authoritarian governments in Africa, Asia, and Latin America; the implications of ethnic, religious, and border conflicts on state-building in the newly independent republics of Africa . . .).

California State HSS Standard 12.9: Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances, and its obstacles. (8) Identify the successes of relatively new democracies in Africa, Asia, and Latin America and the ideas, leaders, and general societal conditions that have launched and sustained, or failed to sustain, them.

California HSS Framework (2016), Chapter 15: “Several stable republics exist, however, including Botswana, Ghana, Morocco, and South Africa, where apartheid gave way to multiparty democracy in the 1990s, though these countries continue to be challenged by an unequal distribution of wealth, corruption, and one-party rule” (p. 361).

California HSS Framework (2016), Chapter 17: “Attention also should be given to historical and contemporary movements that overthrew tyrannical governments and/or movements toward democratic government in countries such as . . . South Africa . . .” (p.453).

Common Core State Standards: SL 6-8/9-10/11-12.1, SL 6-8/9-10/11-12.2, SL 6-8/9-10/11-12.3, RH 6-8/9-10/11-12.1, RH 6-8/9-10/11-12.2, RH 6-8/9-10/11-12.3, RH 6-8/9-10/11-12.10, WHST 6-8/9-10/11-12.1, WHST 6-8/9-10/11-12.2, WHST 6-8/9-10/11-12.9, WHST 6-8/9-10.10/11-12

Leave or Remain: Brexit in the UK

National World History Standard 44: Understands the search for community, stability, and peace in an interdependent world. **Middle School (2):** Understands the impact of increasing economic interdependence in different regions of the world (e.g., . . . the effects of the European Economic Community and its growth on economic productivity and political integration in Europe . . .).

National World History Standard 45: Understands major global trends since World War II. **High School (3):** Understands connections between globalizing trends in economy, technology, and culture and dynamic assertions of traditional cultural identity and distinctiveness. **Knowledge/skill statement 1:** Knows globalizing trends in economy.

California HSS Framework (2016), Chapter 15: “World War II accelerated the trend of globalization, the freer and faster movement of people, ideas, capital, and resources across borders. The question *How has globalization affected people, nations, and capital?* can guide students’ investigation . . .” (p. 365). “[T]he major west European countries created among themselves a novel confederal apparatus—the European Union—to integrate their economies and to provide a modicum of political unity. . . .” (p. 373).

California HSS Standard 11.2: Students analyze the relationship among the rise of industrialization, largescale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (8) Examine the effect of political programs and activities of Populists.

California HSS Standard 11.6: Students analyze the different explanations for the Great Depression and how the New Deal fundamentally changed the role of the federal government.

Common Core State Standards: SL 6-8/11-12.1, SL 6-8/11-12.3, RH 6-8/11-12.1, RH 6-8/11-12.2, RH 6-8/11-12.3, RH 6-8/11-12.4, RH 6-8/11-12.10, WHST 6-8/11-12.1, WHST 6-8/11-12.2, WHST 6-8/11-12.9, WHST 6-8/11-12.10

Standards reprinted with permission:

National Standards © 2000 McREL, Mid-continent Research for Education and Learning, 2550 S. Parker Road, Ste. 500, Aurora, CO 80014, (303)337.0990.

California Standards copyrighted by the California Department of Education, P.O. Box 271, Sacramento, CA 95812.

Common Core State Standards used under public license. © Copyright 2010. National Governors Association Center for Best Practices and Council of Chief State School Officers. All rights reserved.

Sources (Continued)

2020. www.nytimes.com/2020/04/24/world/europe/virus-uk-brexite.html • “CETA: A progressive trade agreement for a strong middle class.” Government of Canada, N.D. Accessed 25 May 2020. www.international.gc.ca/gac-amc/campaign-campagne/ceta-aecg/index.aspx?lang=eng • English, Otto. “The British public still have no idea what they voted for with Brexit — it’s not elitist to admit it.” The Independent, 22 Jan. 2019. Accessed 16 May 2020. www.independent.co.uk/voices/brexit-theresa-may-leave-voters-remain-eu-referendum-campaign-deal-a8740526.html • Erianger, Stephen. “Britain Asks if Tone of ‘Brexit’ Campaign Made Violence Inevitable.” The New York Times, 17 June 2016. Accessed 25 May 2020. www.nytimes.com/2016/06/18/world/europe/britain-brexite-european-union-immigration.html • History.com editors. “European Union goes into effect.” HISTORY, A&E Television Networks, 9 Feb. 2010. Accessed 19 June 2020. www.history.com/this-day-in-history/european-union-goes-into-effect • Lord Ashcroft. “How the United

Kingdom voted on Thursday...and why.” Lord Ashcroft Polls, 24 June 2016. Accessed 15 May 2020. lordashcrofthpolls.com/2016/06/how-the-united-kingdom-voted-and-why/ • Mueller, Benjamin. “What Is Brexit? And What Happens Next?.” The New York Times, 31 Jan. 2020. Accessed 20 May 2020. www.nytimes.com/interactive/2019/world/europe/what-is-brexite.html • Reality Check. “What is a ‘Canada-style’ trade deal?.” BBC News, 03 Feb. 2020. Accessed 25 May 2020. www.bbc.com/news/business-45633592 • Selyukh, Alina. “After Brexit, Britain Asks Google: ‘What Is the EU?’.” NPR 24 June 2016. Accessed 16 May 2020. www.npr.org/sections/alltechconsidered/2016/06/24/480949383/britains-google-searches-for-what-is-the-eu-spike-after-brexite-vote • “The EU in brief.” European Union, updated 31 Mar. 2020. Accessed 29 May 2020. europa.eu/european-union/about-eu/eu-in-brief_en#from-economic-to-political-union

People v. Matsumoto

A Murder Trial (featuring a pretrial argument on the Fourth Amendment)

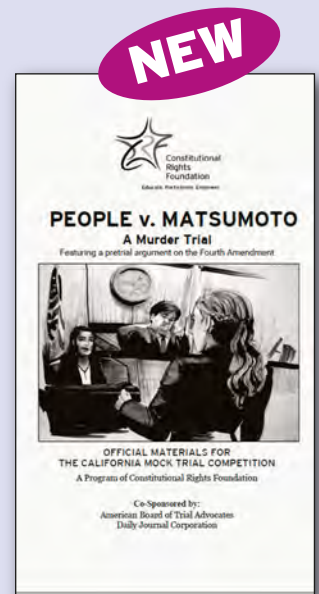
People v. Matsumoto is the trial of Bailey Matsumoto, the founder of a technology start-up that develops autonomous (self-driving) trucks. Bailey is charged with the murder of Bailey's spouse, Taylor Matsumoto.

The prosecution alleges that after Taylor's son Michael died in a tragic accident using one of Bailey's malfunctioning autonomous scooters, Taylor founded an organization called Parents Against Autonomous Driving (PAAD). Taylor's involvement in PAAD began to financially impact Bailey's business and Bailey's and Taylor's relationship rapidly deteriorated. Just days before Taylor was set to testify in support of a bill titled National Moratorium on Autonomous Technologies, Taylor was found dead, face down in Taylor's bathtub. The prosecution claims that Bailey murdered Taylor with premeditation in order to prevent Taylor from testifying and to stop PAAD from succeeding.

The defense argues that Taylor's death was not a murder but was instead an unfortunate accident. The defense argues that when Taylor arrived home the night before Taylor's body was found, Taylor was drunk and highly impaired from alcohol. Taylor proceeded to drink even more that evening and accidentally slipped on spilled champagne, hit Taylor's head on the bathtub trough, and drowned.

The pretrial issue involves the Fourth Amendment protection against unreasonable searches and seizures.

#70649CWB *People v. Matsumoto*, e-Book \$4.95 ea.



People v. Meadows

A Mock Trial Designed for the Classroom

Grades 6-12

The high-interest case involves a high school basketball game that got out of hand. A coach is arrested for aggravated assault against a referee. The two had a history of antagonizing one another with texting and posting pictures on the Internet.

The case of *People v. Meadows* is both an exciting mock trial and an informative lesson on the important right to privacy, perhaps one of the most debated rights in American society. Students engage in a criminal trial simulation and learn the fundamentals of due process, proof beyond a reasonable doubt, and the jury system.

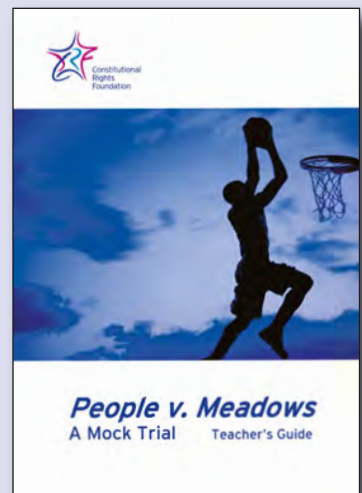
The *People v. Meadows* Teacher's Guide includes:

- A student handbook with instructions for jury selection, opening and closing arguments, direct and cross-examination of witnesses, and jury deliberation.
- Role descriptions for prosecutors, defense attorneys, judges, witnesses, and jurors.
- A complete mock trial with case facts, witness statements, and detailed teacher instructions for conducting the trial in almost any size classroom.
- "To Be Let Alone: Our Right to Privacy" : A complete lesson plan with a reading and interactive discussion activity about what is and is not private on the Internet.

#10735CBR *People v. Meadows*, Student Handbook, 48 pp. : \$5.95

#10734CBR *People v. Meadows*, Teacher's Guide, 62 pp. \$19.95

#10736CBR *People v. Meadows*, Student Handbook (Set of 10) : \$29.95



Landmarks: Historic U.S. Supreme Court Decisions

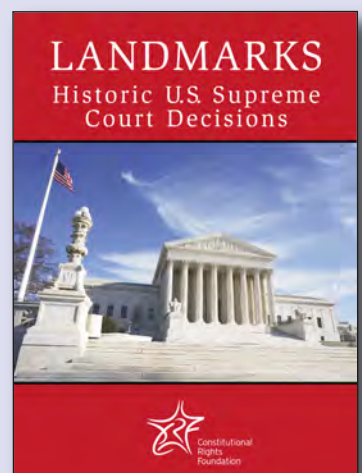
Linked to U.S. history and civics standards

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, outlining the decision, and explaining its 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 important cases such as: *Marbury v. Madison* (1803) | *McCulloch v. Maryland* (1819) | *Dred Scott v. Sandford* (1857) | *Brown v. Board of Education* (1954) | *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)



#1042CBR *Landmarks: Historic U.S. Supreme Court Decisions*, Student Edition, 114 pp., \$14.95 ea.

#10422CBR *Landmarks: Historic U.S. Supreme Court Decisions*, Teacher's Guide, 74 pp., \$21.95 ea.

#10421CBR *Landmarks: Historic U.S. Supreme Court Decisions*, Student Ed. (Set of 10), \$121.95

ORDER ONLINE NOW: www.crf-usa.org/publications



601 South Kingsley Drive, Los Angeles, CA 90005
213.487.5590 • Fax 213.386.0459
crf@crf-usa.org • www.crf-usa.org

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, Expanding Horizons Internships, Civic Action Project, Cops & Kids, teacher professional development, and publications and curriculum materials. Learn more at www.crf-usa.org.

Board Chair: Kimberly A. Dunne

Publications Committee: K. Eugene Shutler, *Chair*; Douglas A. Thompson, *Vice Chair*; Vikas Arora; Stephanie Collins; Gary Olsen; Emil Petrossian; Patrick G. Rogan; Peggy Saferstein
Stephanie Collins, Patrick G. Rogan, Douglas A. Thompson, *Committee Reviewers*

Staff: Keri Doggett, *Vice President of Programming and Operations*; Sarah Badawi, Brian Huber, Damon Huss, Patrick Jennings, *Writers*; Damon Huss, *Senior Editor*; Sarah Badawi, *Sr. Program Director*; Andrew Costly, *Sr. Publications Manager*.



[facebook.com/
constitutionalrightsfoundation](https://facebook.com/constitutionalrightsfoundation)



instagram.com/crfusa/



[linkedin.com/company/
constitutional-rights-foundation](https://linkedin.com/company/constitutional-rights-foundation)



pinterest.com/crfusa



twitter.com/crfusa



youtube.com/crf2crf

SPECIAL NOTICE

This and Some Future Issues of *Bill of Rights in Action* Will Only Be Available Electronically!

Starting in fall 2020, we plan to publish two issues of the quarterly *Bill of Rights in Action* in electronic format only and two issues in print and electronic format. To receive notification of when the electronic edition is available for download, sign up at www.crf-usa.org/bill-of-rights-in-action.