THE

CHALLENGE

OF

GOVERNANCE

TEACHER’S GUIDE

This Constitutional Rights Foundation publication is made possible by a generous grant from the W.M. Keck Foundation.
The Challenge of Governance is the fourth volume in the W.M. Keck Foundation Series, a series of educational publications that address key challenges facing our democratic and pluralistic republic under the framework of the Constitution and its Bill of Rights. The W.M. Keck Foundation, one of the nation’s largest charitable foundations, primarily supports higher education, medical research, and science. The Foundation also maintains a Southern California Grant Program that provides support in the areas of civic and community services, health care, precollegiate education, and the arts. The Board of Directors of Constitutional Rights Foundation is grateful to the W.M. Keck Foundation for its vision and generosity.
# The Challenge of Governance

## TEACHER’S GUIDE

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INTRODUCTION

In 1999, the National Assessment of Educational Progress, also known as “the Nation’s Report Card,” issued the results from its 1998 civics assessment of high school seniors. Based heavily on the National Standards for Civics and Government for High School, the assessment found that only 26 percent of all high school seniors showed proficiency in civics understanding. Reporting on the results, the Los Angeles Times stated: “Most of the nation’s 3 million high school seniors will be eligible to vote next year in the first presidential election of the 21st century, but only one in four of them has more than a rudimentary understanding of how the American system of democratic government works . . . .”

The assessment clearly showed that more needs to be done to assure that students understand American democracy and are able meet the National Standards for Civics and Government for High School. We designed The Challenge of Governance with this in mind.

The Challenge of Governance gives teachers an opportunity to review content from the national standards with students in a systematic and comprehensive manner. In addition, the materials use interactive methodology that provides students with intellectual and critical-thinking skill building, also required by the standards. We hope that this approach proves to be both content rich and methodologically sound.

Overview of the Teacher’s Guide

This Teacher’s Guide is designed to provide instructional support for the classroom use of The Challenge of Governance. The student text is divided into 16 short chapters. Each chapter consists of two parts. The first part is an introductory reading covering one or two of the National Standards for Civics and Government for High School. These standards have been incorporated into most states’ civics and government standards. The introductory readings offer students a review of all the national civics and government standards. The second part of each chapter is an activity reading that pursues a related specific issue of current importance. The activity readings offer student an opportunity to delve more deeply into an issue and prepare students for an interactive activity that will engage students and foster critical thinking.

This Teacher’s Guide provides recommended lesson sequences incorporating readings, directed discussions, and interactive activities supported by reproducible handouts. Each lesson is structured with an overview, learning objectives, standards addressed in the lesson, preparation needed for the lesson, and step-by-step procedures.

The lessons are structured somewhat differently from the other volumes in the Challenge series. Please take note of the following:

Handout Q. This is the last handout in this Teacher’s Guide and contains a vocabulary list for each lesson. Teachers may want to distribute this handout in advance of each lesson and ask students to review the applicable words.

Focus Discussion. Each lesson begins with a focus discussion. The discussions are designed to elicit personal opinions from students and make the introductory reading more meaningful.

Introductory Reading. The first reading in each chapter is an introductory reading based on the National Standards for Civics and Government for High School. These readings are packed with information. It is recommended that students read this as a review after having covered the material in their civics or government class. Or teachers may want to base a lecture on the introductory reading, which will give students an opportunity to ask questions. Following the lecture, students should be able to read the material themselves.

Points of Inquiry after the Introductory Reading. Each introductory reading is followed by Points of Inquiry, questions for discussion or writing. These questions are taken directly from the National Standards and are based on the benchmarks for each standard.

The remaining parts of the lesson are similar to the other volumes. The activity reading is more high interest reading than the introductory reading. It is followed by Points of Inquiry for another discussion. Then students take part in an interactive activity, which requires critical thinking and provides an opportunity for the students to get more involved in the subject.

One final note: We plan to put links related to each reading on our web site. Students (or teachers) may find these useful to get more information on a particular subject or to better prepare for an activity. To find these links, go to www.crf-usa.org, click on Links, and click on The Challenge of Governance Links.
Lesson 10: Setting the Public Agenda

OVERVIEW

In this lesson, students examine how the public agenda is set in America. First, students read and discuss an introductory reading on the public agenda. Then they read and discuss an activity reading examining how well the press performs its function in setting the public agenda. Next, in a homework assignment, students search for factual inaccuracies, logical errors, and emotional appeals in the political media.

OBJECTIVES

Students will be able to:
1. Explain “public agenda” and how it is shaped.
2. Express a reasoned opinion on how well the political media are doing at setting the public agenda.
3. Use criteria such as logical validity, factual accuracy, emotional appeal, and distorted evidence to analyze political communication.

STANDARDS ADDRESSED

National Civics Standards for High School
(19) Understands what is meant by “the public agenda,” how it is set, and how it is influenced by public opinion and the media.

PREPARATION

In advance of the lesson, you might assign for review the key words for this lesson from Handout Q. You will also need a copy of Handout I for each student.

PROCEDURE

A. Focus Discussion: Ask students:
   1. What do you think are the most important issues facing America today?
   2. Do you think the media do a good job of addressing these issues?
   Hold a brief discussion of these questions.

B. Introductory Reading and Discussion: Ask students to read Setting the Public Agenda on page 45. Conduct a class discussion using the Points of Inquiry questions on page 46.

   1. What is the public agenda? How do political institutions and political parties shape it? How do the media influence it?
   2. Why do you think some issues that groups consider important do not become part of the public agenda?
   3. What is public opinion? How is it measured? How is it used in public debate? How can it be influenced by government and the media? How does it influence public policy and the behavior of public officials? What do you think the role of public opinion should be in a democracy?

C. Activity Reading and Discussion: Ask students to read Are the Political Media Focusing on the Wrong Things? on page 47. Conduct a class discussion using the Points of Inquiry questions on page 48.

   1. Many journalists argue that they do not give a negative slant to their political reporting; all they do is report reality. Do you agree or disagree with this view? Why?
   2. What do the news media and the public have a right to know about the personal lives of elected officials and political candidates? What do they not have a right to know? Explain your answer.
   3. Do you think the media are doing an adequate job in helping to set the public agenda? Explain.

D. Homework Assignment: Distribute Handout I—Evaluating Political Arguments to each student. Carefully review the assignment, answer any questions students may have, and assign a due date. After students turn in their assignments and you evaluate them, discuss with the class examples of each type of error that students found.
Evaluating Political Arguments

When evaluating political statements and arguments (whether they are in advertising, the media, or conversations), it’s important to be able to spot factual and logical errors. Below is a list of some of the most common errors.

Your assignment is: Find examples of four of these errors. You can look for the errors in newspaper editorials, political cartoons, political magazines, news programs, interview programs, or political advertising. For each of the items you find, do the following:

1. Write down the error on a sheet of paper.
2. Tell where the error came from, who made it, and the date, time, name, and channel of the broadcast program or the date, name, and page number of the newspaper or magazine it appeared in.
3. Tell what type of error it is and explain why it is an example of this error.

Look For . . .

Factual Inaccuracies. Look to see if the facts are right. Watch out for:

- **Factual errors.** Did someone actually say that? Did that really happen? Did it happen in the way it was described? Factual errors occur all the time. They can be difficult to detect because sometimes they are repeated over and over, and many people believe they are true.

- **Distorted evidence.** Is someone only telling part of the story? Does a quote reflect what the person said or does it distort the truth?

Logical errors. If an argument is logically invalid, it can be factually correct and still fallacious. For example: “All communists believe in free health care. Jones believes in free health care. Therefore he is a communist.” The conclusion does not logically follow from the premises. Check to make sure arguments are logically consistent. There are many types of logical fallacies. Here are a few common ones:

- **Post hoc ergo propter hoc.** This is Latin for “after this therefore because of this.” This fallacy concludes that X caused Y simply because X happened before Y. For example, “We enacted a curfew and crime went down.” This statement alone does not prove the curfew caused crime to go down. More proof is needed.

- **Slippery slope.** This fallacy argues against taking a certain step because it will eventually lead to disaster. “If a curfew passes, next they’ll make it earlier, then they’ll only allow young people out with adults, then they’ll stop adults from going out, and we’ll have a police state.” Without proof that these things will happen, this statement is illogical.

- **False dilemma.** “Either we pass a curfew or juvenile crime will soar.” Always ask whether these are the only alternatives. Rarely are there just two. Posing a false dilemma does not prove the need for a curfew or any other policy.
Evaluating Political Arguments

Emotional Appeals. If an argument, instead of offering evidence, simply appeals to people’s emotions or to their biases and prejudices, it is mere propaganda. Below are seven basic propaganda techniques:

- **Glittering generality.** This tries to associate the policy or politician with some positive idea or feeling: “motherhood,” “the flag,” “apple pie,” “freedom,” “truth,” “justice,” “the American way.”
- **Bandwagon.** This asks you to join with the crowd. Support X because a lot of other people support X.
- **Name calling.** This tags the opponent and the opponent’s ideas with negative names. Personal attacks divert attention from the issue at hand: Is the policy a good one or not?
- **Card stacking.** This is a one-sided argument. It only presents favorable information and withholds any unfavorable information or arguments.
- **Transfer.** This tries to establish guilt or praise by association. “The politician is no good: She hangs out with known criminals.”
- **Plain folks.** This tries to portray the individual or organization as just being ordinary people—probably from humble origins. “He was born in a log cabin.”
- **Testimonial.** This is an appeal to false authority. Experts provide important, relevant information. But they must be experts. If an environmental expert says the river is polluted, that is relevant information. But a movie star’s opinion on river pollution is not an expert opinion.
### Key Terms

**1**
- common law
- constitution
- constitutional government
- democracy
- divine right of kings
- English Bill of Rights (1689)
- John Locke
- limited government
- Magna Carta
- natural rights
- popular sovereignty
- rule of law

**2**
- Articles of Confederation
- Bill of Rights
- checks and balances
- constitutional amendment
- Declaration of Independence
- Enlightenment
- liberalism
- Protestant Reformation
- separation of powers
- state constitutions
- U.S. Constitution

**3**
- confederal system
- direct democracy
- federal system
- monarchy
- parliamentary system
- political authority
- politics
- representative democracy
- republic
- system of shared powers
- unitary system

**4**
- authoritarian government
- civil society
- common good
- justice
- liberty
- private sector
- Progressive era
- Puritan work ethic
- totalitarian government
- voluntary associations

**5**
- affirmative action
- commerce clause
- diversity
- establishment of religion
- 14th Amendment
- free exercise of religion
- secular
- separation of church and state

**6**
- eminent domain
- just compensation
- loyal opposition
- police powers
- Prohibition
- property
- public use
- zoning

**7**
- domestic policy
- executive branch
- Federal Communications Commission
- Federal Reserve Board
- flat tax
- graduated tax

**8**
- bicameral
- city
- concurrent powers
- county
- municipality
- reserved powers
- special district
- state
- 10th Amendment
- unicameral

**9**
- appellate courts
- civil courts
- criminal courts
- due process of law
- equal protection
- impeachment
- independent judiciary
- judicial review
- mediation
- negotiation
- ordered liberty
- recall

- independent federal regulatory agency
- judicial branch
- legislative branch
- presidential veto
- progressive tax
- regressive tax
- Securities Exchange Commission
- trade policy
- value-added tax
Key Terms

10
- distorted evidence
- emotional appeal
- factual accuracy
- logical validity
- margin of error
- media
- political parties
- political platforms
- public policy
- public agenda
- public opinion
- public opinion polling
- random sample

11
- Democratic party
- Federalist party
- ideology
- initiative
- motor voter
- political independent
- referendum
- Republican party
- third parties
- two-party system
- voter registration

12
- at-large election
- compelling government interest
- gerrymander
- minority-majority district
- public policy
- Voting Rights Act of 1965

13
- Cold War
- foreign policy
- human rights
- imperialism
- isolationism
- Marshall Plan
- Monroe Doctrine
- most-favored nation
- national security
- national interest
- NATO
- Organization of American States
- power to declare war
- self-determination
- superpower
- treaty

14
- GATT
- General Assembly
- intellectual property
- international governmental organization
- international non-governmental organization
- International Red Cross
- multinational corporation
- Roman Catholic Church
- Security Council
- tariff
- U.N. Charter
- UNICEF
- United Nations
- World Trade Organization

15
- alien
- ambassador
- citizen
- deport
- economic rights
- Immigration and Naturalization Service
- naturalization
- Northwest Ordinance
- personal rights
- political rights
- right to privacy
- supremacy clause

16
- citizen movements
- civic responsibilities
- non-political volunteering
- patriotism
- personal responsibilities
- political action
- public service
THE CHALLENGE OF CONSENT

Marshall Croddy
Charles Degelman
Bill Hayes

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We gratefully acknowledge the following sources for photographs and editorial cartoons, which were used with permission:

- AP/Wide World Photos: 18, 26, 44, 64, 69
- Aronof, Robert: 70
- Nathan Benn/CORBIS: 53
- Bettman/CORBIS: 10, 15, 42
- CORBIS: 22, 31, 49
- Costly, Andrew/CRF Photo: 11
- Fischer, Ed, Rochester Post-Bulletin: 13, 39
- Library of Congress: 20, 24, 28, 32, 62, 66
- Roger Ressmeyer/CORBIS: 45
- Reuters NewMedia Inc./CORBIS: 51
- Smithsonian Institution: 6
- Lee Snider/CORBIS: 36
- Joseph Sohm: ChromoSohm Inc.: 50
- Stewart, Walt: 41
- Wasserman, Dan, Tribune Media Services: 47

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Introduction

For over 200 hundred years, the Constitution and the Bill of Rights have guided America. The Constitution defined a federal form of government that has served us well. The Bill of Rights limited the powers of that government and endowed Americans with an unprecedented level of personal and political freedom.

Over the past two centuries, our constitutional republic has faced many challenges, such as war, internal dissension, and economic turmoil. As we enter a new millennium, America will face new challenges testing our unity, our principles, and our system of government.

It is the young people of today who will encounter those challenges. They will be tomorrow’s voters, community leaders, politicians, and citizens. They will be asked to make decisions about issues unknown to us today, and the quality of those decisions will determine whether our constitutional system will endure. It is to these young people that this series is dedicated.
In this volume, *The Challenge of Governance*, we consider one of the basic challenges of every society—establishing and maintaining a proper government. In a democratic society such as ours, the challenge of governance is perhaps greatest, because every citizen is entrusted with rights and responsibilities. The strength of our society depends on our citizenry becoming well-educated and taking part in our nation’s civic life.

With these materials, we invite students to confront the challenges facing our democratic form of government. The book is divided into 16 sections. Each section has two parts. In the first part, an introductory reading covers one or two of the National Standards for Civics and Government for High School. The introductory readings offer students a review of all the standards, which were developed to help students become “competent citizens committed to the fundamental values and principles of American democracy.” Following each introductory reading, a second reading delves into a related specific issue of current importance.
Every year, thousands of political issues are raised in America: issues about health care, education, minority rights, the economy, taxation, the environment, crime, national defense, science and research, poverty and homelessness. Some issues, once raised, are soon forgotten. Some issues become subject to widespread public debate leading to legislation, executive action, or famous court cases. These issues are said to be part of the public agenda.

How do certain issues become part of the public agenda? There is no formal process for setting the public agenda. Instead, it is created by the interaction of many institutions, influences, and forces.

Political parties and institutions help set the public agenda. Political parties create “platforms.” These are lists of principles, issues, and positions that party delegates agree are important. The party’s candidates for office run on the party’s platform. Once elected, legislators representing the party are likely to try to pass laws that advance the platform. For example, in 1994 many Republican legislative candidates ran on a set of principles called the Contract with America, which called for budget restraint, tax reform, and other issues. When the Republicans won a majority in the House of Representatives, they attempted to enact the “contract” in legislation.

Public officials from the other branches of government also help set the public agenda. Because of the visibility of the office and its great power, the president is often a key player in setting the public agenda. President Lyndon Johnson made civil rights legislation a significant item on the public agenda. Ronald Reagan promoted national security and greater defense spending. Even Supreme Court decisions can help set the public agenda. For example, when the Supreme Court ruled that flag burning was protected by the First Amendment, a movement began to pass a constitutional amendment to ban it.

The print and electronic media are key players in setting the public agenda. Newspapers and news magazines write stories focusing on certain problems or issues that can influence politicians and the public. They also write editorials and commission public opinion polls. Television news programs exert an even greater impact because most Americans rely on television for their news and public-affairs reporting.

Special-interest groups promoting a range of economic, environmental, or public-safety issues attempt to set the public agenda. Some groups are huge. For example, the American Association of Retired Persons (AARP), the National Rifle Association (NRA) and the American Civil Liberties Union (ACLU) represent millions of members and have large budgets. To influence the public agenda they send legislative information to their members, lobby elected officials, and conduct polls and studies on issues of their concern.

PUBLIC OPINION

Public opinion is important in setting the public agenda. Public opinion is an expression of attitudes or beliefs held by a group of people. Public officials monitor it to help determine what issues are important to their constituencies. Political parties use public opinion to gauge the support for their platforms, and they adjust their policies to match the desires of the public. Political parties also use public opinion to help determine which issues they should focus on. Some issues are more important to the public than others, and political parties need to know which issues are most important to their constituents.

Media organizations, like this large metropolitan newspaper, play a key role in setting the public agenda.
opinion to determine which candidates appeal to voters and to help choose issues to run on.

In recent years, political opinion polling has increased. Thousands of political surveys are conducted and published each year, particularly around election time. If properly conducted, such polls can have a high degree of accuracy.

Modern polling relies on scientific sampling. That is, a relatively small group of people can be polled and the results can be projected to the population as a whole. Accuracy depends on the sample of people polled. The most useful information comes from random samples. For example, from a list of voters, one out of 100 or 200 people is selected at random to be polled. The size of the sample also matters. Generally, the larger number of people polled from a group, the more accurate the results. For example, if 1,500 people were polled in a national survey, you might expect a margin of error of 4 percent. (This means that the results could be off plus or minus 4 percent.) If only 100 people were polled, the margin of error could be 14 percent.

Though many polls accurately reflect what people are thinking, it is important to carefully evaluate them. Not all polls are accurate. First, consider who conducted the poll and for what purpose. Some polls are sponsored and conducted by organizations that have a strong interest in the results. Polls can be shaped to get results that support a particular point of view. In general, polls conducted by independent and professional survey firms have greater credibility.

It is also important to determine how those polled were selected. As described above, random surveys produce the best results. Some polls rely on self-selected samples. Magazines often poll their readers; organizations poll their members. People who volunteer their opinions can have strong views one way or the other. But these polls may not tell very much about what the population as a whole is thinking.

A poll is only as good as the questions that are asked. Questions can be misleading or phrased to prompt a certain result. Also, questions asked in different ways can get very different results. For example, one Harris Poll asked: “Do you believe in capital punishment, that is, the death penalty, or are you opposed to it?” Seventy-one percent of those polled favored the death penalty, and only 21 percent opposed it. The Gallup Poll asked a different question on the same topic: “What do you think should be the penalty for murder: the death penalty or life imprisonment with no possibility of parole?” In response to this question only 52 percent of those polled supported the death penalty; 37 percent favored life imprisonment.

Opinion polls can provide valuable information, but concerns have been raised about their effect on American politics. Some critics believe that public opinion can be misinformed, shallow, and easily shifted. They also worry that public opinion can be too influential and sway politicians to cater to it rather than make the best decision. Others fear that polls sometimes do not simply reflect public opinion, but actually shape it. People, they argue, may be influenced by public opinion polls to adopt certain beliefs or views on issues. Others worry that public opinion polls have too much impact on elections. Good candidates may be discouraged from running or drop out because of poor poll showings. Lopsided polls may discourage people from actually voting because they think the result is a foregone conclusion. Despite these concerns, public opinion polling is likely to remain a significant factor in American politics.

POINTS OF INQUIRY

1. What is the public agenda? How do political institutions and political parties shape it? How do the media influence it?

2. Why do you think some issues that groups consider important do not become part of the public agenda?

3. What is public opinion? How is it measured? How is it used in public debate? How can it be influenced by government and the media? How does it influence public policy and the behavior of public officials? What do you think the role of public opinion should be in a democracy?
Are the Political Media Focusing on the Wrong Things?

In our democracy, people get most of their political information from the media. This means that the media play an enormous role in setting the public agenda. Are the media doing an adequate job in this role?

Many critics of the media say no. They argue that the press undermines our democratic system by spending too much time focusing on scandals and sensationalism. Defenders of the press, however, say that the news media are simply fulfilling their role as watchdogs on government.

THE INFLUENCE OF WATERGATE

Many critics say the media changed following the Watergate scandal, which prompted the resignation of President Richard Nixon. The media celebrated the investigative work of two Washington Post reporters, Robert Woodward and Carl Bernstein, who relentlessly pursued the scandal.

The critics say that after Watergate, journalists, especially those covering national news, became more skeptical and wary of politicians manipulating them. The press actively tried to expose government abuses. One consequence has been more negative political reporting. Demanding an open and more honest government, reporters have sought out the mistakes, inconsistencies, and ethical faults of political leaders.

Historians point out that the press has always been aggressive. Virtually every president, starting with George Washington, has become a target for the press. The tabloid press, which thrives on sensational news reporting, first appeared more than 100 years ago.

IS PRESS COVERAGE WORSE TODAY?

But the aggressiveness of the press is not what concerns today’s media critics. They worry about the decline in thoughtful reporting on serious public issues. Frequently, they say, newspaper and TV news editors cut back on this type of news coverage because it is too boring or lacks the drama of conflict.

Critics note that the media have grown much more competitive in the last 30 years. With today’s technology, news can be broadcast around the world as it happens. People expect—and receive—instantaneous reports on assassinations, floods, airplane crashes, even wars. They can receive the information in many new ways—from cable television, satellite dishes, the Internet. Talk radio and tabloid TV news shows, such as “A Current Affair,” have grown in popularity. At the same time, fewer people are reading newspapers and watching network TV news. The drop is especially pronounced among people under 30. Trying to keep up with the competition, critics say that many newspapers and networks have made their news features shorter and jazze them up with graphics, pictures, and diagrams. In short, say the critics, newspapers and network news shows are trying to make the news more entertaining, even sensational.

Defenders of the media believe the critics are overgeneralizing. They admit that some newspapers and networks may not cover issues deeply. But they cite many examples of in-depth policy coverage. The New York Times, Washington Post, and Los Angeles Times devote much ink to policy issues. Every night on television, “Nightline” explores issues. C-SPAN televises complete speeches and policy forums and debates. The defenders say the best-ever political coverage and reporting is going on today. But, they say, people must seek it out in the highly competitive news business.
SHOULD THE MEDIA REPORT ON THE PRIVATE LIVES OF POLITICIANS?

Scandals and sexual misbehavior have increasingly become acceptable topics for the mainstream press to cover. More than 30 years ago, the media did not consider President John F. Kennedy’s affairs with women newsworthy. From the beginning of President Clinton’s term, the media covered his alleged sexual exploits.

Larry Sabato, professor of political science at the University of Virginia, has criticized the press for its current tendency to jump quickly into a scandal story. Sabato says that scandals frequently explode into media “feeding frenzies” where every tidbit of gossip is reported. This type of reporting, he says, gives a great deal of newspaper space and air time to matters that have little to do with the real problems of the country.

Carl Bernstein, one of the reporters who investigated the Watergate story, wrote recently that “we tell our readers and viewers that the trivial is significant and the lurid or loopy is more important than real news.” But William Safire, a columnist for the New York Times, takes a different view. He argues that political scandal reporting often contributes to the continuous cleansing of American politics.

The question seems to boil down to what is newsworthy. A president covering up crimes (as in Watergate) is clearly newsworthy. So is any behavior that affects public policy. The debate is over personal behavior that doesn’t seem to affect policy. Were Kennedy’s or Clinton’s sexual escapades newsworthy? Should reporters have revealed them? Do politicians have any right to privacy? Is it right for the news media to withhold information from the public? These questions do not have easy answers. Defenders of the media argue it is better to err on the side of giving the public too much information than too little. Critics say that media scandalmongering is souring people’s view of the democratic process.

POINTS OF INQUIRY

1. Many journalists argue that they do not give a negative slant to their political reporting; all they do is report reality. Do you agree or disagree with this view? Why?

2. What do the news media and the public have a right to know about the personal lives of elected officials and political candidates? What do they not have a right to know? Explain your answer.

3. Do you think the media are doing an adequate job in helping to set the public agenda? Explain.