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UNIT 1 GOVERNORS 1

Issue 1. Should the Pentagon Take over the National Guard During Disasters? 2

YES: U.S. Northern Command, from “Legislative Proposal for Activation of Federal Reserve Forces for Disasters,” *Congressional Fact Sheet* (June 2009) 4

NO: Philip J. Palin, “Govs to DoD: Thanks, but No Thanks,” *Homeland Security Watch* (August 13, 2009) 7

U.S. Northern Command states that federal military personnel are necessary to safeguard the nation in times of disasters and major emergencies. Philip Palin is skeptical about governors losing control of their state guard units for only vague reasons.

Issue 2. Should Governors Have the Line-Item Veto? 13

YES: The California Chamber of Commerce, the California Taxpayers’ Association, and the California Business Roundtable, from Brief of Amicus Curiae of the *St. John’s Well Child and Family Center et al. v. Arnold Schwarzenegger, California Governor, and John Chiang, California Controller* (October 7, 2009) 15

NO: Los Angeles County Democratic Central Committee, from Brief of Amicus Curiae of the *St. John’s Well Child and Family Center et al. v. Arnold Schwarzenegger, California Governor, and John Chiang, California Controller* (September 20, 2009) 19

Three former California governors argue that there cannot be fiscal integrity in state government without checks and balances; the line-item veto does that. California Democrats claim that Governor Arnold Schwarzenegger goes beyond what the state constitution allows and this overreach has had devastating consequences to the welfare of many Californians.

UNIT 2 INTERGOVERNMENTAL RELATIONS 27

Issue 3. Should We Protect States’ Rights over the Federal Government? 28

YES: Sydney (a.k.a. Robert Yates), from “Powers of National Government Dangerous to State Governments; New York as an Example,” *Anti-Federalist* No. 45 (June 13 and 14, 1788) 30

NO: Publius (a.k.a. James Madison), from “The Alleged Danger from the Powers of the Union to the State Governments Considered for the Independent Journal,” *The Federalist*, No. 45 (January 26, 1788) 35

Sydney (Robert Yates) is critical of a new Constitution because he predicted an escalation of power in the federal government and an equal de-escalation of power by states. Publius (James Madison), the “Father of the Constitution,” defends his new document by arguing that its new powers will be necessary, “few and defined.”

Issue 4. Are “Checks and Balances” Enough to Protect Our Rights? 42

YES: Publius (a.k.a. James Madison), “The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments,” *The Federalist*, No. 51 (February 6, 1788) 44

NO: Aristocrotis (a.k.a. William Petrikin), from “Do Checks and Balances Really Secure the Rights of the People?” *Anti-Federalist* No. 51, from *Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution* (Carlisle, PA, 1788) 48

Publius (James Madison) pushes for both a separation of powers and checks and balances to safeguard liberty and our rights. Aristocrotis (William Petrikin) writes a tongue-in-cheek, yet serious attempt, to counter this new constitution, which is in the Anti-Federalist’s view, a serious invasion of individual liberty through a tyrannical and unlimitedly powerful government.

Issue 5. Should We Allow Eminent Domain for Private Use? 56

YES: John Paul Stevens, from Majority Opinion, *Susette Kelo et al., Petitioners v. City of New London, Connecticut et al.* (June 23, 2005) 58

NO: Sandra Day O’Conner, from Dissenting Opinion, *Susette Kelo et al., Petitioners v. City of New London, Connecticut et al.* (June 23, 2005) 71

Justice Stevens’s majority opinion supports the city of New London in condemning property for private use. Justice O’Conner’s dissenting opinion supports the Kelo position in saying that eminent domain should clearly be for public use only.

Issue 6. Should a National Sense of Morality Override States Rights in the Case of Physician-Assisted Suicide? 81

YES: Richard Doerflinger, from “Assisted Suicide: Pro-Choice or Anti-Life?” *Hastings Center Report* (January/February 1989) 83

NO: David T. Watts and Timothy Howell, from “Assisted Suicide Is Not Voluntary Active Euthanasia,” *Journal of the American Geriatrics Society* (October 1992) 90

Admitting that religiously based grounds for the wrongness of killing an innocent person are not convincing to many people, Doerflinger argues on mainly secular grounds having to do with inconsistencies in the arguments of supporters of physician-assisted suicide in several states. He examines

the idea of autonomy, and the tendency for something like California's Humane and Dignified Death Act might spread once it becomes initially accepted in a limited way. Watts and Howell first claim that it is very important to distinguish between *assisted suicide* and *voluntary active euthanasia* has led to confusion among several states, such as Washington State, California, and New Hampshire. Basically, the first of these is suicide or killing oneself; the second involves being killed by someone else (e.g., a physician). Watts and Howell argue that most of the opposition to physician-assisted suicide turns out to be really opposition to voluntary active euthanasia; furthermore, they argue that physician-assisted suicide would not have the dire consequence that its opponents predict.

UNIT 3 COURTS, POLICE, AND CORRECTIONS 101

Issue 7. Is a Strip Search of Students Permissible under the Fourth Amendment? 102

YES: Clarence Thomas, from Dissenting Opinion, *Safford Unified School District #1 et al. v. April Redding*, U.S. Supreme Court (June 25, 2009) 104

NO: David Souter, from Majority Opinion, *Safford Unified School District #1 et al. v. April Redding*, U.S. Supreme Court (June 25, 2009) 112

Supreme Court Justice Clarence Thomas argues that the Fourth Amendment is not violated when there is reasonable suspicion that the student is in possession of drugs banned by school policy and the search is in an area where small pills could be concealed. Supreme Court Justice David Souter holds that a search in school requires a reasonable belief that evidence of wrongdoing will be found and that the search is not excessively intrusive in light of the age and sex of the student.

Issue 8. Do Mandatory Sentencing Laws Help the Criminal Justice System? 122

YES: David Risley, Assistant U.S. Attorney, Illinois, from "Mandatory Minimum Sentences: An Overview," *Drug Watch International* (May 2000) 124

NO: Lois Forer, from "Justice by Numbers," *The Washington Monthly* (April 1992) 131

David Risley argues that mandatory minimum sentences sends a message that serious drug crimes should not be trivialized. Lois Forer, who is a judge, finds that mandatory sentencing is often too inflexible to give guidance in cases where the case is complicated and other circumstances tell the judge that the person will not repeat.

Issue 9. Can a School Punish a Student for Speech That Is Reasonably Viewed as Promoting Illegal Drug Use? 141

YES: John Roberts, from Majority Opinion, *Deborah Morse et. al. v. Joseph Frederick*, U.S. Supreme Court (June 25, 2007) 143

NO: John Paul Stevens, from Dissenting Opinion, *Deborah Morse et al. v. Joseph Frederick*, U.S. Supreme Court (June 25, 2007) 152

Supreme Court Chief Justice John Roberts rules that a student's First Amendment rights are not violated by restrictions on speech that can reasonably be regarded as encouraging illegal drug use. Supreme Court Justice John Paul Stevens argues that an ambiguous reference to drugs does not justify limiting a student's speech.

UNIT 4 STATE LEGISLATURES 165

Issue 10. Should State Legislators Have Term Limits? 166

YES: Patrick Basham, from "Assessing the Term Limits Experiment: California and Beyond," *Cato Institute* (August 31, 2001) 168

NO: Bruce Cain, John Hanley, and Thad Kousser, from "Term Limits: A Recipe for More Competition?" in *The Marketplace of Democracy* (McDonald and Samples, 2006) 192

Patrick Basham contends that the term-limits movement is one of the most successful grassroots political efforts in U.S. history. Bruce Cain and his colleagues find that the premises of the term-limits movement are largely false.

Issue 11. Should Legislators Have the Responsibility for Redistricting? 201

YES: Dean Murphy, from "Who Should Redistrict?" *New York Times Magazine* (October 23, 2005) 203

NO: Scott M. Lesowitz, from "Recent Development: Independent Redistricting Commissions," *Harvard Journal on Legislation* (Summer 2006) 209

Dean Murphy argues that the state legislature should keep redistricting under its power because that is what democracy is all about. Scott Lesowitz argues that state legislators are biased and the only way to create compact and competitive districts is to create a commission comprised of people who will not benefit from the outcome of redistricting.

UNIT 5 SUBURBS, CITIES, AND SCHOOLS 219

Issue 12. Is Property Tax an Appropriate Revenue Source for State and Local Governments? 220

YES: Steven Ginsberg, from "Two Cheers for the Property Tax," *Washington Monthly* (October 1997) 222

NO: Gerald Prante, "The Property Tax Rebellion," *American Legion Magazine* (April 2008) 227

Gerald Prante and Steven Ginsburg agree, property tax is not popular among taxpayers. Ginsburg describes its unpopularity as "about as revered as communism and as popular as a pro-lifer at a NOW rally." He finds that this revulsion to property tax is because it seems unreasonable, arbitrary, and even unfair. Prante describes it this way: "Even for a

famously anti-tax nation like the U.S., it's surprising how much Americans hate property taxes." He adds that more than seven years after 2000, property taxes have shot up 26 percent per person, a much higher rate than other types of taxes.

Issue 13. Should Municipal Governments Limit Urban Sprawl? 234

YES: **Rob Gurwitt**, from "Not-So-Smart Growth," *Governing* (October 2000) 236

NO: **Thomas J. DiLorenzo**, from "The Myth of Suburban Sprawl," *USA Today* (Society for the Advancement of Education, May 2000) 241

Rob Gurwitt explains that communities annex to beat out other communities before they annex the same piece of land, but such behavior has a high cost. Thomas DiLorenzo argues that problems associated with urban sprawl are hysterically out of proportion and that market principles should prevail.

Issue 14. Are School Boards Necessary? 249

YES: **Rob Gurwitt**, "Battered School Boards," *Governing* (May 2006) 251

NO: **Matt Miller**, from "First, Kill All the School Boards: A Modest Proposal to Fix the Schools," *The Atlantic* (January/February 2008) 258

Rob Gurwitt argues that school boards, when working well, can help reform schools. Matt Miller argues that school boards are largely worthless and other reforms such as mayoral control should be pursued instead.

Issue 15. Do Religious Groups Have a Right to Use Public School Facilities after Hours? 266

YES: **Clarence Thomas**, from Majority Opinion, *Good News Club et al. v. Milford Central School*, U.S. Supreme Court (June 11, 2001) 268

NO: **David Souter**, from Dissenting Opinion, *Good News Club et al. v. Milford Central School*, U.S. Supreme Court (June 11, 2001) 278

Supreme Court Justice Clarence Thomas affirms the right of religious groups to use school facilities after the school day ends, maintaining that restricting such use is a violation of free speech rights. Supreme Court Justice David Souter, dissenting from the Court's opinion, contends that the use of school facilities by religious groups blurs the line between public classroom instruction and private religious indoctrination and therefore violates the Establishment Clause of the Constitution.

UNIT 6 STATE AND LOCAL POLICYMAKING 287

Issue 16. Should Same-Sex Couples Receive State Constitutional Protection? 288

YES: Margaret Marshall, from Majority Opinion, *Goodridge et al. v. Department of Public Health*, Massachusetts Supreme Judicial Court (2003) 290

NO: Robert Cordy, from Dissenting Opinion, *Goodridge et al. v. Department of Public Health*, Massachusetts Supreme Judicial Court (2003) 298

Massachusetts Supreme Judicial Court Chief Justice Margaret Marshall rules that prohibiting same-sex couples from marrying causes hardship to a segment of the population for no rational reason. Massachusetts Supreme Judicial Court Justice Robert Cordy, in dissent, holds that a statute banning same-sex marriage is a valid exercise of the state's police power.

Issue 17. Do Charter Schools Merit Public Support? 306

YES: Joe Williams, from "Games Charter Opponents Play," *Education Next* (Winter 2007) 308

NO: Marc F. Bernstein, from "Why I'm Wary of Charter Schools," *The School Administrator* (August 1999) 315

Journalist Joe Williams, a senior fellow with Education Sector, reviews the development of the charter school movement and finds multiple unwarranted bureaucratic impediments to its acceptance. School superintendent Marc F. Bernstein sees increasing racial and social class segregation, church-state issues, and financial harm as outgrowths of the charter school movement.

Issue 18. Should "Concealed and Carry" Guns Be Allowed in the Classroom? 323

YES: National Rifle Association (NRA) of America, Institute for Legislative Action, from "The Outcry Over Campus Carry. The New Campus Revolt: Empty Holsters," *NRA's America's 1st Freedom* magazine and the NRA Institute for Legislative Action website (2007) 325

NO: Brady Center to Prevent Gun Violence, from "No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools" www.bradycenter.org (May 2007) 330

The NRA says it is a student's right to carry a gun to class to keep him or herself safe. The Brady Center says that guns just facilitate more violence and make a campus less safe.

Issue 19. Should Local Schools Have National Standards? 339

YES: Chester E. Finn Jr., Liam Julian, and Michael J. Petrilli, from "To Dream the Impossible Dream: Four Approaches to National Standards and Tests for America's Schools," Thomas B. Fordham Foundation (August 2006) 341

NO: Lawrence A. Uzzell, from "No Child Left Behind: The Dangers of Centralized Education Policy," *Cato Institute* (May 31, 2005) 349

Chester E. Finn, president; Liam Julian, associate writer and editor; and Michael J. Petrilli, vice president for national programs and policy, all of the Thomas B. Fordham Foundation, state, "National standards and tests may no longer be politically taboo." Lawrence A. Uzzell, an independent researcher and former staff member of the U.S. Department of Education and U.S. House and Senate committees on education, believes that "the key to rescuing our children from the bureaucratized government schools is radical decentralization."

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