

THE UNITED STATES, CHINA, AND TAIWAN



In 1945, Chairman of the National Government of China Chiang Kai-shek met with Chinese Communist leader Mao Zedong in Chongqing, China, for the first time in 20 years to try to end the Chinese Civil War. In the front row, from l to r: U.S. Ambassador Patrick Hurley, Chiang Kai-shek, and Mao Zedong.

Since the Chinese Civil War ended in 1949, the large island of Taiwan near mainland China has functioned as a nation. The Taiwanese people say that Taiwan is an independent country, but the communist government of China claims Taiwan is part of China. American foreign policy has supported Taiwan over the years. In recent years, China has indicated it might invade the island. What should the U.S. do if that happens?

The Chinese Civil War and Its Aftermath

Beginning in 1927, communists in China led by Mao Zedong and anti-communists led by Chiang Kai-shek fought a civil war. In 1949, Mao's communists defeated Chiang's anti-communists, who were also called Nationalists. Chiang and his followers then fled to Taiwan, vowing to return someday to the mainland and overthrow Mao's communist regime.

Mao claimed Taiwan was always a part of China and must be unified with the mainland. Mainland China was

fully under the control of Mao's communist regime and called the People's Republic of China (aka China).

In the meantime, Chiang established his own Nationalist government on the island of Taiwan, which he called the Republic of China (ROC). Chiang's government was under one-party rule with martial law and no free elections.

At first, Taiwan was recognized by other nations as the true China and became a member of the United Nations (UN). But throughout the 1950s and 1960s, more and more nations voted to recognize the PRC as the representative of China in the UN. In 1971, a majority of member nations in the UN voted for official recognition of the much larger communist mainland China, and Chiang's ROC was expelled. Since that time, Taiwan's legal status has been unclear.

Changes came to Taiwan after the death of Chiang Kai-shek in 1975. His Nationalist Party gradually gave up sole control of Taiwan. The government ended martial law

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SPECIAL NOTICE

Each year we 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.

China, Taiwan, and East Asia



in 1987. In the 1990s, democratic reforms led to free elections. The first non-Nationalist president, calling for Taiwan's national independence, was elected in 2000. Over the past two decades, Taiwan has become a strong democracy. In 2016, the Taiwanese people elected Tsai Ing-wen, Taiwan's first female president.

The U.S. Recognizes Taiwan

In the mid-1950s, during the Eisenhower presidency, the first of several military crises occurred in the Taiwan Strait, the waterway separating Taiwan from mainland China. Mao ordered shelling of islands occupied by the Taiwanese Nationalists. In return, Chiang ordered bombing of the mainland coast. Both sides seemed to be preparing for war, but neither side was ready for war. The crisis soon ended.

As a result of this crisis, the U.S. and Taiwan agreed to the Mutual Defense Treaty of 1954. Approved by Congress, this treaty authorized the American president to use military force, if necessary, to protect territories in the Taiwan Strait. It also proclaimed a "Two China" policy, with Taiwan as an independent nation allied with the United States.

The Shanghai Communiqué

The Cold War made both communist China and its communist Soviet Union ally enemies of the United States. By the 1970s, there was a growing split between China and the Soviet Union. Seeing an opportunity to take advantage of the split, in 1971 U.S. President Richard Nixon sent his national security advisor Henry Kissinger to have secret talks with Chou Enlai, China's prime minister.

Soon after Kissinger's meeting, Nixon himself made a trip to China in 1972 to meet with Mao. This historic meeting overturned U.S. recognition of Taiwan's independence. In the resulting Shanghai Communiqué (diplomatic communication), Nixon agreed to three major things:

1. "The United States acknowledges that all Chinese in either side of the Taiwan Strait maintain that there is but one China and that Taiwan is a part of China. The United States government does not challenge this position." (Scholars have debated whether "acknowledges" means that the U.S. recognized that this was China's position on Taiwan, and not necessarily that it was official U.S. policy.)
2. The U.S. calls for a "peaceful settlement" between China and Taiwan.
3. As the peaceful process proceeds, the U.S. will gradually withdraw military forces from Taiwan.

The Shanghai Communiqué seemed to end the idea that Chiang Kai-shek led the only legitimate government of China. Nixon said the U.S. had to come to grips "with the reality of China."

Chiang and many of his supporters in the U.S. charged that Nixon had betrayed Taiwan.

Carter's 'One China' Policy

Several years later, U.S. President Jimmy Carter built upon Nixon's Shanghai Communiqué and cancelled the 1954 Mutual Defense Treaty that had assured U.S. military defense of Taiwan.

However, Carter's "One China" declarations drew anger from Taiwan and from its American supporters. As a result, Congress passed and Carter signed the Taiwan Relations Act of 1979 that modified and even reversed U.S. official policy on Taiwan and China. Key provisions included:

- The U.S. will maintain *unofficial* relations with the "governing authorities" of Taiwan.
- The U.S. will provide military aid to Taiwan for its self-defense.
- The U.S. will resist any form of force "that would jeopardize the security, or social or economic system, of the people of Taiwan," but use of U.S. military forces would require consent of Congress.
- The U.S. declares that the future of Taiwan must only be determined by "peaceful means."

Presidents after Carter made their own declarations on the U.S. "One China" policy. In 1998, President Bill Clinton stated the U.S. was opposed to Taiwan declaring its independence.

Strategic Ambiguity or Clarity

Today, both China and the U.S. say they support a “One China” policy. For China, it has always meant that Taiwan is a breakaway province. Taiwan must be united with the communist mainland by any means necessary. A use of force, the Chinese government says, will be necessary if Taiwan ever declares its independence.

For the U.S., “One China” is more ambiguous, or less clear. The U.S. says it “acknowledges” that Taiwan is part of China, but any unification must be done through peaceful negotiations acceptable to the Taiwanese people. The U.S. opposes Taiwan declaring itself an independent nation.

For many years, the U.S. has provided defensive weapons (such as anti-tank missiles) and training to Taiwan’s military. While the U.S. has promised to come to the aid of Taiwan in case of a Chinese invasion, it is not clear what this means. Would aid mean military aid, like that for Ukraine after the Russian invasion of 2022, or American troops?

Currently, there is a debate in the U.S. over how best to prevent China from invading Taiwan. Those in favor of “strategic ambiguity” argue that to prevent a Chinese attack, the U.S. should keep its intentions unclear. If China must guess what the U.S. would do, China will be deterred from invading Taiwan.

On the other side of the debate are those in favor of “strategic clarity.” They say the U.S. should make clear to China that America would respond militarily to any Chinese use of force against Taiwan to deter China from invading. This would include defensive weapons and deployment of U.S. military naval, air, and land forces with the approval of Congress.

Current Positions of China, the U.S., and Taiwan

The 2022 Communist Party Congress in China voted Xi Jinping into his third term as China’s president. (His family name is Xi, pronounced *Shee*.) Xi has declared an aggressive strategy of replacing the U.S. as the world’s

leading power. Throughout his presidency, he has rapidly modernized China’s military and nuclear weapons. (China currently has around 350 nuclear warheads, while the U.S. has around 5,400.)

An important element of Xi’s goal is unification with Taiwan. He promotes the idea of “One Country, Two Systems,” which seems to mean a degree of self-rule by the Taiwanese.

In recent years, American politicians of both major parties have visited Taiwan. U.S. House Speaker Nancy Pelosi made a high-profile visit to Taiwan in summer 2022. Congress has also approved military aid, angering the Chinese government. In response to these developments, Xi has ordered aircraft, warships, and missiles fired near Taiwan as a show of force. Speaking before the Communist Party Congress in October 2022, Xi said China wants a peaceful unification with Taiwan, but “we will never renounce the use of force.”

U.S. President Joe Biden released the latest National Defense Strategy in 2022. This document, prepared by the Defense Department, identified China as the most dangerous security threat to the United States.

Biden has stated that chances of U.S. conflict with China over Taiwan has increased significantly in recent years. In May 2022, Biden said he would use the U.S. military to defend Taiwan. But he insisted the U.S. still supports the “One China” policy.

In November 2022, Biden met with Xi and discussed the Taiwan situation. After the meeting, Biden said, “I do not think there’s an imminent [immediate] attempt on the part of China to invade Taiwan.”

Taiwan’s President Tsai Ing-wen rejects Xi’s “One Country, Two Systems” solution to unification. She points to what happened when China took over the British colony of Hong Kong in 1997, and local leaders had to be approved by the Communist Party in Beijing. She argues that Taiwan today already functions as an independent country and wants things to remain as they are.

Most Taiwanese people, especially young people, agree with President Tsai and want strong relations with

The Effects of the Russian Invasion of Ukraine

Soon after Russia invaded Ukraine in February 2022, many foreign policy experts wondered how it might effect China’s policy toward Taiwan. Would China feel more emboldened to invade Taiwan? Or would China hold back?

The early reports of Russia’s poor military performance in Ukraine made some experts believe that China would be deterred. “Surely the abysmal performance of Russian troops,” writes Elliot Abrams at the Council on Foreign Relations, “must make Xi, and every other high official in China, wonder what happens if stiff resistance is met.” Therefore, Abrams argues that the U.S. should arm Ukraine even more heavily, as well as Taiwan. The goal would be to make Taiwan a “porcupine”: too prickly for China to touch.

On the other hand, other experts argue that the Russia-Ukraine situation and the China-Taiwan situation are not closely analogous. “Ukraine is an internationally recognized state; Taiwan is not,” writes Nathalie Tocci at the *Istituto Affari Internazionali*. “Furthermore, China boasts an economy 10 times the size of Russia’s.” She concludes that European nations must boost economic ties to Taiwan and push back against China’s aggressive “One China” policy at the United Nations in order to “prevent war.”



Taiwan's President Tsai Ing-wen inspects Taiwanese military troops in March 2023.

the United States. Despite continued U.S. military aid to Taiwan, however, Taiwan alone would be no military match against China's military.

America's Interests

If China were to attempt to take over Taiwan by force, how should the U.S. respond? Would a Chinese invasion of Taiwan present a threat to America's commercial and national security interests?

Taiwan is a flourishing democracy with a population of 23 million people. It has strong trade ties with the U.S., especially as a source for microchips, a commercial interest to the United States and world. Microchips are essential for virtually all electronics, including computers; smart phones; automobiles and aircraft; and household appliances. Taiwan produces most of the world's microchips.

If China invades Taiwan, what would be the United States' best interest? If the U.S. did not defend Taiwan against China, it could make its Asian allies, like Japan and South Korea, feel insecure. But if the U.S. did defend Taiwan, it could cause a major war between China and the U.S. and allies on both sides.

WRITING & DISCUSSION

1. How do China and the U.S. differ about the "One China" policy?
2. Why does the U.S. oppose Taiwan declaring itself an independent nation?
3. Explain the policies of strategic ambiguity and strategic clarity. Which policy should the U.S. adopt for Taiwan? Why?

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ACTIVITY: Advising the President on Taiwan

You are an official of the U.S. State Department, and you have been tasked with advising the president on what policy the U.S. should have toward Taiwan. Form a group with three or four other State Department officials and decide an answer to this question:

Should the United States pledge to defend Taiwan?

To answer the question, examine the arguments below, both for and against the U.S. pledging to defend Taiwan. Deliberate within your group about how you want to answer the question and include at least two of the reasons your group thinks are most important. Use the arguments below and information from the article.

Assessment: After all groups have shared their answers and reasons, write a paragraph from your own perspective answering the question.

Arguments for Pledging to Defend

1. Strategic clarity sends a clear message to China about U.S. intentions and will dissuade China from using force.
2. The U.S. has a responsibility as a global power to defend its allies.
3. The U.S. should pledge to defend Taiwan, but only if (1) the U.S. also gives Taiwan defensive weapons and (2) gets commitments from other allies in the region to also defend Taiwan.
4. The U.S. should pledge to defend Taiwan, but only if Taiwan does not provoke China. (Provoking China could include Taiwan declaring its independence.)

Arguments Against Pledging to Defend

1. Strategic ambiguity has brought peace to Taiwan, China, and the U.S. for half a century.
2. Strategic clarity will provoke China, not deter China. China knows the U.S. is not militarily ready to commit to defending Taiwan.
3. China is a nuclear power. Even a slight risk of nuclear war is not worth the pledge.
4. A pledge to defend Taiwan will box the U.S. into a corner. If China ever invades Taiwan, the U.S. will need to assess the situation and decide the best course of action.

The arguments used in this activity are adapted from the following source: "Should the United States Pledge to Defend Taiwan?" *Foreign Affairs*, 15 November 2022, <https://www.foreignaffairs.com/ask-the-experts/should-united-states-pledge-defend-taiwan>. Accessed 10 March 2023.

THE HAYMARKET AFFAIR

On May 4, 1886, a rally in support of workers' rights and against police brutality took place at Chicago's Haymarket Square. The rally turned violent when someone threw a bomb that exploded among police ranks. The bomb-thrower was never caught. However, eight people were arrested and tried for conspiracy. The trial remains controversial today.

The General Strike

As the United States more and more became an industrial economy in the 19th century, labor unions organized. Unions generally sought reforms to improve workers' wages and working conditions. Some also supported workers' strikes and boycotts against companies that treated workers unfairly.

In the late 1800s one of the labor movement's major goals was to get employers to reduce the then-typical ten-hour workday to eight hours without loss of wages. The major national organization of labor unions demanded that employers institute an eight-hour workday by May 1, 1886.

After employers did not institute an eight-hour day, over 350,000 workers nationwide went on strike. The eight-hour movement was very strong in Chicago, Illinois, where workers called for a general strike (a strike to shut down the city). On May 1, 1886, over 80,000 workers marched in protest in Chicago.

A small group of Chicago anarchists, many of whom were recent German immigrants, were thrilled to support the strike. Anarchists believed in the abolition of government and typically opposed capitalism. Many anarchists became active in the labor movement. Some anarchists in the 19th century believed that capitalism could only be ended through violence.

Several Chicago employers eventually yielded to the strikers' demands for an eight-hour workday. Other employers, like the McCormick Reaper Company, instead hired workers known as strikebreakers to keep the company operating during the general strike.

On May 3, a crowd of striking workers amassed outside McCormick Reaper's factory in Chicago, throwing stones at the strikebreakers as they walked by. August Spies, the editor of a German-language anarchist newspaper, urged the strikers to remain peaceful.

But soon the police arrived. The police attacked the strikers with clubs and used gunfire to break up the crowd. At least one striker was killed and several others were injured.

That night, Spies angrily composed a flyer for the strikers, titled "Workingmen, to Arms!" Spies wrote, "If you are men . . . then you will rise . . . and destroy the hideous monster that seeks to destroy you. To



This photograph by Benjamin West (1827-1909) was likely taken in the earliest years of the 20th century. It shows the location of the Haymarket Riot of 1886.

arms we call you, to arms!" Before it went to print, a typesetter added the title "REVENGE!" to the flyer. Hundreds of copies were distributed.

That night, two other anarchists, George Engel, a former anarchist newspaper editor, and Adolph Fischer, a typesetter for Spies's newspaper, joined with others in a secret meeting. They discussed what to do about the police actions at the McCormick Reaper Company. They agreed to call a protest meeting at Haymarket Square, a commercial area on Chicago's west side, the following night.

The Bomb

The next morning on May 4, Spies's newspaper printed another flyer that advertised a "Mass Meeting" at Haymarket Square. "Good speakers will be present to denounce the latest atrocious act of the police, the shooting of our fellow workmen yesterday afternoon," it declared.

Fischer inserted the line "Workingmen Arm Yourselves and Appear in Full Force!" onto the flyer. Spies said he would refuse to speak at the mass meeting unless that provocative line was removed. (Spies later testified that he was concerned that the call to bring arms to the rally would scare supporters and keep them from participating.) The line was taken out, but some original copies of the flyer had already been distributed. Around 20,000 copies without the provocative line were then distributed. ▶



"The anarchist riot in Chicago: A dynamite bomb exploding among the police" (1907) by Thure de Thulstrup. This illustration depicts the incident at Haymarket Square on May 4, 1886. How does the version of events shown here differ with the defense's evidence at trial?

The violence lasted only about five minutes. Altogether, seven policemen died of bomb fragments or gunfire. The number of protesters or onlookers killed or wounded is unknown. Among them, Samuel Fielden suffered a bullet-wound in his leg.

The Search for the Co-Conspirators

The next day, outrage at the deaths of the policemen inflamed Chicago's main newspapers. The press blamed the anarchists, German immigrants, and the entire eight-hour movement, calling for the quick arrest, trial, and hanging of the murderer of the "police heroes." The police failed to

identify and arrest the bomb-thrower but assumed that a conspiracy of anarchists was responsible for the bombing.

Hundreds of arrests of union members and anarchists followed. Several unions denounced anarchism. Spies and his assistant, Michael Schwab, and the entire staff at Spies's newspaper were arrested and beaten by the police. The wounded Fielden was arrested in his home. Police considered Louis Lingg a prize arrest because his apartment was filled with bomb-making materials. Albert Parsons fled the state and went into hiding.

The police raided anarchists' homes and businesses, as well as labor union offices, often without search warrants. However, such police behavior was not uncommon at the time, as this was long before the U.S. Supreme Court ruled that police may not gather evidence in violation of people's constitutional rights.

The Trial

A grand jury convened in Cook County, Illinois in late May 1886 and determined that the attack on the police and death of Officer Degan was "the result of a deliberate conspiracy." The grand jury indicted eight "accessories," all avowed anarchists: August Spies, Samuel Fielden, Adolph Fischer, Albert Parsons (still in hiding), Michael Schwab, George Engel, Louis Lingg, and Oscar Neebe. Neebe had apparently only distributed some of Spies's flyers.

Judge Joseph Gary presided over the trial court. The defense wanted to try the defendants in two groups to separate those with less liability. But Judge Gary ruled that all the defendants would be tried together.

Just before the trial began, Albert Parsons made a dramatic entrance into the courtroom. Confident he would be found not guilty, he turned himself in, was arrested, and tried with the others.

Meanwhile, another anarchist, Louis Lingg, was busy making homemade bombs in his apartment. He and others made about thirty bombs and later helped move them to a saloon, where several men took them. What happened to the bombs then is unknown.

The Haymarket meeting began around 7:00 p.m., drawing a crowd of about 3,000 protesters. Along with labor union leaders, Spies and two other anarchists, Albert Parsons and Samuel Fielden, all spoke from a hay wagon, steps away from Crane's Alley.

Their speeches touched on the poor conditions of workers, the eight-hour movement, and the police violence from the previous day. Fielden, the last to speak, was quoted as saying: "I tell you war has been declared on us, and I ask you get ahold of anything that will help you resist the onslaught of the enemy."

Chicago Mayor Carter Harrison, sympathetic to the workers, listened for a while and told a police commander that the meeting was peaceful. As the evening went on, rain began to fall and the crowd began to leave. Parsons left with his family to a nearby saloon. Spies and Fielden remained on the speakers' wagon.

At around 10:30 p.m., about 100 police officers arrived, and their commander ordered the crowd to disperse. Fielden protested, "But we are peaceable." Suddenly, someone threw a bomb with a lighted fuse and filled with dynamite into the air, probably from the direction of Crane's Alley. The bomb exploded amid the ranks of police, killing Officer Mathias Degan.

The police began shooting wildly into the crowd. Some witnesses would later say that people in the crowd shot at the police at the same time the police began shooting. But the exact source of all the gunfire was never clearly established.

Selection of the jury proved to be one of the most controversial parts of the trial. Hundreds of men were questioned (women were barred from juries at this time), and most were dismissed by one side or the other until the jury pool was used up.

A “special bailiff,” not unusual for the time, was approved by the prosecution, defense, and the judge. This bailiff rounded up more potential jurors, mainly from the neighborhood of the courthouse.

Judge Gary was later criticized for accepting jurors who admitted they had an opinion of the case based on what they had read in the newspapers. However, Illinois law allowed the use of such jurors as long as they declared they could reach a fair verdict based on the evidence. Judge Gary did excuse some potential jurors who had obvious prejudice against the defendants.

After several weeks, twelve jurors were selected. Most were salesmen or clerks. One was a school principal. But none were laborers or factory workers.

The Case for the Prosecution

The trial began on July 15, 1886, when Chief Prosecutor Grinnell made his opening statement. Since he had no evidence to accuse any of the eight defendants of throwing the bomb, his theory of the case was that the those defendants were on trial as “accomplices” in a conspiracy to start a revolution.

August Spies, Grinnell said, was the ringleader of the “dynamite plot.” Spies, he argued, had been using the eight-hour movement for months to set off a revolution, and provoked the violent riot at the McCormick factory, which put into motion the conspiracy planned at the secret meeting attended by fellow anarchists Adolph Fischer and George Engel. Grinnell argued that the defendants plotted to use Louis Lingg’s bombs against the police at the rally the next day at Haymarket Square to spark an uprising.

Grinnell called over one hundred witnesses to support his arguments. He also presented scientific findings that fragments from the bomb that killed Officer Mathias matched the chemical composition of bomb materials found in Lingg’s apartment. Grinnell also showed the jury the flyers printed by Spies and read from numerous anarchist writings and speeches that called for a revolution.

The prosecution had a witness who attended the secret meeting the night before the Haymarket rally. That witness confirmed the planning for the rally but did not recall anyone talking about attacking the police.

Grinnell believed that his last witness, H. L. Gilmer, would seal the case. Gilmer testified that he saw Spies light the fuse of the bomb and hand it to another man at the alley from where the bomb was probably thrown. Gilmer later identified that man from a photograph as Rudolph Schnaubelt. The police had

actually arrested and questioned Schnaubelt during the sweep of arrests following the bombing, but they released him. He eventually disappeared.

Grinnell ended his case by telling the jurors that the question for them was not only who threw the bomb, “but who is responsible for it, who abetted it, assisted it, or encouraged it.”

The Case for the Defense

In his opening, defense lawyer William Black expressed that the defendants could not be “accomplices” when the bomb-thrower had not been identified or accused. Whoever he was, did the defendants assist or encourage him? This was unknown.

Black presented his own long list of defense witnesses. They testified that all but two of the defendants had alibis and were not at Haymarket Square when the bomb exploded. Fielden was still on the hay wagon speaker’s platform, arguing with the police commander who ordered the crowd to disperse.

What about Spies? Recall that prosecution witness Gilmer pointed to Spies in the courtroom as the one who lighted the fuse of the bomb and handed it to the thrower. No other witness confirmed what Gilmer said he saw. Several defense witnesses were prominent Chicago citizens who testified that Gilmer had a reputation for being a liar. Other witnesses placed Spies on the hay wagon when the bomb went off.

Several witnesses testified that any of the defendants’ talk about using violence against the police would only be in self-defense. The defense argued that the officers who were struck by bullets were undoubtedly killed by their own wild gunfire.

The testimony of the prosecution’s and defense’s witnesses was often contradictory. Of course, it was up to the jurors to decide which witnesses to believe. Already, most of the jurors had admitted seeing press accounts describing the police victims as heroes. Grinnell drove this point home when he spent days reading anarchist writings, speeches, and other documents that advocated the violent overthrow of the capitalist system. The defense lawyers protested that the defendants were being prosecuted for their words, which were protected by the First Amendment, and not their acts.

Spies and three other defendants also testified, which opened them up to tough cross-examination by the prosecution. This probably harmed the defense.

The Verdict and Aftermath

After eight weeks, the trial ended. In his defense summation, Black said the entire prosecution case was based on thin circumstantial evidence because the bomber’s motive for throwing the bomb was unknown.

Grinnell admitted that the prosecution had not identified the bomb-thrower. But he argued that the defendants were “the accessories, the conspirators, the

individuals who framed the plan, who got it up, who advised and encouraged it” Therefore, he argued, the defendants were still guilty of murder.

The jury deliberated for several hours and returned a verdict of guilty for the eight defendants. The jury recommended the death penalty for all of them except Oscar Neebe, for whom they recommended a prison sentence of 15 years. Chicago’s major newspapers and most of the public cheered the verdict, which also stirred feelings against organized labor and immigrants. Working-class neighborhoods, however, were in disbelief.

At the sentencing hearing, the defendants had a chance to speak. Spies quoted Jefferson’s Declaration of Independence. Lingg, the bomb-maker, was most defiant. “I despise you and your laws!” he shouted. “Hang me for it!”

Judge Gary sentenced all but Neebe to hang. But someone smuggled a dynamite cap into Lingg’s cell, and he purposefully blew himself up.

On appeal to the Illinois Supreme Court, the defense claimed Judge Gary committed several legal errors. One of them was that the state’s evidence did not prove a conspiracy. The court rejected all the defense arguments and upheld the convictions.

On further appeal, the U.S. Supreme Court rejected the defense’s claim that due process of law had been denied. The court also found no substantial constitutional questions in the case. Afterward, Illinois Governor Richard J. Ogelsby reduced the sentences of Fielden and Schwab from death to life in prison because they renounced their anarchist views.

Spies, Parsons, Engel, and Fischer were allowed last words before being hanged together on November 11, 1887. Spies remarked, “The time will come when our silence will be more powerful than the voices you strangle today.”

Seven years later, in 1893, Illinois Governor John Peter Altgeld pardoned all eight defendants, including the three

defendants who were still alive: Neebe, Schwab, and Fielden. Altgeld stated that the trial record showed that both the judge and jury were biased against the defendants. He also claimed that the prosecution had failed to prove a conspiracy. Critics of Altgeld’s pardons claimed that he merely had a grudge against Judge Gary, who had previously ruled against Altgeld in a separate court case.

The Haymarket Affair’s Lasting Influence

The Haymarket Affair, as it is often called, provoked strong reactions in society. A wave of fear of immigrants rose in the nation after the event. Unions tried to distance themselves from anarchists. The Knights of Labor, a national labor organization to which Albert Parsons had belonged, disbanded.

However, the American Federation of Labor and other labor unions continued to campaign for the eight-hour workday. One by one, industries such as mining, railroads, and printing began adopting the eight-hour workday. Finally, in 1937, Congress set a maximum of 40 work hours per week as part of the New Deal. The eight-hour workday became the standard across the nation.

WRITING & DISCUSSION

1. Explain why there was a rally held at Haymarket Square on May 4, 1886.
2. At trial, the defense argued that the defendants were merely on trial for proclaiming their political opinions instead of engaging in a conspiracy. Do you agree? What evidence in the article supports your answer?
3. Who do you think had the stronger case: the prosecution or the defense? Give reasons to explain your answer.

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ACTIVITY: Conspiracy? You’re the Jury

As in any criminal trial, Judge Gary instructed the jury before they deliberated. Jury instructions guide jurors as to what the law is, such as the law that defines the crimes defendants are accused of.

Consider these instructions Judge Gary gave to the jury in the Haymarket trial, all of which were according to Illinois law in 1886:

1. Conspiracy involves being an “accessory” [accomplice, partner] who “aids, abets, or assists . . . the perpetration of a crime.” The accessory can assist in a crime even if not present when the crime is committed. Accessories can be just as responsible, the judge said, when the main offender was not caught, charged, or convicted.
2. Freedom of speech is no defense when a conspiracy exists to “excite the people to sedition [rebellion against the government], tumult, and riot and the use of deadly weapons against . . . other persons.”
3. Jurors must keep out any of their personal beliefs, opinions, and biases regarding the defendants.
4. The jury must be “satisfied beyond all reasonable doubt that the person throwing the said bomb was acting as a result of the teaching or encouragement of defendants or some of them.”

Imagine you were a juror in the Haymarket trial. Form a group with three or four other jurors and discuss the above jury instructions. Would your group vote to convict some or all the defendants of conspiracy, according to Judge Gary’s instructions? Why or why not? Be ready to have a spokesperson explain your group’s decision to the class.

RANKED-CHOICE VOTING: CHOOSING ONE CANDIDATE OR MANY?



“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”

— Chief Justice of the United States Earl Warren,
Reynolds v. Sims (1964)

The quote above is from a Supreme Court decision about the importance of state legislative districts being equal in size. But Chief Justice Warren’s statement could equally apply to a controversial voting issue arising in the United States. The issue is ranked-choice voting (RCV), a system in which voters can vote for more than one candidate, ranking their preferences, rather than voting for only one candidate. RCV is being used in at least 50 jurisdictions (state and local) across the country. Many predict that it will be adopted in more and more jurisdictions over time.

Those who support ranked-choice voting would agree with Warren that democracy depends on there being no restrictions on the people’s right to freely choose their representatives. Those who oppose RCV would agree with Warren that the essence of democracy is the right to vote freely for “the candidate of one’s choice.” [Emphasis added.] We will look at ranked-choice voting in more detail below, but first, we will look at how elections traditionally work in the United States.

Traditional Voting

Most elections in the United States are fairly straightforward. Most use *single-choice* voting (SCV), meaning that voters pick one candidate in any race on their ballots. There are two types of SCV elections, *majority-threshold* and *plurality-threshold*.

In jurisdictions (state or local) with a majority threshold for elections, the candidate with more than 50 percent

of the votes wins. If a candidate gets a plurality (50 percent or less, but still the highest number of votes), then an additional election between the top two candidates occurs. This additional election is called a *runoff* election.

In jurisdictions with a plurality threshold, the candidate who simply wins the most votes — even if it is not a majority — wins the election. There is no runoff. Either way, whether a majority or plurality threshold system, voters vote for just one candidate.

How Does RCV Work?

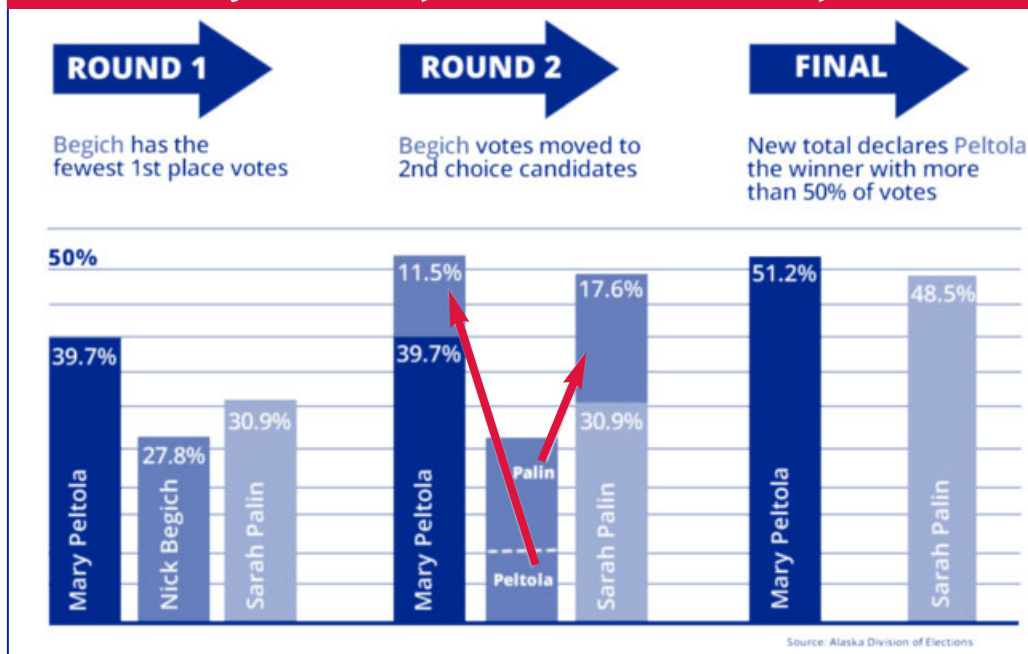
In the RCV system, voters do not vote for a single candidate. Instead, they rank their top candidates on their ballots. If a candidate wins a majority of first-place votes, that candidate wins. The election is over.

If no candidate receives a majority, then the candidate with the fewest first-place votes is eliminated from the race. The second-place choices on all the ballots for that candidate are then counted. This process is repeated until one candidate finally has a clear majority of votes and wins the election.

Quite often, ranked-choice voting is called *instant runoff voting*. Just like a runoff election, candidates who do not reach a majority threshold have to go to a new round of votes. But the “runoff” is immediate, with no separate, second election having to be scheduled weeks or months later.

The recent election in Alaska shows how the RCV system works. Alaska used RCV instead of SCV for the first time in August 2022 when Democrat Mary Peltola was elected to serve in Congress in a special election. (A special election is held to fill a vacancy when an elected official can no longer serve.) Peltola was running against two other candidates: Republican Nick Begich III and Republican Sarah Palin, who was Sen. John McCain’s running mate for vice president in the 2008 election. ▶

Alaska's August 2022 Special Election for U.S. Representative



In the first round of voting when voters ranked their choices, Peltola won a plurality of 39.7 percent of the first-place votes. Palin came in second with 30.9 percent. Begich came in third with 27.8 percent. Begich was eliminated and the second-place choices on his ballots were disbursed to Peltola and Palin.

After the final counting, Peltola beat Palin, becoming the first Indigenous person from Alaska elected to federal office since Alaska became a state in 1959. She was also the first Democrat to represent Alaska since 1972. Critics of the ranked-choice system were not pleased. “Ranked-choice voting is a scam to rig elections,” tweeted U.S. Sen. Tom Cotton (R-Arkansas) in response to Peltola’s win. Sen. Cotton argued that 60 percent of Alaska voters “voted for a Republican [combining votes for Palin and Begich], but thanks to a convoluted process . . . a Democrat ‘won.’” (In November 2022, Peltola won re-election after receiving an even larger plurality (48.8 percent) in the first round of voting.)

Maine approved RCV for statewide and federal elections in 2018, and Alaska in 2022. Maine also became the first state to approve RCV for presidential general elections in 2020. Nevada has approved a state constitutional amendment to potentially allow RCV in 2026. Many more local elections have used some version of RCV in recent years, including Santa Fe, New Mexico; Minneapolis, Minnesota; Oakland, California; and New York City.

Is RCV fair? Let’s look at the arguments for and against RCV.

Arguments for RCV

1. RCV is more representative of the people’s will:

The instant runoff feature of RCV ensures that no candidate can win with only a plurality. Also, in

crowded races with candidates from various parties, only candidates with the most support will eventually get a majority of votes. This contrasts with Sen. Cotton’s statement above.

2. RCV lessens polarization in elections:

Many voters are concerned that our politics has become extremely divided (or polarized). Fewer politicians seek compromise with each other to get bills passed. In RCV, candidates need to have a broad appeal to

gain as many second-choice votes as possible. Those second-choice votes are as valuable as first-choice votes in the instant runoff.

In 2022, Nevada voters approved a measure that puts RCV in effect in 2026. That RCV system would allow the top five vote-getters in a nonpartisan primary election to compete in a nonpartisan general election using RCV. In support of the measure, a spokesperson for the Nevada Association of Realtors said RCV “can give more of a voice to the nearly 40 percent of Nevada voters who are not members of the two largest political parties.”

3. RCV eliminates the “spoiler effect” of third-party candidates:

Candidates from smaller third parties are often viewed as spoilers, taking away votes from candidates in the two major parties: Democratic and Republican. For example, in the 2016 presidential election, an analysis by CNN showed that if half of the supporters of the Libertarian Party candidate and all of the supporters of the Green Party candidate in four key states had voted for Democrat Hillary Clinton, Clinton would have won. She would have had enough electoral votes to become president. Therefore, many Clinton-supporters viewed the Libertarian and the Green as spoilers.

If, however, voters had the option of voting for “back-up” candidates as their second or third choice, the spoiler effect would be eliminated. Third-party voters would have a chance to “express their political voice,” as political scientist Lee Drutman has argued, by picking their candidates first. They could pick major-party candidates second or third. If the major-party candidates are more popular, they will win, and there is no spoiler effect.

4. RCV increases voter turnout:

According to Stephanie Houghton of FairVote Washington, “Voters who have used ranked choice voting say it’s simple to use.” In Maine in 2020, more than 828,000 people voted (after RCV was approved in 2018), compared to 771,000 in 2016 (before RCV was approved). Some argue, however, that the use of absentee ballots due to COVID-19 could account for the increased turnout.

In addition, the current runoff elections in majority-threshold jurisdictions commonly have low turnouts. And runoff elections are expensive for the state. They include the costs of printing ballots, mailing ballots, and hiring poll workers and election workers to count ballots. Instant runoffs eliminate the need for those expenses.

Arguments Against RCV

1. RCV is confusing for most voters:

The system of instant runoffs, in which second-choice votes of eliminated candidates are disbursed to the remaining candidates, is more complicated than

a simple winner-take-all system. Picking one candidate on a ballot is easier than ranking two or more.

Opposing the 2022 Nevada “top-five” measure, the Democratic Governor Steve Sisolak warned that the measure would make the state’s elections “confusing, error-prone and exclusionary.” Sisolak was joined in his opposition by Majority Forward, a nonprofit affiliated with Democratic Senate Leader Chuck Schumer, as well as numerous Democrats and Republicans in the state’s legislature.

2. RCV does not reflect the will the people:

RCV is flawed in that it allows candidates with fewer first-choice votes to win in the instant runoff. After Maine voters approved RCV in 2018 for federal congressional elections, Republican Bruce Poliquin and Democrat Jared Golden competed in the state’s first RCV general election. After the first-round vote, Poliquin led Golden by 2,000 votes. But when the least-chosen candidates were eliminated, their second-choice votes mostly went to Golden, allowing Golden to win.

The Food Ballot: A Ranked-Choice Hypothetical

Ms. Garcia wants to reward her social studies class for their hard work presenting civics projects. There are 30 students in the class. She has a budget for a class party and wants students to decide what they will eat at the party. She gives each student a ballot with three choices: pizza, hot dogs, and sandwiches. She asks them to rank their choices from first place to third place:

When tallying the ballots, Ms. Garcia finds that 14 students ranked pizza first (47 percent of the class), 10 ranked sandwiches first (33 percent of the class), and six ranked hot dogs first (20 percent of the class). No food choice made it to a majority of over 50 percent.

Ms. Garcia must decide whether to go with pizza — which got the most votes but not a majority of votes — or to figure out how to get one of the choices to a majority. How should Ms. Garcia decide which food will satisfy the most students? Using a traditional plurality threshold, pizza wins. But that risks the dissatisfaction of 53 percent of the class who voted for hot dogs and sandwiches.

If Ms. Garcia prefers to base the students’ decision on a majority of votes, she could use ranked-choice voting (RCV). In that case, she would eliminate hot dogs as a choice, which received the least number of first-place votes. Ms. Garcia finds that on those “hot dog ballots,” three of the six students ranked pizza as their second choice, two ranked sandwiches second, and one left their second and third choices blank.

Using RCV, she adds the three ballots with pizza as a second choice to the 14 with pizza as the first choice, bringing the total ballots for pizza to 17. She does the same with sandwiches, bringing the total ballots for sandwiches to 12. Pizza now has 57 percent of the class, and sandwiches has 40 percent. Pizza has the majority, so the class will have a pizza party.

What would have happened if all the “hot dog ballots” had sandwiches as their second choice?

Food Ballot

Rank Your Choices
(Write one choice on each line below.)


Sandwiches


Hot Dogs


Pizza

1st Choice: _____

2nd Choice: _____

3rd Choice: _____

Poliquin and several people who voted for him challenged the election result in federal court. Among several claims, they argued that ranked-choice voting violates the 14th Amendment's guarantees of due process of law and equal protection under the law. In his equal protection argument, Poliquin claimed that his voters' ballots were not given equal weight to other voters' ballots because they were not counted in the instant runoff. Judge Lance Walker, a Trump appointee, rejected all Poliquin's claims. Golden was sworn into office in 2019.

3. RCV rewards more extreme candidates in instant runoff:

Often, political commentators distinguish between "extreme" far-left or far-right candidates and "moderate" candidates. So-called extreme politicians seek radical solutions to problems. They are typically unwilling to compromise. So-called moderate politicians, however, are more willing to "reach across the aisle" and find common ground with their opponents.

In analyzing the 2022 election of Mary Peltola in Alaska, law professor Nathan Atkinson and business professor Scott C. Ganz characterized Peltola as an "extreme" far-left candidate. (They implied that Sarah Palin was an "extreme" far-right candidate.) The "moderate" Nick Begich III, in their opinion, had more popular support when looking at all the ballots that had him in second place. But because Alaska's voters were largely polarized between the far-left and far-right, they argued, Peltola unfairly pulled ahead.

4. RCV reduces voter turnout:

In a letter to the editor of the *Alaska Daily News*, two citizens of the state argued that "RCV does not encourage more people to vote." They cited that Alaskans cast 100,000 fewer ballots in 2022 — the first statewide RCV election — than in 2020.

After decades of seemingly increased voter apathy, many Americans want to be inspired to show up at the polls. Some have argued that robust campaign finance reform would make the political parties more responsive to voters' needs. Others have argued that increased uses of mail-in voting and extended election days prompt voter enthusiasm. In the middle of the ongoing debate, ranked-choice voting has emerged as yet another possibility. As more data comes in from RCV elections, we will know in coming years if RCV is effective in strengthening American democracy.

WRITING & DISCUSSION

1. Explain how ranked-choice voting compares to traditional single-winner elections.
2. Which arguments do you find more persuasive: arguments for RCV or arguments against? Give at least three examples in your answer.
3. Critics of ranked-choice voting say it violates the democratic principle of "one person, one vote." This phrase means every voter is guaranteed to have their vote counted. Do you agree? Why or why not?

Author: Damon Huss is CRF's director of publications.

ACTIVITY: Civil Conversation on Ranked-Choice Voting

Using the article above, meet in small groups of four or five students each. Using the CivCon Guide, annotate and then discuss the article. To download the CivCon Guide visit bit.ly/civcon-guide or scan the QR code.

You will be deliberating, which means to discuss and try to find areas of common ground as a group on ranked-choice voting (RCV).

Questions to consider: **What do you all agree on with regard to RCV?**

What do you have differences of opinion about? Should more states and cities adopt RCV?



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Sources

The United States, China, and Taiwan

Associated Press. "China Flashes Fighter Jets at Taiwan," *Los Angeles Times*, 10/27/22. • _____. "Chinese Ruling Party Touts Gains in Curbing Corruption Under Xi," *Los Angeles Times*, 10/18/22. • Blackwill, Robert D., and Philip Zelickow. *The United States, China, and Taiwan: A Strategy to Prevent War*. New York: Council on Foreign Relations. Special Report No. 90, Feb. 2021. • Buckley, Chris. "China Hangs on Xi's Every Word. His Silence Also Speaks Volumes," *New York Times*, 10/22/22, nytimes.com. 10/22/22. • Buckley, Chris and Bradsher, Keith. "Xi Jinping Expands His Power Elevating Loyalists, Forcing Out Moderates," *New York Times*, 10/22/22, nytimes.com. 10/22/22. • Bush, Richard C. "A One China Policy Primer," *Center for East Asia Policy Studies, Brookings Institution*, March 2017, brookings.edu. 11/19/22. • DeWitte, Melissa. "What Are the Issues Between the U.S. China, and Taiwan? Stanford Scholar Explains," *Stanford News*, 8/10/22, news.stanford.edu. 10/26/22. • _____. Interview by Fareed Zakaria. *GPS, CNN*, 11/20/22. • "First Taiwan Strait Crisis Quemoy and Matsu Islands," *Global Security.org*, 2000-2022, globalsecurity.org. 12/15/22. • Glaser, Bonnie S., et al. "Dire Straits, Should American Support for Taiwan be Ambiguous?" *Foreign Affairs*, 9/24/20, foreignaffairs.com. 11/7/22. • Hartnett, Stephen J. *A World of Turmoil, The United States, China, and Taiwan in the Long Cold War*. Michigan State University Press, 2021. • Kanno-Youngs, Zoltan, and Peter Baker. "Biden Pledges to Defend Taiwan If It Faces a Chinese Attack," *New York Times*, 5/23/22, nytimes.com. 11/12/22. • Maizland, Lindsay. "Why China-Taiwan Relations Are So Tense," *Council of Foreign Relations*, 8/3/22, cfr.org. 11/10/22. • Rogers, Katie, and Chris Buckley. "Live Updates: Biden Sees No Imminent Invasion of Taiwan by China," *New York Times*, 11/14/22, nytimes.com. 11/14/22. • Rudd, Kevin. "The Return of Red China," *Foreign Affairs*, 11/9/22, foreignaffairs.com. 11/11/22. • Shin, Gi-Wook, and Seong-Hyon Lee. "What To Expect from Xi Jinping's Historic Third Term," *Los Angeles Times*, 10/20/22. • Subramanian, Courtney, and Tracy Wilkinson. "Biden, Xi Vow to 'Manage' Tense Relations," *Los Angeles Times*, 11/15/22. • "What's Behind China Taiwan Tensions?" BBC, 8/2/22, bbc.com. 10/18/22. • Wilkinson, Tracy. "U.S. Faces Unheard-Of Threat of 2 Nuclear Conflicts," *Los Angeles Times*, 10/28/22, thechinaproject.com/2020/10/21/when-the-prc-won-the-china-seat-at-the-un/. 10/28/22.

The Haymarket Affair

Altgeld, J. "Reasons for Pardoning Fielden, Neebe, & Schwab, the Haymarket Anarchists," Anarchy Archives, N.D., dwardmac.pitzer.edu/Anarchist_Archives/haymarket/reasons.html. 3/15/23. • Avrich, Paul. *The Haymarket Tragedy*. Princeton University Press, 1984. • Beneivenni, Marcella. "The Untold Story of Haymarket," *Reviews in American History*. Johns Hopkins University Press, June 2014:309-316, jstor.org/stable/43661671. 1/19/23. • Duignan, Brian. "Haymarket Affair," *Encyclopaedia Britannica*, 5/11/22, britannica.com. 1/4/23. • Green, James. *Death in the Haymarket*. New York: Anchor Books, 2006. • "Haymarket Affair," *Wikipedia*, 1/7/23, en.wikipedia.org. 1/8/23. • Linder, Douglas O. "The Haymarket Riot and Trial: An Account," Famous Trials, UMKC School of Law, N.D., famous-trials.com. 1/4/23. • _____. "Attention Workmen!: Key Documents Introduced as Evidence in the Haymarket Trial," N.D., famous-trials.com/haymarket/1172-keydocuments. 3/15/23. • Messer-Kruse, Timothy. *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*. New York: Palgrave MacMillan, 2011.

Standards Addressed

The United States, China, and Taiwan

California History-Social Science Standard 11.9: Students analyze U.S. foreign policy since World War II.

California History-Social Science Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established in the U.S. Constitution. (4) Discuss Article II of the Constitution as it relates to the executive branch . . . and the enumeration of executive powers.

National United States History Standard 30 (McREL): Understands developments in foreign policy and domestic politics between the Nixon and Clinton presidencies.

High School Benchmark 5: Understands the impact of U.S. foreign policy on international events from Nixon to Clinton. . . .

National Civics Standard 22 (McREL): Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy.

High School Benchmark 1: Understands the significance of principal foreign policies and events in the United States' relations with the world. **5:** Understands the process by which United States foreign policy is made. **7:** Understands the idea of the national interest and how it is used as a criterion for shaping American foreign policy.

Common Core State Standards: SL.9-10.1, SL. 9-10.3; RH. 9-10.1, RH. 9-10.2, RH. 9-10.10; WHST. 9-10.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

The Haymarket Affair

National United States History Standard 17: Understands massive immigration after 1870 and how new social patterns, conflicts, and ideas of national unity developed amid growing cultural diversity. **High School Benchmark 1:** Understands challenges immigrants faced in society in the late 19th century (e.g., experiences of new immigrants from 1870 to 1900, reasons for hostility toward the new immigrants, restrictive measures against immigrants, the tension between American ideas and reality).

National United States History Standard 18: Understands the rise of the American labor movement and how political issues reflected social and economic changes. **High School Benchmark 2:** Understands labor issues in the late 19th century (e.g., organizational and agenda differences between reform and trade unions, the extent of radicalism in the labor movements. . . .)

California History-Social Science 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. (6) Discuss. . . and examine

Ranked-Choice Voting

Atkinson, Nathan and Scott C. Ganz. "The flaw in ranked-choice voting: rewarding extremists," *The Hill*, 10/30/22, thehill.com/opinion/campaign/3711206-the-flaw-in-ranked-choice-voting-rewarding-extremists/. 3/5/23. • Brett Baber, et al., v. *Matt Dunlap, et al.*, Decision and Motion on Order of Preliminary Injunction. United States District Court, District of Maine, 12/13/18, mediad.publicbroadcasting.net/p/mpbn/files/201812/poliquin_order.pdf. 4/10/23. • "Bringing Ranked-Choice Voting to Washington State," *FairVote Washington*, N.D., fairvotewa.org/. 4/10/23. • "Drutman: Ranked choice voting 'eliminates the spoiler effect'," *The Hill*, 11/20/21, thehill.com/hilltv/rising/582335-drutman-ranked-choice-voting-eliminates-the-spoiler-effect/. 4/10/23. • Fernandez, Madison. "Inside the novel voting system that could sink Palin's comeback bid," *Politico*, 8/31/22, politico.com/news/2022/08/31/novel-voting-system-that-could-sink-palins-comeback-bid-00054291. 3/6/23. • "Maine Ranked-Choice Voting for Presidential Elections Referendum," *Ballotpedia*, N.D., ballotpedia.org/Maine_Ranked-Choice_Voting_for_Presidential_Elections_Referendum_. 4/10/23. • "Mary Peltola: First Alaskan Native elected to Congress as Sarah Palin loses," BBC, 9/1/22, bbc.com/news/world-us-canada-62747378. 4/10/23. • Mistler, Steve. "In Tight Race, Maine Republican Sues to Block State's Ranked-Choice Voting Law," *WBUR*, 11/13/18, wbur.org/npr/667435326/facing-defeat-maine-republican-sues-to-block-states-ranked-choice-voting-law. 3/7/23. • _____. "Federal Judge Strikes Down Poliquin's Challenge to Maine's Ranked-Choice Voting Law," *WBUR*, 12/13/18, wbur.org/news/2018/12/13/poliquin-ranked-choice-voting-lawsuit-2nd-district. • Piper, Jessica. "Maine's 2020 election turnout was among highest in US," *Bangor Daily News*, 11/25/20, bangordailynews.com/2020/11/25/politics/maines-2020-election-turnout-was-among-highest-in-us/. 3/6/23. • "Pros and Cons of Ranked-Choice Voting (RCV)," *RankedVote, LLC*, N.D., rankedvote.co/guides/understanding-ranked-choice-voting/pros-and-cons-of-rcv. 3/6/23. • "Ranked Choice Voting," *FairVote*, N.D., fairvote.org/our-reforms/ranked-choice-voting/. 4/10/23. • "Ranked-Choice Voting: A Curiosity or Coming Reform?" *Close-Up Foundation*, 9/6/22, closeup.org/democrat-mary-peltola-alaska-house-of-representatives-ranked-choice-voting/. 4/10/23. • "Ranked-Choice Voting: Legal Challenges and Considerations for Congress," *Congressional Research Service*, 10/12/22, crsreports.congress.gov/product/pdf/LSB/LSB10837. 4/10/23. • Slaughter, Anne-Marie. "Ranked-Choice Voting," *Politico*, N.D., politico.com/interactives/2019/how-to-fix-politics-in-america/polarization/ranked-choice-voting/. 3/5/23. • "Special Election," *Legal Information Institute*, Cornell Law School, N.D., law.cornell.edu/wex/special_election • pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/12/02/dont-vote-for-just-one-ranked-choice-voting-is-gaining-ground. 4/10/23. • Thistle, Scott. "Gov. Mills allows ranked-choice voting in Maine's presidential elections," *Portland Press Herald*, 9/6/19, pressherald.com/2019/09/06/governor-mills-allows-ranked-choice-voting-in-maines-presidential-elections/. 3/6/23. • Watkins, Eli. "How Gary Johnson and Jill Stein helped elect Donald Trump," *CNN*, 11/25/16, cnn.com/2016/11/10/politics/gary-johnson-jill-stein-spoiler/index.html. 3/5/23. • Withers, Rachel. "The somewhat absurd controversy over Maine's ranked-choice voting system, explained," *Vox*, 12/9/18, vox.com/2018/12/9/18133184/maine-ranked-choice-voting-australia-ireland. 4/10/23.

the labor movement, including its leaders . . . , its demand for collective bargaining, and its strikes and protests over labor conditions.

California History-Social Science Standard 11.2: Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (2) Describe the changing landscape, including the growth of cities linked by industry and trade, and the development of cities divided according to race, ethnicity, and class.

Common Core State Standards: SL.6-8.1, SL.6-8.3; RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

Ranked-Choice Voting: Choosing One Candidate or Many?

National Civics Standard 20: Understands the roles of political parties, campaigns, elections, and associations and groups in American politics. **Middle School Benchmark 2:** Knows the various kinds of elections (e.g., primary and general, local and state, congressional, presidential, recall). **High School Benchmark 1:** Knows the origins and development of the two-party system in the United States and understands the role of third parties. **6:** Understands the significance of campaigns and elections in the American political system and knows current criticisms of campaigns and proposals for their reform.

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

California History-Social Science Standard 12.6: Students evaluate issues regarding campaigns for national, state, and local elective offices. (4) Describe the means that citizens use to participate in the political process (e.g., voting, campaigning, lobbying, filing a legal challenge, demonstrating, petitioning, picketing, running for political office).

Common Core State Standards: SL.6-8.1, SL.6-8.3; RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

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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 1963, 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 Institute, Civic Action Project, Youth & Police, teacher professional development, and publications and curriculum materials. Learn more at www.crf-usa.org.

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TODD CLARK

November 24, 1933 - March 22, 2023

We are sad to share the passing of Todd Clark, Constitutional Rights Foundation's former executive director. Todd was a high school history and government teacher when he joined the staff of CRF in 1967 as education director.

Todd was the founding editor of the *Bill of Rights in Action* curricular newsletter and authored numerous curriculum materials used in schools throughout the United States. Todd served as CRF's executive director from 1989 through March 2008. Todd was past president of the National Council for the Social Studies and the California Council for the Social Studies. He also served on the advisory committees of several state and national projects on citizenship and service learning and was a former board member of Civitas International.

For four years Todd chaired the California Commission on Improving Life Through Service, which administered the AmeriCorps program in California. He was first appointed to the commission by Governor Pete Wilson and re-appointed by Governor Gray Davis.

Todd's leadership in civics, creativity as an educator, and belief that young people are the future of democracy propelled the work of CRF, and still does. Please join us in honoring his legacy.



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