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**NO:** Howard Zinn, from “The Power and the Glory: Myths of American Exceptionalism,” *Boston Review* (Summer 2005) 13

Humanities professor Wilfred M. McClay argues that America’s “myth,” its founding narrative, helps to sustain and hold together a diverse people. Historian Howard Zinn is convinced that America’s myth of “exceptionalism” has served as a justification for lawlessness, brutality, and imperialism.

### Issue 2. Is Democracy the Answer to Global Terrorism? 22

**YES:** George W. Bush, from Speech at National Defense University (March 8, 2005) 24

**NO:** F. Gregory Gause III, from “Can Democracy Stop Terrorism?” *Foreign Affairs* (September/October 2005) 29

President George W. Bush argues that the best antidote to terrorism is the tolerance and hope generated by democracy. Political scientist Gregory Gause contends that there is no relationship between terrorism emanating from a country and the extent to which democracy is enjoyed by its citizens.

### Issue 3. Should America Adopt Public Financing of Political Campaigns? 38

**YES:** Mark Green, from *Selling Out: How Big Corporate Money Buys Elections, Rams Through Legislation, and Betrays Our Democracy* (Regan Books, 2002) 40

**NO:** John Samples, from “Taxpayer Financing of Campaigns,” in John Samples, ed., *Welfare for Politicians? Taxpayer Financing of Campaigns* (Cato Institute, 2005) 46

Political activist and author Mark Green sums up his thesis in the subtitle of his book, a work that urges adoption of public financing of election campaigns in order to make politics more honest and to reduce the dependency of elected officials on selfish interests. Cato Institute director and political scientist John Samples opposes public financing of

candidates for public office because it does not achieve any of the goals of its advocates and it forces voters to underwrite the financing of candidates they do not support.

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**NO:** Michael Cairo, from “The ‘Imperial Presidency’ Triumphant,” in Christopher S. Kelley, ed., *Executing the Constitution* (SUNY, 2006) 65

John C. Yoo, a law professor at the University of California, Berkeley, argues that the language of the Constitution, long-accepted precedents, and the practical need for speedy action in emergencies all support broad executive power during war. Michael Cairo, lecturer in International Relations at Southern Illinois University, deplors the unilateral military actions undertaken by Presidents Clinton and Bush; he argues that the Founders never intended to grant exclusive war powers to the president.

### Issue 5. Should the Courts Seek the “Original Meaning” of the Constitution? 74

**YES:** Antonin Scalia, from Remarks at Woodrow Wilson International Center for Scholars (March 14, 2005) 76

**NO:** Stephen Breyer, from *Active Liberty: Interpreting Our Democratic Constitution* (Knopf, 2005) 83

Supreme Court Justice Antonin Scalia rejects the notion of a “living Constitution,” arguing that the judges must try to understand what the framers meant at the time. Supreme Court Justice Stephen Breyer contends that in finding the meaning of the Constitution, judges cannot neglect to consider the probable consequences of different interpretations.

### Issue 6. Is Congress a “Broken Branch”? 91

**YES:** Thomas E. Mann and Norman J. Ornstein, from *The Broken Branch: How Congress Is Failing America and How to Get It Back on Track* (Oxford University Press, 2006) 93

**NO:** Lee H. Hamilton, from *How Congress Works* (Indiana University Press, 2004) 104

Congressional scholars Thomas Mann and Norman Ornstein argue that Congress has become increasingly dysfunctional as a result of many self-inflicted wounds, from ethical violations to hyperpartisanship. Former representative Lee H. Hamilton contends that many of the Congress’s so-called flaws are actually faithful reflections of how the American public thinks and feels.

### Issue 7. Should the Senate Filibuster Be Abolished? 114

**YES:** Thomas Geoghegan, from “The Case for Busting the Filibuster,” *The Nation* (August 12, 2009) 116

**NO: Robert Byrd**, from Debate, United States Senate  
(March 1, 2005) 121

Attorney and author Thomas Geoghegan contends that the filibuster is an obstructionist device with an unsavory past that blocks urgent reforms. Senator Robert Byrd argues that without the filibuster, bills will be steamrolled through the Senate by slender majorities, crushing the Senate's long tradition of compromise and deliberation.

**Issue 8. Should the President Be Allowed "Executive Privilege"?** 128

**YES: Mark J. Rozell**, from "Pro," in Richard J. Ellis and Michael Nelson, eds., *Debating the Presidency: Conflicting Perspectives on the American Executive* (CQ Press, 2006) 130

**NO: David Gray Adler**, from "Con," in Richard J. Ellis and Michael Nelson, eds., *Debating the Presidency: Conflicting Perspectives on the American Executive* (CQ Press, 2006) 136

Public policy professor Mark J. Rozell believes that executive privilege is needed for the proper functioning of the executive branch, because presidents need candid advice from their staffs. Political science professor David Gray Adler concludes that neither debate in the Constitutional Convention nor the text of the Constitution provide any support for the view that the Framers supported giving the president the power to conceal information from Congress.

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**NO: Walter E. Williams**, from "Affirmative Action Can't Be Mended," in David Boaz, ed., *Toward Liberty: The Idea That Is Changing the World* (Cato Institute, 2002) 155

Political scientist Glenn Loury argues that the prudent use of "race-sighted" policies is essential to reducing the deleterious effects of race stigmatization, especially the sense of "racial otherness," which still remain in America. Economist Walter Williams argues that the use of racial preferences sets up a zero-sum game that reverses the gains of the civil rights movement, penalizes innocent people, and ends up harming those they are intended to help.

**Issue 10. Should Abortion Be Restricted?** 164

**YES: Robert P. George**, from *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (ISI Books, 2001) 166

**NO: Mary Gordon**, from "A Moral Choice," *The Atlantic Monthly* (March 1990) 172

Legal philosopher Robert P. George asserts that, since each of us was a human being from conception, abortion is a form of homicide and should

be banned. Writer Mary Gordon maintains that having an abortion is a moral choice that women are capable of making for themselves, that aborting a fetus is not killing a person, and that antiabortionists fail to understand female sexuality.

### Issue 11. Do We Need National Health Insurance? 180

**YES:** Ezra Klein, from "The Health of Nations," *The American Prospect* (May 2007) 182

**NO:** John C. Goodman, from "Health Care in a Free Society: Rebutting the Myths of National Health Insurance," *Policy Analysis* (January 27, 2005) 190

Political essayist Ezra Klein argues that Canada, France, Great Britain, and Germany provide better health care for everyone at less cost than the United States. Political analyst John C. Goodman believes that none of the claims made for universal health coverage in other countries withstands objective analysis.

### Issue 12. Is America Becoming More Unequal? 202

**YES:** Robert Greenstein, from *Testimony before the Subcommittee on Workforce Protections of the House Committee on Education and Labor* (July 31, 2008) 204

**NO:** Christopher C. DeMuth, from "The New Wealth of Nations," *Commentary* (October 1997) 211

Center on Budget and Policy Priorities Executive Director Robert Greenstein maintains that the long-term trend of inequality of income in the United States continues to grow greater as a consequence of public policy. American Enterprise Institute president Christopher C. DeMuth asserts that Americans have achieved an impressive level of wealth and equality and that a changing economy ensures even more opportunities.

### Issue 13. Are Americans Overtaxed? 220

**YES:** Curtis S. Dubay, from "Seven Myths About Taxing the Rich," *Backgrounder, The American Heritage Foundation* (August 3, 2009) 222

**NO:** Steve Brouwer, "If We Decided to Tax the Rich," from *Sharing the Pie: A Citizen's Guide to Wealth and Power* (Holt Paperbacks, 1998) 228

Economist Charles S. Dubay believes that raising the already high taxes on high incomes would stifle job creation, slow the growth of already stagnant wages, and lead to larger deficits. Author Steve Brouwer maintains that higher and more progressive taxes on high incomes would enable the government to finance health care, higher education, and the rebuilding of the nation's infrastructure.

### Issue 14. Is Bigger Government Better Government? 235

**YES:** Jeff Madrick, from *The Case for Big Government* (Princeton, 2008) 237

**NO:** Jim DeMint, from *Saving Freedom* (Fidelis, 2009) 242

Humanities professor Jeff Madrick surveys the numerous government interventions in the economy since the end of World War II and concludes

that they have been essential to America's growth and well being. Senator Jim DeMint compares government to a genie that can protect a nation from its enemies and ensure fair and equal treatment of its citizens but which needs to be "caged" lest it overwhelm and destroy the nation.

### **Issue 15. Stopping Illegal Immigration: Should Border Security Come First? 251**

**YES:** **Mark Krikorian**, from "Comprehensive Immigration Reform II," Testimony Before Senate Committee on the Judiciary (October 18, 2005) 253

**NO:** **Frank Sharry**, from "Comprehensive Immigration Reform II," Testimony Before Senate Committee on the Judiciary (October 18, 2005) 263

Mark Krikorian, executive director of the Center for Immigration Studies, argues that we have not seriously tried to enforce the laws against illegal aliens, and recommends shrinking the illegal population through consistent and equitable law enforcement. Frank Sharry, executive director of the National Immigration Forum, contends that the "enforcement only" approach ignores the fact that the United States has an increasingly integrated labor market with Latin America, and recommends a comprehensive approach combining border control with expanded legal channels.

### **Issue 16. Should There Be a "Wall of Separation" Between Church and State? 272**

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**NO:** **Antonin Scalia**, from Dissenting Opinion in *McCreary County, et al., v. American Civil Liberties Union of Kentucky, et al.*, 545 U.S. 844 (June 27, 2005) 283

United States Supreme Court Justice John Paul Stevens believes that the Constitution creates "a wall of separation" between church and state that can be rarely breached and only insofar as the state recognition of religion does not express a bias in support of particular religious doctrines. United States Supreme Court Justice Antonin Scalia believes that both the Constitution and American history support the sympathetic acknowledgement of the nearly universal American belief in monotheistic religion as reflected in presidential proclamations, public oaths, public monuments, and other displays.

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### **Issue 17. Is Indefinite Detention of Suspected Terrorists Justified? 296**

**YES:** **Jack Goldsmith**, from "Long-Term Terrorist Detention and a U.S. National Security Court," *Legislating the War on Terror: An Agenda for Reform* (Brookings Institution Press, 2009) 298

**NO:** **Sarah H. Cleveland**, from "The Legal, Moral and National Security Consequences of Prolonged Detention," *Subcommittee on the Constitution of the U.S. Senate Committee on the Judiciary* (June 9, 2009) 303

Former Department of Justice attorney Jack Goldsmith argues that, in dealing with terrorism, the elective branches have the authority and justification to establish procedures for noncriminal military detention of an extended nature. Department of State counselor Sarah H. Cleveland believes that unlimited detention of suspected terrorists does not contribute to national security, while it undermines the constitutional defense of habeas corpus.

## **Issue 18. Is Middle Eastern Profiling Ever Justified? 311**

**YES:** Daniel Pipes, from "Fighting Militant Islam, Without Bias," *City Journal* (November 2001) 313

**NO:** David A. Harris, from "'Flying While Arab,' Immigration Issues, and Lessons from the Racial Profiling Controversy," Testimony before the U.S. Commission on Civil Rights (October 12, 2001) 320

Daniel Pipes, director of the Middle East Forum, argues that "heightened scrutiny" of Muslims and Middle Eastern-looking people is justified because, while not all Muslims are Islamic extremists, all Islamic extremists are Muslims. Law professor David A. Harris opposes profiling people of Middle Eastern appearance because, like racial profiling, it compromises civil liberties and actually damages our intelligence efforts.

## **Issue 19. Is the Use of Torture Against Terrorist Suspects Ever Justified? 327**

**YES:** Charles Krauthammer, from "The Truth About Torture," *The Weekly Standard* (December 5, 2005) 329

**NO:** Andrew Sullivan, from "The Abolition of Torture," *The New Republic* (December 19, 2005) 337

Charles Krauthammer argues that the legal protections for prisoners of war and civilians do not apply to terrorist suspects captured abroad, and in certain extreme cases torture may be used to extract information from them. Andrew Sullivan contends that any nation that uses torture infects itself with the virus of totalitarianism, belies its claim of moral superiority to the terrorists, and damages its chances of persuading the Arab world to adopt Western-style democracy.

## **Issue 20. Is Warrantless Wiretapping in Some Cases Justified to Protect National Security? 348**

**YES:** Andrew C. McCarthy, from "How to 'Connect the Dots,'" *National Review* (January 30, 2006) 350

**NO:** Al Gore, from "Restoring the Rule of Law," from a Speech Presented to The American Constitution Society for Law and Policy and The Liberty Coalition (January 15, 2006) 356

Former federal prosecutor Andrew C. McCarthy supports the National Security Agency program of surveillance without a warrant as an effective means of protecting national security that employs the inherent power of the president to protect the country against subversion. Former vice president Al Gore views the warrantless wiretapping of American citizens as a brazen violation of the Constitution and of specific acts of Congress that have spelled out the circumstances under which a president may receive judicial permission to wiretap or otherwise invade the privacy of citizens.

**Issue 21. Should the United States Pull Out of Afghanistan? 364**

**YES:** **Andrew J. Bacevich**, from Testimony Before the Senate Foreign Relations Committee, U.S. Congress, 2009 366

**NO:** **Joseph I. Lieberman**, from Address, Brookings Institution, 2009 369

Andrew Bacevich, a professor and retired Army colonel, contends that America's Afghanistan war is based on a "mystical war on terrorism" which causes policymakers to exaggerate the threat of jihadism and commit us to a war without an exit strategy. Senator Joseph Lieberman regards Afghanistan as the front line in the global war against Islamic extremists and is convinced that they can be defeated there, just as they were in Iraq, by the skillful use of counterinsurgency techniques.

**Issue 22. Does the Tea Party Represent a Revival of America's Revolutionary Ideals? 376**

**YES:** **Dick Arme y and Matt Kibbe**, from *Give Us Liberty: A Tea Party Manifesto* (William Morrow, 2010) 378

**NO:** **Jill Lepore**, from *The Whites of Their Eyes: The Tea Party's Revolution and the Battle over American History* (Princeton University Press, 2010) 384

FreedomWorks founder Dick Arme y and FreedomWorks president Matt Kibbe believe that the Tea Party movement is a reawakening of the spirit of the American Revolution. Harvard University professor of American history Jill Lepore believes that the modern Tea Party movement is antihistorical, anti-intellectual, and antipluralist.

**Issue 23. May Congress Require People to Buy Health Insurance? 393**

**YES:** **George Caram Steeh**, from "Order Denying Plaintiff's Motion," *Thomas More Law Center v. Obama* (October 7, 2010) 395

**NO:** **Henry Hudson**, from "Memorandum Opinion," *Virginia v. Sebelius* (December 13, 2010) 401

George Caram Steeh, U.S. judge for the Southern Division of Michigan, maintains that there is a rational basis for the federal government's "individual mandate," for without it individuals could shift the cost of health insurance onto others, driving up the cost for everyone. Henry Hudson, U.S. judge for the Eastern District of Virginia, argues that the "individual mandate" exceeds the regulatory powers granted to the U.S. government under the Commerce Clause because it penalizes the mere failure to purchase a product.

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