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Issue 1. Should Americans Believe in a Unique American “Mission”? 2

YES: Wilfred M. McClay, from “The Founding of Nations,” *First Things* (March 2006) 4

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

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

Issue 2. Does the Tea Party Represent a Revival of America’s Revolutionary Ideals? 22

YES: Dick Armey and Matt Kibbe, from *Give Us Liberty: A Tea Party Manifesto* (HarperCollins, 2010) 24

NO: Jill Lepore, from *The Whites of Their Eyes: The Tea Party’s Revolution and the Battle over American History* (Princeton University Press, 2010) 30

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

Issue 3. Is Bigger Government Better Government? 39

YES: Jeff Madrick, from *The Case for Big Government* (Princeton University Press, 2008) 41

NO: Jim DeMint, from *Saving Freedom* (Fidelis, 2009) 46

Humanities professor Jeff Madrick surveys the numerous government interventions in the economy since the end of World War II and concludes that they have been essential to America’s growth and well being. Senator Jim DeMint compares government to a genie that can protect a nation from its enemies and ensure fair and equal treatment of its citizens but which needs to be “caged” lest it overwhelm and destroy the nation.

Issue 4. Should America Adopt Public Financing of Political Campaigns? 55

YES: **Mark Green**, from “Change, for Good,” *Selling Out: How Big Corporate Money Buys Elections, Rams Through Legislation, and Betrays Our Democracy* (HarperCollins, 2002) 57

NO: **John Samples**, from “Taxpayer Financing of Campaigns,” in John Samples, ed., *Welfare for Politicians? Taxpayer Financing of Campaigns* (Cato Institute, 2005) 63

Political activist and author Mark Green sums up his thesis in the subtitle of his book, a work that urges adoption of public financing of election campaigns in order to make politics more honest and to reduce the dependency of elected officials on selfish interests. Cato Institute director and political scientist John Samples opposes public financing of candidates for public office because it does not achieve any of the goals of its advocates and it forces voters to underwrite the financing of candidates they do not support.

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Issue 5. Does the President Have Unilateral War Powers? 72

YES: **John C. Yoo**, from *Memorandum Opinion for the Deputy Counsel to the President* (September 25, 2001) 74

NO: **Michael Cairo**, from “The ‘Imperial Presidency’ Triumphant,” in Christopher S. Kelley, ed., *Executing the Constitution* (SUNY, 2006) 81

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

Issue 6. Should the Courts Seek the “Original Meaning” of the Constitution? 91

YES: **Antonin Scalia**, from “Constitutional Interpretation,” Remarks at Woodrow Wilson International Center for Scholars (March 14, 2005) 93

NO: **Stephen Breyer**, from *Active Liberty: Interpreting Our Democratic Constitution* (Knopf/Vintage, 2005) 100

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

Issue 7. Is Congress a Dysfunctional Institution? 108

YES: **Ezra Klein**, from “What Happens When Congress Fails to Do Its Job,” *Newsweek* (March 27, 2010) 110

NO: Lee H. Hamilton, from “Public Criticisms of Congress,” *How Congress Works* (Indiana University Press, 2004) 116

Columnist Ezra Klein contends that institutional deadlock and partisan rancor have paralyzed Congress, causing it to lose power to the president and the bureaucracy. Former representative Lee H. Hamilton contends that many of the Congress’s so-called flaws are actually faithful reflections of how the American public thinks and feels.

Issue 8. May Congress Require People to Buy Health Insurance? 127

YES: George Caram Steeh, from “Order Denying Plaintiff’s Motion,” *Thomas More Law Center v. Obama* (October 7, 2010) 129

NO: Henry Hudson, from “Memorandum Opinion,” *Virginia v. Sebelius* (December 13, 2010) 135

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

Issue 9. Should the President Be Allowed “Executive Privilege”? 144

YES: Mark J. Rozell, from “Pro,” in Richard J. Ellis and Michael Nelson, eds., *Debating the Presidency: Conflicting Perspectives on the American Executive* (CQ Press, 2006) 146

NO: David Gray Adler, from “Con,” in Richard J. Ellis and Michael Nelson, eds., *Debating the Presidency: Conflicting Perspectives on the American Executive* (CQ Press, 2006) 152

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

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Issue 10. Does Affirmative Action Advance Racial Equality? 164

YES: Glenn C. Loury, from *The Anatomy of Racial Inequality* (Harvard University Press, 2002) 166

NO: Walter E. Williams, from “Affirmative Action Can’t Be Mended,” in David Boaz, ed., *Toward Liberty: The Idea That Is Changing the World* (Cato Institute, 2002) 171

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

Issue 11. Should Abortion Be Restricted? 180

YES: Robert P. George, from “God’s Reasons,” *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (ISI Books, 2001) 182

NO: Mary Gordon, from “A Moral Choice,” *The Atlantic Monthly* (March 1990) 188

Legal philosopher Robert P. George asserts that, since each of us was a human being from conception, abortion is a form of homicide and should be banned. Writer Mary Gordon maintains that having an abortion is a moral choice that women are capable of making for themselves, that aborting a fetus is not killing a person, and that antiabortionists fail to understand female sexuality.

Issue 12. Is the Welfare State Obsolete? 197

YES: Yuval Levin, from “Beyond the Welfare State,” *National Affairs* (Spring 2011) 201

NO: Irwin Garfinkel, Lee Rainwater, and Timothy Smeeding, from *Wealth & Welfare States: Is America a Laggard or Leader?* (Oxford University Press, 2010) 209

Yuval Levin, a Fellow at the Ethics and Public Policy Center in Washington, DC argues that democratic capitalism provides a compelling contrast to the shortcomings of the socialist welfare state. Social scientists Irwin Garfinkel, Lee Rainwater, and Timothy Smeeding believe that the welfare state enriches nations and should be maintained.

Issue 13. Are Americans Overtaxed? 218

YES: Curtis S. Dubay, from “Seven Myths About Taxing the Rich,” *Backgrounder, The American Heritage Foundation* (August 3, 2009) 220

NO: Steve Brouwer, “If We Decided to Tax the Rich,” from *Sharing the Pie: A Citizen’s Guide to Wealth and Power* (Holt Paperbacks, 1998) 226

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

Issue 14. Is America Becoming More Unequal? 233

YES: Robert Greenstein, from *Testimony before the Subcommittee on Workforce Protections of the House Committee on Education and Labor* (July 31, 2008) 235

NO: Christopher C. DeMuth, from “The New Wealth of Nations,”
Commentary (October 1997) 242

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

Issue 15. Should Same-Sex Marriage Be a Constitutional Right? 252

YES: Theodore B. Olson, from “The Conservative Case for Gay Marriage: Why Same-Sex Marriage Is an American Value,” *The Daily Beast* (January 8, 2010) 254

NO: Sam Shulman, from “Gay Marriage—and Marriage,”
Commentary (November 2003) 260

Attorney Theodore B. Olson argues that the right of homosexual people to marry, is the logical extension of the equality proclaimed in the Declaration of Independence and guaranteed by the Fourteenth Amendment. Columnist Sam Shulman sees gay marriage as a burlesque of marriage that will harm the interests of women.

Issue 16. Should There Be a “Wall of Separation” Between Church and State? 269

YES: John Paul Stevens, from Dissenting Opinion in *Van Orden v. Perry*, 545 U.S. 677 (June 27, 2005) 271

NO: Antonin Scalia, from Dissenting Opinion in *McCreary County, et al., v. American Civil Liberties Union of Kentucky, et al.*, 545 U.S. 844 (June 27, 2005) 280

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

Issue 17. Do Corporations Have the Same Free Speech Rights as Persons? 291

YES: Anthony Kennedy, from Opinion of the Court in *Citizens United v. Federal Election Commission* (2010) 294

NO: John Paul Stevens, from Dissenting Opinion in *Citizens United v. Federal Election Commission* (2010) 300

Supreme Court Justice Anthony Kennedy, for the majority, hold the view that corporations have all the rights and privileges of citizens under the Constitution, so their free speech rights are not to be violated. Supreme

Court Justice John Paul Stevens insists that corporations are not citizens under the Constitution, so Congress may restrict their political speech prior to an election.

Issue 18. Should “Recreational” Drugs Be Legalized? 308

YES: **Bryan Stevenson**, from “Drug Policy, Criminal Justice, and Mass Imprisonment,” paper presented to the Global Commission on Drug Policies (January 2011) 311

NO: **Theodore Dalrymple**, from “Don’t Legalize Drugs,” *City Journal* (Spring 1997) 319

Law professor Bryan Stevenson focuses on how the criminalization of drugs has led to mass imprisonment with negative consequences for law enforcement. Theodore Dalrymple, a writer for the Manhattan Institute, describes the consequences of illegal drug use and the potential for further illness and crime if drugs are legalized.

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Issue 19. Is Indefinite Detention of Suspected Terrorists Justified? 330

YES: **Jack Goldsmith**, from “Long-Term Terrorist Detention and a U.S. National Security Court,” *Legislating the War on Terror: An Agenda for Reform* (Brookings Institution Press, 2009) 332

NO: **Sarah H. Cleveland**, from “The Legal, Moral and National Security Consequences of ‘Prolonged Detention,’” *Subcommittee on the Constitution of the U.S. Senate Committee on the Judiciary* (June 9, 2009) 337

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

Issue 20. Do We Need to Curb Global Warming? 345

YES: **Gregg Easterbrook**, from “Case Closed: The Debate About Global Warming Is Over,” *Issues in Governance Studies* (June 2006) 348

NO: **Larry Bell**, from *Climate of Corruption: Politics and Power Behind the Global Warming Hoax* (Greenleaf Book Group, 2011) 356

Editor Gregg Easterbrook argues that global warming, causing deleterious changes in the human condition, is a near certainty for the next few generations. Professor Larry Bell insists that the climate models predicting global warming are speculative at best, and in some cases based upon manipulated data.

**Issue 21. Is Warrantless Wiretapping Ever Justified to
Protect National Security? 371**

YES: Andrew C. McCarthy, from “How to ‘Connect the Dots,’”
National Review (January 30, 2006) 373

NO: Al Gore, from “Restoring the Rule of Law,” from a Speech
Presented to The American Constitution Society for Law and
Policy and The Liberty Coalition (January 15, 2006) 379

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

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