

Activating My Democracy

- MIDDLE SCHOOL -

LESSON
4

Who Rules?

Understanding the
journey

ultimate
CIVICS



Activating My Democracy

Civics lessons and resources for grade 6-8
2019 Edition

Explores how to: (1) Move ideas into action; (2) Understand values, wealth, and rights; (3) Understand rights, privileges, and the balance of power; (4) Trace the historic roots of the democracy crisis in current events; (5) Amend the U.S. Constitution to protect human rights; and (6) Exercise our rights to defend what we love.

Empowers: Youth by nurturing self-efficacy and teaching skills and strategies to take control of their destiny.

Engages: Youth as change agents to define their roles as global citizens during a critical time in human history.

Special thanks

ad hoc focus group of retired teachers of King County, WA
Sunnyside Environmental School grades 6-8 (2015-2016)

Contributors

those able to pay it forward
and the Turner Foundation

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“Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong, which will be imposed upon them, and these will continue ‘til they are resisted with either words or blows, or with both.”

~ Frederick Douglass, 1857

“The struggle of man against power is the struggle of memory against forgetting.”

Milan Kundera, 1978

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Timeline of Personhood Rights and Powers, 2002

Adapted and used with permission from Women’s International League for Peace and Freedom
<https://movetoamend.org/sites/default/files/CorpPersonhoodExplanationTimeline.pdf>

POCLAD Artwork by Matt Wuerker

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<http://poclad.org/art/>



**ultimate
CIVICS**

Lesson 4

Who Rules?

Understanding the journey

Rationale

The internal threats institutionalized in the Constitution triggered a power dynamic, a class struggle for power and control, that continues to shape our society. This lesson examines large-scale shifts in the balance of power after the Civil War. It explores why these shifts occur, who is driving the dynamic, and the growing social and political consequences of this power imbalance at the core of our democracy.

"The Bill of Rights was put into the Constitution not only to protect minorities against intolerance of majorities, but to protect majorities against the enthronement of minorities."

**~ Franklin Delano Roosevelt
September 17, 1837**

After the Civil War, corporations used their judge-made 14th Amendment right to equal protection of law to secure other constitutional rights and amass power over the people. The courts transformed the privilege of doing business in corporate form into protected constitutional rights. Corporations then used these judge-made rights to change or even dodge the very laws meant to protect people and the environment.

The civil rights and environmental movements of the 1950s through 1970s put a check on corporate power as people demanded that government end discriminatory practices and industrial pollution of essential public resources – the air, water, and land.

In response, the Money Power organized to secure control over all three branches of government by working through the judiciary. Over the next forty years, the court monetized political speech and then created various forms of speech as protected constitutional rights. Wealthy individuals and corporations used these judge-made rights to dominate media, influence public opinion, and secure election of candidates who would pass laws to further consolidate their power over the people.

By viewing our history in time blocks of power plays and power shifts, the present era of domination by a wealthy minority can be seen as a pivotal point in our democracy journey. System change – constitutional change – is needed to address the causes, not the symptoms, of a persistent power dynamic that threatens to derail the Republic. This the subject of the next lesson.

Enduring Understanding for Civics Grades 6-8*

- Ability to describe the intended powers and limits of the three branches of government and public officials within the U.S. government. (D2.Civ.4.)



- Describe the roles of political, civil, and economic organizations in shaping people's lives. (D2.Civ.6.)
- Analyze ideas and principles contained in the founding documents of the United States, and explain how they influence the social and political system. (D2.Civ.8.)
- Assess specific rules and laws as a means of addressing public problems. (D2.Civ.12.)

**C3 Framework for Social Studies State Standards*

<http://www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf>

Essential Questions

- How did a sovereign people become disempowered by their own government?
- How did a business model gain power over the people?
- What are the social consequences when artificial persons have constitutional rights?
- What is the power dynamic that shapes our democracy and what causes it?
- Why does it take intergenerational work to maintain a democracy?

Learning Objectives

Students can:

- Explain how people came to be marginalized by their government, using examples of landmark laws and policies that disempowered people and weakened democracy.
- Explain how corporations came to have power over the people, using examples of key laws and policies that empowered artificial persons with constitutional rights.
- Give current examples of social consequences when corporations' profits are protected over people's wellbeing and environmental health.
- Describe our history as a repeating pattern of power struggles between the 'Money Power' and people's rights, a pattern driven by inherent weaknesses in human nature.
- Understand why intergenerational vigilance and work is needed to operate and maintain a democracy, given the ever-present nature of the internal threats.



Materials & Preparation

Lesson 4

The internal threats institutionalized in the Constitution triggered a power dynamic, a class struggle for power and control, that continues to shape our society. This lesson examines three large-scale shifts in the balance of power after the Civil War. It explores why these shifts occur, who is driving the dynamic, and the growing social and political consequences of this power imbalance at the core of our democracy. Students reflect on the democracy journey and create their own narrative of who rules.

Time

Approximately 100 minutes: interactive activities supported by films and PowerPoint slides.

Sessions

1. Power cycle after the Civil War
2. Latest two power cycles

Materials and Preparation by Session

All sessions

- PowerPoint notes and slides 1–22
- Post online vocabulary, resources, and any class assignments
- Arrange tables into 6 groups and place at each group:
 - » 1 pocket copy per student of U.S. Constitution and Bill of Rights
Bulk discounts available: www.nccs.net/pc
 - » 1 double-sided copy per student of Vocabulary for Lesson 4
- Hang TIMELINE POSTERS from Lesson 4 in the classroom

Session 1: Power cycle after the Civil War

Materials

- PowerPoint notes and slides 1–10
- 9 copies of the film analysis for your film choice; cut full sheets in half
- Film choices: Choose one
 - » Tawaii, 14: *Children's Health in the Age of Hazardous Chemicals and Toxic Products*
www.youtube.com/watch?v=n3d3Zi0Zr6l
 - » Jaysa, 13: *Words have Power!*
www.youtube.com/watch?v=mjdYPZ3yscl
 - » Ida, 10: *Polluted Children, Toxic Nation*
www.youtube.com/watch?v=OpdqKAC73CM



Preparation

- Review lesson materials
- Slide 7: Download and cue film for viewing
 - » Place 6 copies of the film guide at each table group

Session 2: Latest two power cycles

Materials

- PowerPoint notes and slides 11–22
- Films
 - » *Gaslands*: www.youtube.com/watch?v=dZe1AeH0Qz8
 - » *Jay Z – The War on Drugs*: www.youtube.com/watch?v=HSozqaVcOU8
- Exit ticket: Choose one option for your class in instructions for slide 21.
 - Basic & Advanced options*
 - » 18 single-sided copies of SET 3 (page 3) of ACTIVITY “Who Rules? Understanding the Journey”
 - Intermediate option*
 - » 18 single-sided copies of all 3 pages of ACTIVITY “Who Rules? Understanding the Journey”
 - » 3 single-sided copies on a light-color paper of ACTIVITY board for “Who Rules?”
 - » 3 single-sided copies on white paper of “Missing words” for ACTIVITY “Who Rules?”
 - » 6 small envelopes

Preparation

- Review lesson materials
- Download and cue films for viewing
 - » Slide 18: *Gaslands*
 - » Slide 19: *Jay Z – War on Drugs*
- Exit ticket ACTIVITY: *Intermediate option*
 - Prepare ACTIVITY materials
 - » Label 3 envelopes “SET 1” and 3 envelopes “SET 2”
 - » Cut the “Missing word” columns apart and separate into SET 1 words and SET 2 words
 - » One set at a time, trim margins of column, leaving a triangle with narrow borders around the block of words; then cut the lines of words apart and place the strips of words into an envelope for that set
 - » Repeat for each set
 - Compile ACTIVITY materials
 - SET 1: For 3 table groups*
 - » 3 copies of SET 1 and SET 3 pages, 1 game board on color paper, 1 envelope with Set 1 missing words
 - » 3 copies of pages for SET 2 paper-clipped together
 - SET 2: For 3 table groups*
 - » 3 sets of SET 2 and SET 3 pages, 1 game board on color paper, 1 envelope with Set 2 missing words
 - » 3 copies of pages for SET 1 paper-clipped together
- Slide 21: Hand out exit ticket materials 15 minutes before end of class



Power Point Notes

Lesson 4

1. *Ultimate Civics!* COVER SLIDE

Everyone has a story.

Suggested instruction for teacher

ADD *your* 1-minute story to set this lesson on ways to fix the democracy crisis and how citizens might get involved.

In the last lesson, we learned about power and sources of power. And we learned about how weaknesses in human nature can grow into internal threats to people's rule – to democracy. In this lesson, we will explore the power dynamic that resulted from these internal threats, why this matters, and what it takes to maintain a democracy.

2. Essential questions

Our essential questions are:

<CLICK>

- How did a sovereign people become disempowered by government?

<CLICK>

- How did a business model become empowered over the people?

<CLICK>

- What are the social consequences when artificial persons have constitutional rights?
- What is the power dynamic that shapes our democracy and what causes it?
- Why does it take intergenerational work to maintain a democracy?

3. Power dynamic: Cycles of rights & power

Let's look for repeating patterns in the Timeline of Rights, Powers, and Oppression. Repeating patterns tell a story.

<CLICK>

- Do you see a pattern in the Timeline? How do you interpret the pattern? What's happening over time?

Instructions and discussion guide



- Work together at your tables to discuss.
- Be ready to share.

Patterns

Big time blocks of BLUE (people empowered) surrounded by mostly YELLOW and ORANGE (people disempowered).

Interpretations

Our democracy journey appears as a repeating pattern of power struggles between two groups.

Lincoln spoke of a money power in the country that would work to prolong its reign by working upon the prejudices of the people.

<CLICK>

When the Money Power wrote the founding documents, they institutionalized more than slavery. They embedded their own prejudices and selfish views. These human weaknesses triggered a power dynamic that still plays out



to this day.

<CLICK>

If people had done nothing, our journey would look quite different. But people fought a Civil War to over slavery and inequality, a violent war that abolished slavery and recognized constitutional rights of all citizens.

<CLICK>

However, the promise of equality was denied to women and African Americans by courts and states for decades. Instead, the right of equal protection of law was usurped by force of common law by someone for whom it was never intended: corporations.

This lesson explores what happened next – first the rise of corporations to power and then the latest two power cycles.

4. 1890s–1940s: Money Power

With their new power of equal protection of law, corporations immediately brought cases to courts to establish the right of artificial persons to Bill of Rights protections against the federal government (1893) and state governments (1997).

We're going to learn about four of these cases, starting with one about a New York baker, Joseph Lochner. **Listen** for who was empowered and who was disempowered.

<CLICK>

Lochner believed the state laws that protected workers' health and safety limited his ability to make money. New York laws limited workers to 10 hours a day and 60 hours a week. Why—New York city was full of new immigrants who were desperate for work and willing to work long hours.

Lochner sued the state of New York, claiming he had a right under the 14th Amendment – the right of free people to form contracts

without government rules. The U.S. Supreme Court agreed. The Court ruling tossed out New York's worker health and safety law that limited hours of work in a day and week.

<CLICK>

And that's how corporations usurped by force of common law the right to "freedom of contract." Remember—common law sets precedent; it sets an example. It doesn't just apply to one baker in one state.

<CLICK>

Who did this ruling, *Lochner*, empower? Who did it disempower? Did this ruling affect only one state? Think precedent.

Instructions



- Turn to a partner or work together at the tables to discuss.
- Review and include vocab in your discussion.
- Be ready to share.

Discussion guide

Empowered

Business owners like Lochner (natural persons) and corporations (artificial persons): They could make more money by exploiting poor people and immigrants.

Disempowered

Poor people and immigrants.

States: Ruling eroded states' 10th

Amendment authority under reserved powers to maintain law and order to protect public wellbeing.

What happened?

This case, *Lochner*, was used by other corporations to bring lawsuits against other states. Courts threw out over 200 health and safety laws for workers, based on this judge-made law.

<CLICK>



It took almost two generations until *Lochner* was partially reversed by workers and labor unions when a hotel maid in Washington state sued her employer in 1937 for paying her less than the minimum wage. Minimum wage battles continue to this day.

STUDENT RESOURCES

1905 *Lochner v. New York*
<http://kids.laws.com/lochner-v-new-york>

5. Constitutional rights for corporations

In our second case, Edwin Hale was treasurer of one of six companies under federal investigation for fixing the price of tobacco. Price-fixing is illegal, because it creates monopolies that set high prices for their products. **Listen** again for who was empowered or disempowered.

<CLICK>

Hale got off because he pled his 5th Amendment right and refused to testify against himself. The corporation's story remained secret, because Hale wasn't talking.

<CLICK>

The Court also recognized the corporations' 4th Amendment protection against unreasonable search and seizure. The Court ruled that the government's search warrant was too broad; it was unreasonable. Lacking evidence and a witness, Hale's corporation got off.

Justice Harlan warned, "... the power of the government... to look into the books, records, and papers of a corporation of its own creation to [find] whether that corporation

has obeyed or is defying the law will be greatly [limited], if not destroyed."

"In my opinion, a corporation – 'an artificial being, invisible, intangible, and existing only in contemplation of law' – cannot claim the immunity given by the Fourth Amendment, for it is not a part of the 'people,' within the meaning of that Amendment. Nor is it embraced by the word 'persons' in the Amendment. If a contrary view obtains, the power of the government, by its representatives, to look into the books, records, and papers of a corporation of its own creation to ascertain whether that corporation has obeyed or is defying the law will be greatly curtailed, if not destroyed." (emphasis added)

~ Justice Harlan
Hale v. Henkel, 1906

<CLICK>

We're going to use air and water pollution, and public health, as examples of social consequences of this case and the next two.

By law (Toxic Substances Control Act, 1976), corporations need permits to release toxic chemicals into the air or water, and they are required to keep records of what they release. Government officials need to review the records to make sure these corporations are releasing only what they are allowed by laws like the Clean Air Act and the Clean Water Act.

Relate this example to your discussion of the consequences of this ruling.

- Who did this ruling empower? Who did it disempower?
- What do you think happened as a result of *Hale v. Henkel*?



Instructions



- Turn to a partner or work together at the tables and discuss.
- Be ready to share.

Discussion guide

Empowered

Corporations: Gained a constitutional right to protect their records from government regulators.

Disempowered

People: Government regulations are meant to protect people from harm caused by business activities. Illegal activities like air or water pollution could make people living nearby sick, and no one could prove the corporation was polluting the air or water without the corporation's records as evidence.

States: Ruling weakened states' 10th Amendment authority under reserved powers to maintain law and order to protect public wellbeing.

<CLICK>

Corporations began to claim 4th and 5th Amendment protections to prevent the government from looking into their books and records – something that is still done.

6. More constitutional rights for corporations

Our third case is about a homeowner and a coal company. **Listen.**

<CLICK>

H.J. Mahon (pronounced "Mann" in Pennsylvania) took a chance and built his home above a subsurface layer of coal owned by a mining corporation, Pennsylvania Coal.

<CLICK>

Pennsylvania Coal eventually mined its coal, but it left pillars to support the surface homes, as Pennsylvania law required. However, the corporation wanted that coal, too. Mahon sued to stop Pennsylvania Coal from mining the coal in the support pillar under his home.

Pennsylvania Coal wanted the state to pay for the coal in the support pillars. Pennsylvania Coal sued Mahon, claiming the corporation had a 5th Amendment right to "*just compensation*" – a fair price – for "taking" some of the corporation's profits by state law.

<CLICK>

The U.S. Supreme Court decided that corporations have a protected 5th Amendment right of just compensation for economic harm caused by government regulations.

<CLICK>

Pennsylvania Coal took the coal in the support pillar, and Mahon lost his home.

STUDENT RESOURCES

1922 *Pennsylvania Coal Co. v. Mahon*
www.youtube.com/watch?v=Tmx_7hCV0BA

<CLICK>

This ruling was the start of "*regulatory takings*," which now allow corporations to challenge any state regulations that *might* cause a loss of future profits. Courts weigh corporation's profits against human health and wellbeing.

Consider this. It costs money to buy and operate the equipment to remove harmful chemicals from the air and water.



It costs money to destroy the pollutants. Corporations can make more money if they can just pollute the air and water.

But— Who pays the price of breathing polluted air, or of drinking or swimming in polluted water?

<CLICK>

- What does a regulatory taking take from real people?

Interpret this photo as part of your discussion. This cemetery is in an area known as “cancer alley,” an 82-mile stretch along the Mississippi River in Louisiana. Cancer alley has many oil and chemical companies, high levels of industrial air and water pollution, and many cases of cancer among community residents.

Instructions



- Turn to a partner or work together at the tables and discuss.
- Relate discussion to this photo.
- Review and use vocab in your discussion.
- Be ready to share.

Discussion guide

Regulatory takings are rule-breakers – judge-made loopholes to dodge laws that protect people and the environment. When oil and harmful chemicals are released into air and water, people can get sick. Government regulations are meant to protect people from harm.

Illnesses like cancer:

- harm overall health and shorten lives
- cause pain and suffering for entire families and friends
- cause economic hardship from increased costs of health care and loss of family income, due to illness or death

- rob people of a sense of security and wellbeing

<CLICK>

This court case limited the power of government to enforce laws. Air and water pollution would eventually become so bad that rivers caught on fire in the 1960s.

STUDENT RESOURCES

Dr. Sandra Steingraber's story: *Living Downstream*, 2013

<http://steingraber.com/film/>

Scientists' story: *Little things matter*, 2014

www.youtube.com/watch?v=E6KoMAbz1Bw

Journalists' photo essay: *Cancer Alley – Big Industry, Big Problems*

www.msnbc.com/interactives/geography-of-poverty/se.html

7. Profit\$ over rights of *real* people

Our fourth case is about two car corporations, Dodge and Ford.

<CLICK>

Business tycoon Henry Ford wanted to squeeze out his competition, the Dodge brothers. Ford decided to temporarily lower the price of his cars in an act of “charity” so workers could afford to buy cars. Ford invested the money from sales into expanding his operation instead of sharing profits with the shareholders – the group of people that owned the corporation. The Dodge brothers were shareholders, and they sued.

The Michigan Supreme Court ruling that for-profit corporations exist primarily to make money for its shareholders and that Henry



Ford could not turn his corporation into a charity.

<CLICK>

This case is still the leading case on corporate purpose. It is used like *Pennsylvania Coal* to claim economic harm from government rules that interfere with profit.

This film is about real harm to real people from pollutants in our air and water. **Listen** for types of harm and evidence of harm.

Show Film Choice



<CLICK>

Review questions in the chosen film analysis.

Instructions



- Work together at the tables to discuss and answer questions.
- Review and use new vocabab from film.
- Be ready to share.

Discussion guide

Facilitate discussion using film guide.

The point of this discussion is that: Oil and chemicals released into air and water, and in products, can make people sick. Government regulations are meant to protect people from harm, not protect corporations' profits.

Learn more: A safer way

The European Union has banned many chemicals and products that are still allowed in the United States. The European Union uses the precautionary principle and make corporations prove their products are safe before they reach the market. In the U.S., it's "buyers beware" and left to people to prove that a product made them sick.

US cosmetics banned in Europe:
www.theguardian.com/us-news/2019/may/22/chemicals-in-cosmetics-us-restricted-eu

9 American foods banned in other countries: www.delish.com/food/g3654/toxic-american-foods-that-have-been-banned-around-the-world/

STUDENT RESOURCES

Ida's story: *Polluted Children, Toxic Nation*

www.youtube.com/watch?v=OpdqKAC73CM

Tawaii's story: *Children's Health in the Age of Hazardous Chemicals and Toxic Products*

www.youtube.com/watch?v=n3d3Zi0Zr6I

Jaysa's story: *Words Have Power!*
www.youngvoicesfortheplanet.org/



Guide for films

Tawaii: Children's Health in the Age of Hazardous Chemicals and Toxic Products

Overview (0–0:58): What are three types of dangerous chemicals and examples of harm?

- Air pollution causes asthma and respiratory problems.
- Pesticides contaminate air, water, land, and food and can damage developing brains, causing shorten attention spans, reduced intelligence, and disorder behavior.
- Lead (can damage brain, red blood cells, developing bones and teeth, muscles, and more)

Case study (0:58–2:28): How were Tawaii and her family and others harmed by air pollution? Identify types of wealth involved.

- Tawaii has asthma and trouble breathing, as do many children at her school. Her mother had to stay home to take care of her. (Social, economic)
- Her school also had to take care of her and other children who had trouble breathing. (Social, economic)
- Respiratory problems are likely caused by poor air quality in Tawaii's community, since many children are affected. (Environmental wealth; lack of political wealth can affect socio-economic wealth)

Evidence (2:29–3:33): What evidence does the film provide that dangerous chemicals are harming children's health?

- Childhood asthma has increased 300% (threefold) since the 1970s.
- Childhood cancer has increased by 40% (but the death rate has decreased).
- Childhood obesity has increased 300% (tripled).
- Rates of childhood neurological problems are skyrocketing. (See examples of neurological problems in pesticide overview.)

Toxic products (3:34–4:28): What is the connection between dangerous chemicals and toxic products? How can people influence product safety?

- Products contain chemicals. If products contain dangerous chemicals, the products may be toxic and harm health.
- People can choose safer products without dangerous chemicals. If sales drop, the corporation that makes the unsafe products will "reformulate" or change the choices of chemicals in its product.
- People can demand that government provides better product safety information or does not allow dangerous chemicals to be used in products.



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- People can choose safer products without dangerous chemicals. If sales drop, the corporation that makes the unsafe products will "reformulate" or change the choices of chemicals in its product.
- People can demand that government provides better product safety



Vocabulary

Film Vocabulary

asthma: harm to lungs that causes trouble breathing

Scancer/carcinogenic: a substance that is able or likely to cause cancer

DDT: a manmade, highly toxic, oil-based chemical used as an insecticide; it persists in the environment and becomes concentrated in animals at the head of the food chain (bio-concentrates); it was banned in the United States in 1972 and worldwide under the Stockholm Convention in 2001 after it was discovered to be dangerous to wildlife and the environment

environmental racism: a type of discrimination where people of color or low-income are forced by a variety of political factors to live in close proximity of environmentally hazardous or degraded environments

genetics: the study of genes and inherited characteristics

hormones: chemical messengers produced in the body that travel throughout the body coordinating complex processes like growth, metabolism, and fertility; that influence function of the immune system and alter behavior; and that guide development of the brain and reproductive system before birth

lead: a naturally-occurring heavy metal that can cause health problems to plants, animals, and people when concentrated as a result of industrial activities

nebulizer: device that produces fine spray of liquid to inhale medicine

neurological: relating to nerves and nervous system

non-communicable disease: illness that does not spread from one person to another

particulate matter pollution: a complex mixture of extremely small particles that, once inhaled, can harm the lungs and heart and cause serious health problems

PCBs: a group of manmade, highly toxic, industrial chemicals that persist in the environment and that pose serious health risks to unborn babies, babies and children, who may suffer developmental and neurological problems from exposures to small amounts of these chemicals

pesticide: chemicals that are used to destroy “pests,” meaning certain insects or other organisms harmful to cultivated plants and animals, but that also can harm people’s health



8. Social consequences

What types of wealth did the Money Power increase? What types did they decrease?

Instructions



- Work together at your tables to discuss.
- Be ready to share.

Discussion guide

Increase: Political and economic wealth

Decrease: Environmental and social wealth

<CLICK>

Is this sustainable? Why or why not?

- No. We live on a planet with finite resources. Economic wealth is tied to environmental wealth.
- No, people's health is also tied to economic wealth: No people, no need for an economy.

Just considering the forms of wealth, what could be a goal for a sustainable business?

- Increase at least one or two forms of wealth without decreasing the others!

9. Court: 14th Amendment & real people

During this time period, people were struggling for their rights to be recognized in practice, not just on paper. Our last story in this time period is about a test that didn't go well.

<CLICK>

In 1891, citizens in New Orleans organized to test if Louisiana 'Jim Crow' laws of "separate but equal" violated their 14th Amendment right of equal protection of law. Homer

Plessy was a 30-year old shoemaker who was seven-eighths white. Plessy bought a first-class train ticket, boarded a white-only car—and was promptly arrested.

<CLICK>

The U.S. Supreme Court decided Louisiana's law did not violate the 14th Amendment because it dealt with political, not social, equality. The Court ruled state laws enforcing racial segregation were constitutional if separate accommodations were "equal."

<CLICK>

The ruling made racial discrimination legal through common law even though it defied constitutional law. The effect was that African Americans lost 14th Amendment rights and much access to the white world for over 80 years – 4 generations.

STUDENT RESOURCES

Plessy v. Ferguson, 1896

www.icivics.org/teachers/lesson-plans/plessy-v-ferguson-1896

<CLICK>

Think of the types of wealth. Without political equality, can there be social equality? Why or why not?

Instructions and discussion guide



- Work together at the tables to discuss and answer questions.
- Review and use new vocab from film.
- Be ready to share.

Political wealth is used to protect social wealth.



10. *Ultimate Civics!* COVER SLIDE

Suggested stopping point for first part of Lesson 4.

Next: People's reaction to rise of corporations and the current power cycle.

11. *Ultimate Civics!* COVER SLIDE

12. Power dynamic: Cycles of rights & power

Once again, if people had done nothing in response to this Money Power grab, our journey would look quite different. But people responded with powerful, peaceful movements for constitutional and civil rights and environmental protections. These movements were attacked with violence, but people persisted.

We are going to summarize key events and laws of this period, because it is usually taught in schools and it is relatively well-known in communities as part of living history.

<CLICK>

But what happened next is mostly not taught in schools and not well-known in communities. We will focus more on the current Money Power cycle.

13. 1950s–1970s: People's rights

The 1950s–1970s was a time when civil rights leaders and U.S. citizens drove new constitutional rights and civil rights into law through the courts, through the ballot box and elected public officials, and through constitutional amendment.

<CLICK>

- **Listen** for what types of wealth People worked to increase or decrease.

<CLICK>

Almost 60 years after *Plessy* and “separate but equal,” Oliver Brown sued the Board of Education of Topeka, Kansas, over racial segregation of its public schools. Brown’s daughter, Linda, attended a “separate but equal,” segregated public school.

In *Brown v. Board of Education*, the Supreme Court reversed its interpretation and ruled separate is not equal. *Plessy* was overruled.

<CLICK>

However, it was 44 years and a lawsuit, brought by Linda Brown, before Topeka schools met court standards for racial balance. ‘Jim Crow’ laws existed throughout this period.

<CLICK>

During this time, the Court expanded its interpretation of due process to include equality in such matters as people’s rights to privacy and choice over their own bodies and in marriages. Marriage rights continued to be recognized after this time period.

- What types of wealth did people work to increase or decrease?
 - » Increase: Political wealth (constitutional rights) to support social wealth (health, marriage, equality) and economic wealth (better education leading to better jobs; equality leading to better pay)
 - » Decrease: None



More on Loving

In 1958 when the Lovings married, 4% of Americans approved of interracial marriage. By 2013, 87% of Americans approved.

In the U.S. there are at least 22 million multiracial families, and this is growing 3 times faster than the U.S. population.

Loving Day was founded on June 12, 2004. It is now the largest interracial celebration in the U.S.

Loving v. Virginia, 1967

<http://kids.laws.com/loving-v-virginia>
www.academickids.com/encyclopedia/index.php/Loving_v._Virginia

Loving, film trailer, 2016 www.imdb.com/title/tt4669986/videoplayer/vi501069593?ref_=tt_ov_vi

<CLICK>

Congress passed the laws like the Civil Rights Act and the Voting Rights Acts to stop states and local governments from using barriers to block the vote. Congress passed other laws like the Fair Housing Act to end unequal treatment in home or rental financing.

<CLICK>

People amended the Constitution with the 24th Amendment to remove the racially-charged poll taxes and the 26th Amendment to lower the voting age to draft age.

- What types of wealth did people work to increase or decrease?
 - » Increase: Political wealth (constitutional rights) to support social wealth and economic wealth
 - » Decrease: None

<CLICK>

President Nixon created the Environmental Protection Agency through the executive branch to protect America's air and water from industrial pollution and Americans from cancer-causing chemicals. Congress passed dozens of major laws to protect environmental health, public health, and worker health and safety.

- What types of wealth did people work to increase or decrease?
 - » Increase: Environmental wealth to support social wealth (health) and economic wealth
 - » Decrease: None

14. 1970s-now: Money Power

The current power cycle began in 1971, when Lewis Powell, a corporate lawyer, created a secret plan for the U.S. Chamber of Commerce. The Powell Memo called for business leaders to organize and push back against the people's broad "attack of American free enterprise system."

<CLICK>

Powerful corporations and the U.S. Chamber organized with a singular goal: to gain control of all three branches of government.

<CLICK>

The Money Power targeted election campaigns to influence policy-makers, media to influence public opinion, and the education system to check the energy of youth.

<CLICK>

The key was the judiciary, which Powell described as "the most important instrument for social, economic, and political change."

Two months after writing the memo, Powell himself became a Supreme Court justice. His memo was still secret.



TEACHER RESOURCES

The Powell Memo

<http://law2.wlu.edu/powellarchives/page.asp?pageid=1251>

<http://billmoyers.com/content/the-powell-memo-a-call-to-arms-for-corporations/2/>

15. Free and fair elections

Democracies are carried by free and fair elections. Congress made strict rules on giving money, spending money, and reporting donor names. For example, there are...

<CLICK for 3 green balloons>

- strict limits on campaign giving by persons and entities – artificial persons like corporations and unions;
- overall limits on campaign giving;

<CLICK for 2 green balloons>

- strict limits on campaign spending by persons and entities;

<CLICK for 3 green balloons>

- requirements for reporting names of donors;
- rules for truth in campaign ads and commercials; and
- bans on corporate money in ballot measures.

Let's take a few minutes and think why this might be so. Can elections be free and fair without campaign finance rules?

Instructions



- Turn to a partner and discuss.
- Review and use vocab in your discussion.
- Be ready to share.

Discussion guide

Rules on giving and spending

People give and spend money to elect candidates who they believe will address their needs and concerns. Real or artificial persons that give or spend a lot of money to elect a candidate will likely have more influence on what laws are passed or not passed, if their candidate is elected.

Rules on ballot measures

Ballot measures are ways for voters to pass new laws (initiatives) or veto laws passed by the legislature (referendums) as a type of check and balance on government. Corporations could easily spend a lot of money to influence the vote on ballot measures. This would limit the purpose of ballot measures as tools for citizens to check government.

Rules on donor names and truth

Accurate information is critical for honest elections and consumer safety. People need to know who they are voting for, what candidates stand for and against, and what is in products. Dishonest communications could lead to elected officials that may not represent most people's interests and needs – or to unsafe or harmful products on the market.

Conclusion

Campaign finance rules are needed to make elections fair, otherwise persons with more money will have more influence on who is elected and what laws are passed.



A STORY...

In **1755**, George Washington lost an election to the Virginia House of Burgesses, the first legislative assembly of elected representatives in American colonies.

When Washington ran again in **1757**, he decided to improve “voter education” – the custom of the times to ply voters with food and drink to secure their vote. This time, he bought \$195 worth of rum punch, whiskey, hard cider, and food for “friends” before the election – and he handily won.

The new legislature passed a law prohibiting candidates, or persons on their behalf, from giving voters “money, meat, drink, entertainment or provision ...any present, gift, reward or entertainment, etc. in order to be elected.”

In **1971**, over 200 years later, Congress created the Federal Elections Commission to oversee and enforce campaign finance laws.

www.washingtonpost.com/news/the-fix/wp/2014/04/03/a-history-of-campaign-finance-reform-from-george-washington-to-shaun-mccutcheon/

STUDENT RESOURCES

What states allow ballot measures?
https://ballotpedia.org/Ballot_measure

16. What is “speech”?

As part of the plan that grew out of the Powell Memo, the Money Power began to challenge campaign finance rules with a series of cases exploring what is “speech” under the 1st Amendment.

<CLICK>

The Court found creative ways to interpret the word “speech,” just like it had done with “person.”

Listen to the stories and think about who was empowered and who was disempowered.

1976 set

<CLICK>

In **1976**, the Supreme Court ruled political money is equal to speech in election campaigns. *There was no legal precedent for this.*

<CLICK>

The Court found that modern political campaigns depended on expensive forms of mass media like television, radio, and online news. The Court reasoned that limits on spending would limit expression of speech, which the Court found unconstitutional. Based on this new law, the Court struck down limits on spending in election campaigns as unconstitutional.

Who did this empower? Disempower?

Empowered: Wealthy individuals who could afford to spend lots of money to promote their candidates.

Disempowered: The majority of people.

1978 set

<CLICK>



Here, citizens organize to pass a ballot measure.

<CLICK>

In 1978, the Supreme Court overturned state restrictions on corporate spending on citizens' ballot measures (initiatives and referendum). Justice Powell wrote the opinion for the majority.

FOR THE DISSENT

"The blessings of perpetual life and limited liability in the economic sphere, pose special dangers in the political sphere."

**~ Justice Rehnquist, 1978
First National Bank of
Boston v. Bellotti**

<CLICK>

"Commercial speech" triggered a spending boom on citizens' ballot measures, as wealthy people and corporations sought to influence the public debate and pass their own laws through "citizen" initiatives.

1986-1996 set

<CLICK>

Here, citizens organize to publish a consumer advocacy message to alert consumers about product safety, service, and pricing.

<CLICK>

In 1986 the Court established a corporation's right NOT to speak as a protected form of free speech. Justice Powell wrote for the majority: "The choice to speak includes within it the choice of what not to say."

"Negative speech" gave publishers a nearly absolute right to choose NOT to carry messages it does not agree with – effectively, a right of censorship.

<CLICK>

Ten years later, small dairy farmers and allies in Vermont passed a state law to require dairy products with Genetically Modified Organisms to be labeled as GMO products. Corporations challenged this law, based on their right of negative speech. Corporations knew that truthfully labeling their GMO products could mean less sales.

Review vocab for GMO, if needed, before proceeding.

<CLICK>

In 1996, a U.S. Appeals Court ruled Vermont's law violated a corporation's right NOT to speak – or in this case, the right NOT to tell consumers that their product contained GMOs. But then the Court also extended the corporation's right NOT to speak to political and commercial speech.

FOR THE DISSENT

"The... First Amendment, in its application to commercial speech, is to favor the flow of accurate, relevant information. The majority's [use] of the First Amendment to invalidate a state law requiring disclosure of information consumers reasonably desire stands the First Amendment on its ear."

**~ Justice Altmari, 1996
International Dairy Foods
Association v. Amestoy**

In this case, courts created a constitutional right for corporations to NOT provide accurate, factual information to people, and then ruled this judge-made right was more important than people's right to know what was in food.

- How might such a law affect people's health and wellbeing?



Instructions and discussion guide



- Turn to a partner and discuss.

If people don't know that certain chemicals or ingredients might cause illnesses or behavioral problems, people might make unwise choices and suffer consequences.

<CLICK>

Negative speech eliminated a lot of truth in election campaigns and in commercial ads for food and many other products.

2010 first set

<CLICK>

Here, citizens organize to support their political candidate.

<CLICK>

In **2010**, in *Citizens United v FEC*, the Supreme Court ruled that a corporation's freedom of speech included unlimited spending to influence political campaigns. The Court based its ruling on two prior court cases.

Which two cases are the basis for *Citizens United*?

Instructions and discussion guide



- Turn to a partner and discuss.

Hint 1, if needed: In order for courts to recognize any constitutional rights for corporations or other artificial persons, courts first had to recognize corporations as equal to persons. When did this happen?

- 1886 opinion that corporations have equal protection under law

Hint 2: Only real people can speak. Corporations can't speak, but corporations

can spend money to influence people's opinions. What court ruling made spending money equal to speech?

- 1976 ruling that all 'persons' are entitled to unlimited spending of money as speech in political campaigns

<CLICK>

Citizens United reversed a 100-year track record of Congress regulating spending in political campaigns. National surveys found 83% of people surveyed across party lines disagreed with the Court's ruling and felt that corporations already had too much influence in government and elections.

FOR THE DISSENT

"A democracy cannot function effectively when its constituent members believe laws are being bought and sold."

**~ Justice Stevens, 2010
*Citizens United v. FEC***

2010 second set

<CLICK>

Ignoring public opinion, 3 months later in **2010**, an appeals court ruled special, independent organizations called Super PACS could accept unlimited campaign donations from individuals, corporations, and unions without reporting donor names.

<CLICK for 3 arrows>

Super PACS could also spend unlimited amounts of money to elect or defeat political candidates.

Super PACS are rule-breakers that allow wealthy individuals and groups to dump unlimited amounts of money into defeating or electing candidates.



2014 set

<CLICK>

In 2014, the Supreme Court removed overall limits on campaign contributions for wealthy persons. The majority – 5 justices – claimed that aggregate limits do not act to prevent corruption.

<CLICK>

FOR THE DISSENT

The decision “creates a loophole that will allow a single individual to contribute millions of dollars to a political party or to a candidate’s campaign.”

~ Justice Breyer, 2014
McCutcheon v. FEC

Q&A set

Justice Breyer’s dissented: “Taken together with *Citizens United*... [this] decision eviscerates our Nation’s campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy.”

<CLICK>

Without free and fair elections, a government cannot legitimately call itself a democracy or, in our case, a democratic Republic.

<CLICK>

Since *Citizens United*, people have organized to reinstate people’s rule and free and fair elections.

17. Who did this empower? Disempower?

Work together at your tables to interpret this political cartoon.

- What is it saying about freedom of speech? Who did the courts empower? Who did courts disempower?

Empowered

Money Power: Political speech (money is speech) gives more power to wealthy individuals and artificial persons that could afford to spend a lot of money to support their candidates. It also empowered wealthy ‘persons’ that owned television and other media with a powerful “voice” to influence public opinion.

Unlimited giving and spending by wealthy real and artificial persons greatly influence public opinion on election campaigns, ballot measures, and commercial advertising. Protected speech rights effectively gave wealthy ‘persons’ power over the election process and, with it, power over who is elected and what becomes law. The Powell Memo was successful carried out.

Disempowered

Most other people, especially those who were already disempowered: In a democratic Republic, people rule through their elected officials and elected representatives reflect the people’s will and choice. But if only a few people control who is elected, it defeats democracy.

Democracy: Removing campaign financing safeguards destroys election credibility. The Money Power will rule through its “elected” representatives – and government will increasingly violate human rights.

STUDENT RESOURCES

Corruption is legal in America, video
[www.youtube.com/
watch?v=5tu32CCA_lg](http://www.youtube.com/watch?v=5tu32CCA_lg)

18. Mostly violations of civil liberties

As further evidence of this, elected officials and Courts began to reverse the gains of



the last civil rights period and openly violate people's constitutional rights. **Listen.**

<CLICK>

In 2001, Congress and President G.W. Bush enacted the PATRIOT Act after the September 11, 2001, attack on the World Trade Towers in New York. The law allows government to monitor private citizens by collecting phone, internet, and financial records, and more, to determine if someone is a terrorist. This law violates constitutional rights of people under the 1st, 4th, 5th, and 6th Amendments.

<CLICK>

Originally scheduled to expire, Congress and President Obama renewed key provisions in 2011. After Edward Snowden's exposure of the government's expansive surveillance of its citizens, Congress passed the Freedom Act. This limited, but not stop, government surveillance of private citizens and detention without trial.

<CLICK>

In 2005, the Supreme Court ruled that a state government could assign use of its eminent domain power to a private corporation. The Court also ruled that taking private property for *private use* was allowed if it benefitted the public.

In this case, people's homes in a poor neighborhood were taken by a private corporation for a commercial development project, which was assumed to benefit the public. In current cases, for example, pipeline companies are using eminent domain to seize control of people's land to put in pipelines for oil and gas and tar sands oil.

<CLICK>

"The (Canadian-owned) Keystone pipeline, without eminent domain, it wouldn't go ten feet."

~ Donald Trump, 2016 presidential candidate

<CLICK>

This law undermines the core principles of public use and just compensation in the 5th Amendment and infringes (violates) 4th Amendment protections of people against unreasonable search and seizure.

FOR THE DISSENT

"The decision eliminates "any distinction between private and public use of property – and thereby effectively delete[s] the words 'for public use' from the Takings Clause of the 5th Amendment."

**~ Justice O'Connor, 2005
*Kelo v. City of New London***

FOR THE DISSENT

"Something has gone seriously awry with this Court's interpretation of the Constitution.... (E)xtending the concept of public purpose to encompass... [economic goals], guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful."

**~ Justice Thomas, 2005
*Kelo v. City of New London***

Also in **2005**, Congress and President G.W. Bush passed a sweeping law that exempted fracking of oil and gas from eight major



federal laws that protect public health and the environment. The gas industry is the only industry allowed to pump undisclosed chemicals directly into the ground, even when adjacent to underground sources of drinking water.

Let's watch a film trailer. **Look for** consequences of these exemptions.

Show Film



- Share some of the consequences with a partner.
 - » Well water was polluted with unknown chemicals.
 - » People who drank polluted water became sick, really sick.
- » People had a hard time proving that nearby fracking activities poisoned their wells.
- » Fracking companies denied any harm caused by their activities.
- » Peoples' lives were ruined, and, in some cases, property was unusable because of loss of clean water.

Families sickened by contaminated well water from fracking activities are working to pass a law through Congress to repeal the exemption for fracking in the Safe Drinking Water Act.

<CLICK>

Here are three other examples of recent cases that have reversed progress towards civil rights and justice. These cases violate constitutional and civil rights. **Listen.**

<CLICK>

In **2011**, the Supreme Court dismissed a dispute over claims of wage and gender discrimination of 1.6 million former workers – all women – against Wal-Mart. The court ruled the plaintiffs needed actual paycheck stubs, although the women plaintiffs had other uncontested evidence showing system-wide discrimination.

FOR THE DISSENT

"Women fill 70 percent of the hourly jobs in the retailer's stores but make up only '33 percent of management employees... [T]he higher one looks in the organization the lower the percentage of women...' The plaintiffs' 'largely uncontested descriptive statistics' also show that women working in the company's stores 'are paid less than men in every region' and 'that the salary gap widens over time even for men and women hired into the same jobs at the same time.'"

~ Justice Ginsburg, 2011
Wal-Mart v. Dukes

In **2013**, the Supreme Court struck down key parts of the 1965 Voting Rights Act, freeing nine states, mostly in the south, to change election laws without advance federal approval.

The effects were immediate. Within 24 hours of the ruling, Texas announced it would pass a strict photo ID law. Mississippi and Alabama also began to enforce photo ID laws that had been stopped by the Voting Rights Act.

FOR THE DISSENT

"For a half century, a concerted effort has been made to end racial discrimination in voting. Thanks to the Voting Rights Act, progress once the subject of a dream has been achieved and continues to be made... *Throwing out [a key part] when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.*"

~ Minority Justices, 2013
Shelby County v. Holder



In **2014**, the Supreme Court ruled family-owned corporations were entitled to religious freedoms under the 1st Amendment. The ruling allows such corporations to assert 1st Amendment religious rights of owners over those of its employees.

FOR THE DISSENT

"For-profit corporations cannot be considered religious entities... Judicial precedent states that religious beliefs... must not impinge on the rights of third parties, as... this ruling would do to women seeking contraception..."

~ Justice Ginsburg, 2014
Burwell v. Hobby Lobby

19. The War on Drugs

During this same time period, the Nixon administration started a war on drugs.

<CLICK>

The war on drugs led to increased arrests of black people even though black people aren't more likely to use or sell drugs than white people. Hip hop artist Jay Z explains why.

Show Film



Considering STOPPING at 2:17 minutes for middle school students

<CLICK>

This film shows that the war on drugs is just the latest policy to criminalize black people in a long line of 'Jim Crow' policies that are rooted in the exception for crime in the 13th and 14th Amendments.

<CLICK>

Here are some statistics. **Read.**

"With only 5% of the world's population, the U.S. has more than 20% of the world's prison population – that makes us the world's largest jailer."

~ American Civil Liberties Union

"African Americans make up 13.6 percent of the U.S. population, according to census data, but black men make up 40.2 percent of all prison inmates... Right now, we have more African-Americans behind bars or under watch of the criminal justice system than there were enslaved in 1850."

~ Michelle Alexander
The New Jim Crow, 2011

STUDENT RESOURCES

Hip-hop artist Jay Z's story & history:
www.drugpolicy.org/facts/new-solutions-drug-policy/brief-history-drug-war-0

What do citizens do when laws are not just? The current violence against people and human rights raises the same question penned by Martin Luther King Jr. from a Birmingham jail in 1963. **Listen for** differences between just and unjust laws.



“One may well ask: ‘How can you advocate breaking some laws and obeying others?’ The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ‘an unjust law is no law at all.’

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.”

~ Martin Luther King, Jr., 1963
Letter from a Birmingham jail

Do you agree or disagree with Dr. King:

- Are there two types of laws?
- Does one have a moral duty to obey one and resist the other?

Instructions and class discussion



- Turn to a partner and discuss.
- After about 3 minutes, open for class discussion.
- Challenge students to reflect on why fear-of-other is an internal threat to democracy.

Unjust laws led to social unrest and domestic violence and, at best, a “negative peace which is the absence of tension” rather than a “positive peace which is the presence of justice” (Dr. King). Unjust laws lead away from authentic democracy and away from the goals set forth in the Preamble of the Constitution.

20. Power dynamic: Cycles of rights & power

<CLICK and talk>

By viewing our history in time blocks of power plays and power shifts, the present era of domination by a wealthy minority can be seen as a pivotal point in our democracy journey.

A system reset is needed to address the causes, not the symptoms, of a persistent power dynamic that threatens to derail the Republic. It’s up to us, the people, whether we live with – or deal with – unjust laws. This the subject of the next lesson.

21. Who Rules? Understanding the journey

Review the essential questions and hand out Exit Ticket materials for your option.

Basic option

Interpret the cartoon on slide 22 to explain the journey. Also have students, in partner teams, complete SET 3 of the exit ticket.

Intermediate option

- Explain that 3 tables have SET 1 and 3 tables have SET 2, and that each group will explain their answers to other group.
- Instruct students to work in partner teams at their table to figure out the missing words for their SET. Encourage discussion at tables.



- When ready, open the envelope and place the missing words on the game board.
- After completing the board game, students in partner teams complete SET 3 of the exit ticket.
- When everyone is ready, students share the paper-clipped blank SETS 1 or 2 at their tables.
- SET 1 students share their answers while SET 2 students follow along using their blank set. Repeat with SET 2 students sharing answers and SET 1 students listening.
- Ask table groups to place strips of missing words back in the envelopes before leaving!

Advanced option

Practice an elevator speech: Explain the journey in about 3 minutes to a partner. Also have students, in partner teams, complete SET 3 of the exit ticket.

All choices

Use Exit Ticket Guide for SETS 1 and 2, if necessary, to facilitate class discussion.

22. Ultimate Civics! COVER SLIDE



Vocabulary

Core Vocabulary

Of speech

freedom of speech: a protected 1st Amendment right to express opinions without restraint

commercial speech: judge-made laws that establish rights for artificial persons to spend money on ballot measures as protected speech under the 1st Amendment

negative speech: judge-made laws that establish rights NOT to speak truthfully in political campaigns and marketing ads as protected speech under the 1st Amendment

political speech: judge-made laws that establish rights to give and spend money on political campaigns as protected speech under the 1st Amendment

Of government

ballot measure: tool used by citizens to place a proposed rule change on a ballot for a popular vote; a way for citizens to provide a check and balance on government; see citizen initiative and referendum

campaign finance regulations: rules on giving and spending money during election activities, and on reporting donor names

citizen initiative: a type of ballot measure that allows citizens to propose and vote on a new law or constitutional amendment

citizen referendum: a type of ballot measure that allows citizens to vote on and veto a bill passed by the legislature

eminent domain: power of government to take private property for public use

just compensation: a constitutional right to fair payment for loss of value or property after an eminent domain seizure or “taking”

regulatory taking: a judge-made right of corporations to just compensation for a loss or decrease in value of private property from obeying government regulations

Support Vocabulary

GMO: Genetically Modified Organism; organisms created in a lab by genetic modification or engineering

poll tax: a fee required by some states as a qualification for voting

shareholder: owner or holder of one or more shares in a corporation; a stockholder

Super PAC: a special independent organization that cannot donate to political parties or candidates but that can raise or spend unlimited amounts of money to elect or defeat political candidates



Film analysis for Tawaii's story

What are three types of dangerous chemicals and examples of harm?

How were Tawaii and her family and others harmed by air pollution?
Identify types of wealth involved.

What evidence does the film provide that dangerous chemicals are harming children's health?

What is the connection between dangerous chemicals and toxic products? How can people influence product safety?



Film analysis for Tawaii's story

What are three types of dangerous chemicals and examples of harm?

How were Tawaii and her family and others harmed by air pollution?
Identify types of wealth involved.

What evidence does the film provide that dangerous chemicals are harming children's health?

What is the connection between dangerous chemicals and toxic products? How can people influence product safety?



Film analysis for Jaysa's story

What is Jaysa's health problem? What is the suspected cause?

What does Jaysa's neighborhood have that nearby richer neighborhoods don't have? What is environmental racism?

What role do mentors play in Jaysa's life?

What did Jaysa do to improve her life and those of others in her community? How did she do this?



Film analysis for Jaysa's story

What is Jaysa's health problem? What is the suspected cause?

What does Jaysa's neighborhood have that nearby richer neighborhoods don't have? What is environmental racism?

What role do mentors play in Jaysa's life?

What did Jaysa do to improve her life and those of others in her community? How did she do this?



Film analysis for Ida's story

Environmental Defense Canada released a scientific study in 2008 that found, across Canada, levels of toxic chemicals were higher in the bodies of children than their parents.

Where do these chemicals come from?

How did toxic chemicals get into the blood of Ida and her mother?

Why was Ida concerned about the chemicals and heavy metals in her body? What was evidence of harm?



Film analysis for Ida's story

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Where do these chemicals come from?

How did toxic chemicals get into the blood of Ida and her mother?

Why was Ida concerned about the chemicals and heavy metals in her body? What was evidence of harm?



Who Rules? Understanding the Journey

Exit ticket guide

SET 1. How did a business model gain power over the People?

Fill in the story with the missing words. Use each answer once.

real people	three branches	law
constitutional rights	Powell Memo	1971
equal protection	politicians and judges	courts
human rights	person	1819
1 st Amendment rights	corporation	standing
democracy	charter rights	1886
campaign finance rules	artificial persons	power
giving and spending	protection	movements

The Constitution includes the word “_____ person _____” many times, but never defines it. The Constitution does not include the word “_____ corporation _____.” In U.S. _____ law _____, corporations are considered “_____ artificial persons _____” with _____ charter rights _____ as privileges to do business. Corporations went to the _____ courts _____ to gain more power through protected _____ constitutional rights _____.

In _____ 1819 _____, the U.S. Supreme Court gave corporations _____ standing _____ in the Constitution. In _____ 1886 _____, after the Civil War Amendments passed, corporations secured 14th Amendment _____ equal protection _____ of laws – equal to real people. Corporations immediately began to secure protected constitutional rights to regain their _____ power _____ over the people. Constitutional rights gave corporations _____ protection _____ from laws meant to protect _____ real people _____.

In _____ 1971 _____ in response to people’s rights _____ movements _____, corporations organized under the _____ Powell Memo _____ to gain control of all _____ three branches _____ of government. Over the next 40-plus years, corporations and wealthy persons went to the courts to secure a series of _____ 1st Amendment rights _____, giving “persons” unlimited _____ giving and spending _____ in election campaigns.

These rulings destroyed _____ campaign finance rules _____, free and fair elections, and people’s rule – _____ democracy _____. Now _____ politicians and judges _____, elected by big money from corporations and wealthy individuals, make laws that openly violate _____ human rights _____.



Who Rules? Understanding the Journey

Exit ticket guide

SET 2. How did a sovereign people become disempowered by their own government?

Fill in the story with the missing words. Use each answer once.

human rights	political & economic power	majority of people
abolished slavery	legalized slavery	citizens
equal protection	'Jim Crow' laws	women
campaign finance rules	'War on Drugs'	black people
democracy	Powell Memo	black men
5 th Amendment	"separate but equal"	politicians & judges
1 st Amendment rights	exceptions	1896
three branches	racial segregation	corporations

The Constitution _____ legalized slavery _____ without using the word. The _____ majority of people _____ who were left out of the Constitution worked to have their rights recognized. The Civil War Amendments _____ abolished slavery _____, recognized all persons born or naturalized in the United States as _____ citizens _____ with due process and _____ equal protection _____ of law, and penalized states that denied _____ black men _____ the right to vote. However, the 13th and 14th Amendments had _____ exceptions _____ for crime.

After the Civil War, courts acted to protect a white ruling class. In 1875, the U.S. Supreme Court denied _____ women _____ 14th Amendment protection, but 11 years later recognized equal protection in law for _____ corporations _____. Pro-slavery states used black codes and _____ 'Jim Crow' laws _____ to deny black men the right to vote and to enforce _____ racial segregation _____ in schools, marriage, and society. In _____ 1896 _____, the Court ruled state laws enforcing racial segregation were legal if _____ "separate but equal" _____ accommodations were provided. The ruling class built _____ political & economic power _____, while most people still worked to have their rights recognized.

During the 1950s to 1970s, people drove new constitutional and civil rights into law, and courts interpreted equal protection as due process under the _____ 5th Amendment _____.

In response to people's rights movements, the U.S. executive branch began the _____ 'War on Drugs' _____ that targeted people of color and led to more _____ black people _____ in the prison system than were slaves before the Civil War.

Meanwhile, corporations organized under the _____ Powell Memo _____ to gain control of all _____ three branches _____ of government. Corporations and wealthy persons went to the courts to secure a series of _____ 1st Amendment rights _____, giving "persons" unlimited spending and giving in elections. These rulings destroyed _____ campaign finance rules _____, free and fair elections, and people's rule – _____ democracy _____.

Now _____ politicians and judges _____, who are elected by big money from corporations and wealthy individuals, make laws that openly violate _____ human rights _____.



Who Rules? Understanding the Journey

Exit ticket guide

SET 3. What are the social consequences of artificial persons with constitutional rights?

Check all that apply.

- ☒ a small number of people have most of the money and political power
- ☒ loss of free and fair elections, leading to rule by the rich and government by the wealthy
- ☒ unjust laws that lead to high numbers of people in jail, especially people of color
- ☒ laws that protect corporations' profits
- ☒ weakening of laws meant to protect people from chemical pollutants in air, water, land, food, and products
- ☒ high rates of cancers and childhood illnesses from chemical pollutants in the air, water, food, and products

4. What is and what causes the power dynamic within our democracy?

Check all that apply.

- ☒ The Constitution reflected the prejudices and love of power of the Founders.
- ☒ The Constitution legalized slavery and what came with it: racism and classism.
- ☒ The 96% of the people left out worked to have their rights recognized.
- ☒ When people succeeded in getting rights recognized, the Money Power worked to regain power over the people.
- ☒ The result is a power dynamic – a repeating series of struggles for rights and political power between the 96% who were left out and the Money Power.

5. Why does it take intergenerational work to maintain a democracy?

Fill in the missing two words.

Love of power and fear of other (prejudices) are weaknesses in human nature and, therefore, are ever-present internal threats to democracy.

6. What is the most surprising thing you learned from the lessons on 'Who Rules?'



Student Resources

STUDENT RESOURCES: 1950s–1970s

Case Law, Congressional Acts, and Amendments

1964 Civil Rights Act

www.history.com/topics/black-history/civil-rights-act

www.ourdocuments.gov/doc.php?flash=false&doc=97

1965 Voting Rights Act

www.ourdocuments.gov/doc.php?flash=false&doc=100

www.history.com/topics/black-history/voting-rights-act

1967 *Loving v. Virginia*

<http://kids.laws.com/loving-v-virginia>

www.academickids.com/encyclopedia/index.php/Loving_v._Virginia

Loving, documentary film trailer: www.youtube.com/watch?v=zRXuCY7tRgk

1968 Fair Housing Act

www.history.com/topics/black-history/fair-housing-act

Films

No More: The Children of Birmingham 1963 and the Turning Point of the Civil Rights Movement, 10-minute documentary film: www.youtube.com/watch?v=hCxEd6i_SzoQ

An Ordinary Hero: The True Story of Joan Trumpauer, documentary film trailer: www.youtube.com/watch?v=KNjYwFgKPYA

STUDENT RESOURCES: 1970s–present

What states allow ballot measures? https://ballotpedia.org/Ballot_measure

Films

Corruption is legal in America, Represent.us video: www.youtube.com/watch?v=5tu32CCA_lg

Gaslands, documentary film trailer, 2006: www.youtube.com/watch?v=dZe1AeH0Qz8

Hip-hop artist Jay Z's story: www.drugpolicy.org/facts/new-solutions-drug-policy/brief-history-drug-war-0

Dr. Martin Luther King, Jr., Letter from a Birmingham Jail, 1963: www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html



Teacher Resources

TEACHER RESOURCES: 1950s–1970s

1954 *Brown v. Board*

1954 (I): www.history.com/topics/black-history/brown-v-board-of-education-of-topeka

1954 (I): www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-stone/equality-and-the-constitution/brown-v-board-of-education-of-topeka-brown-i/

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Desegregation: A Chinese-American story: www.history.com/news/chinese-american-segregation-san-francisco-mamie-tape-case

1962 24th Amendment

www.britannica.com/topic/Twenty-fourth-Amendment

1964–1968 Civil Rights Acts

www.history.com/topics/black-history/civil-rights-act

www.history.com/topics/black-history/voting-rights-act

www.history.com/topics/black-history/fair-housing-act

1970 U.S. Environmental Protection Agency: <https://www.britannica.com/topic/Environmental-Protection-Agency>

1971 26th Amendment: www.britannica.com/topic/Twenty-sixth-Amendment

1973 *Roe v. Wade*

www.casebriefs.com/blog/law/family-law/family-law-keyed-to-weisberg/private-family-choices-constitutional-protection-for-the-family-and-its-members/roe-v-wade/

http://landmarkcases.org/en/landmark/cases/roe_v_wade

Support Resources

14th Amendment and 10 landmark U.S. Supreme Court cases: https://constitutioncenter.org/blog/10-huge-supreme-court-cases-about-the-14th-amendment

Campaign finance regulation history: https://ballotpedia.org/History_of_campaign_finance_regulation

Corporate influence on ballot measures: www.washingtonpost.com/blogs/govbeat/wp/2013/11/08/initiative-spending-booms-past-1-billion-as-corporations-sponsor-their-own-proposals/?utm_term=.1a27e96988e4

GMOs and labeling: www.centerforfoodsafety.org/issues/1044/rbgh/about-rbgh
www.washingtonpost.com/news/wonk/wp/2018/05/04/mandatory-gmo-labels-are-coming-for-your-food/?utm_term=.b59e6af9146e



Teacher Resources

TEACHER RESOURCES: What is “speech”? (1976–2014)

1971 The Powell Memo: <http://law2.wlu.edu/powellarchives/page.asp?pageid=1251>
<http://billmoyers.com/content/the-powell-memo-a-call-to-arms-for-corporations/2/>

1976 *Buckley v. Valeo*: www.britannica.com/event/Buckley-v-Valeo

1978 *First National Bank of Boston v. Bellotti*

www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-chemerinsky/first-amendment-freedom-of-expression/first-national-bank-of-boston-v-bellotti/
Spending on ballot measures: <https://publicintegrity.org/state-politics/big-business-crushed-ballot-measures-in-2014/>

www.washingtonpost.com/blogs/govbeat/wp/2013/11/08/initiative-spending-booms-past-1-billion-as-corporations-sponsor-their-own-proposals/?utm_term=.1a27e96988e4

1986 *Pacific Gas & Electric Co. v. Public Utilities Commission of California*

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1996 *International Dairy Foods Association v. Amestoy*

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Bill to remedy inaccurate product labeling: <https://pbfy.com/running-your-business/inaccurate-product-labeling-and-the-bill-to-remedy-it/>

2010 *Citizens United v. Federal Election Commission*

www.britannica.com/event/Citizens-United-v-Federal-Election-Commission
www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-sullivan/rights-ancillary-to-freedom-of-speech/citizens-united-v-federal-election-commission/

2010 *SpeechNow.org v. Federal Election Commission*

https://ballotpedia.org/SpeechNOW.org_v._Federal_Election_Commission
www.britannica.com/topic/SpeechNoworg-v-Federal-Election-Commission

Super PACS: www.nydailynews.com/news/politics/cheat-sheet-super-pacs-work-controversial-article-1.1005804

Super PACS spending: www.opensecrets.org/outsidespending/fes_summ.php?cycle=2018

2014 *McCutcheon v. Federal Election Commission*

www.britannica.com/event/McCutcheon-v-Federal-Election-Commission
www.publicintegrity.org/2014/04/22/14611/mccutcheon-decision-explained-more-money-pour-political-process



Teacher Resources

TEACHER RESOURCES: 2001-2016

2001, 2011 USA PATRIOT Act

www.britannica.com/topic/USA-PATRIOT-Act

www.lawfareblog.com/usa-freedom-act-turns-two

www.britannica.com/biography/Edward-Snowden

Surveillance in schools

<https://www.scholastic.com/browse/article.jsp?id=3751958>

www.edsurge.com/news/2019-06-10-is-school-surveillance-going-too-far-privacy-leaders-urge-a-slow-down

2005 *Kelo v. City of New London*

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Immediate effects: Eminent domain seizures by pipeline corporations

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Texas: www.texasobserver.org/pipeline-companies-seize-land-in-texas-at-will/

Illinois: www.publicnewsservice.org/2019-05-06/energy-policy/property-owners-seek-justice-as-pipeline-companies-seize-land/a66380-1

Appalachia: www.citylab.com/environment/2019/03/mountain-valley-pipeline-fracking-tree-sitting-protest/583912/

Pennsylvania: www.eenews.net/stories/1060345715

2005 Energy Policy Act

https://en.wikipedia.org/wiki/Energy_Policy_Act_of_2005

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www.theconstitution.org/litigation/evenwel-v-abbott-u-s-sup-ct/

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Nixon's official reason? To criminalize hippies and black people: www.vox.com/2016/3/22/11278760/war-on-drugs-racism-nixon

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Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010)

U.S. Senator Cory Booker, D-NJ, CNS News interview, 2015: www.cnsnews.com/news/article/susan-jones/sen-booker-more-african-americans-under-criminal-supervision-all-slaves

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Atlantic Monthly, business, 2018: www.theatlantic.com/business/archive/2018/03/corporations-people-adam-winkler/554852/

Inside History: www.history.com/news/14th-amendment-corporate-personhood-made-corporations-into-people

Taxation without representation: www.citizen.org/topic/globalization-trade/corporate-power-expanded-isds/



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