# "Dollars \& Votes: 2012 Election" Social Studies Lesson Plan 



A daily news broadcast for High School and Middle School students now under development by MacNeil/Lehrer Productions

# Dollars \& Votes: 2012 Election Social Studies Curriculum 

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Spring, 2012
Dear Educator,
the.News online video reports for the.Gov provide middle and high school students with a valuable exercise in social studies and language arts with this 8:32 segment on " "Dollars \& Votes: 2012 Election" at www.pbs.org/newshour/thenews/thegov Thai da Silva investigates the fundraising landscape during the 2012 Presidential election in light of the most recent Supreme Court actions. You can view this report in the "For Educators" section of the website. All videos and curricula have been informed by the.News instructional design that can be found on the website www.pbs.org/newshour/thenews/foreducators . The curriculum includes content-based standards, discussion questions, student activities, vocabulary and primary reference sources. A complete transcript of each video report includes time codes to assist in isolating specific segments of the video and to augment the instruction of media literacy and multimedia production. All of this material is presented as options to fit teachers' instructional needs.

References to Larry Bell's "The 12 Powerful Words" are highlighted in bold in the lesson plans and in the "thought starter" questions on the home page and educator's page, and in the transcript (to denote where they are used in the video segment).

We have also added a section called general topics to correlate to the lessons and video as well as concept based standards with conceptual lens and enduring understanding.

We welcome our partners at the Omaha Public Schools who have joined the.News in the third year of a special pilot project. We have also developed a special authoring tool for students called YOU.edit which gives students an online tool to remix the content of the.News reports, so they can create their own multimedia presentations. This editing tool can be found by clicking on the YOU.edit button on the home page of the website. Currently used with our OPS teacher consultants it is password protected so that it can serve as a viable educational asset that allows classroom teachers to assign multimedia projects within the security and content safety of the.News website.

Answers to student "thought starter" questions listed below the video.

1. Political Action Committees operated by corporations, unions and individuals allowed to spend unlimited amounts of money on political campaigns under rules from the 2010 Supreme Court decision, "Citizens United vs. Federal Election Commission."
2. Started with President Teddy Roosevelt in 1904 \& The Tillman Act, etc. ( more history \& details in bkg of SS \& LA lesson plans and the video).
3. Congress \& the courts.

Sincerely,


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Dollars \& Votes: 2012 Election
This lesson was designed to support the.News video "Dollars \& Votes: 2012 Election." The video can be found online at www.pbs.org/newshour/thenews/thegov

## Omaha Public Schools

Standards :
http://bit.ly/wgAPad
Social Studies: U.S. History
Grade 8
Citizenship/Government:
Describe the structure and function of government, the expanding role and responsibilities of the citizen in a representative democracy, and compare and contrast these elements to those in other countries.

Social Studies: Government Grade 12
Standard 4: Describe the factors that influence government policy and decisions.

## Social Studies:

Citizenship/Government
Grade 7-8
Standard 4:
Citizenship/Government: Describe rights and responsibilities of citizenship and function of government, the expanding role and responsibilities of the citizen in a representative democracy, and compare and contrast these elements with those in other societies.

Grade Level: 9-12
Content Areas: Social
Studies, Government/Civics, elections

## Key Concepts:

This lesson contains a series of activities to help students understand the significance and impact of the 2010


Photo: Free Range Studios Supreme Court decision Citizens United v. Federal Election Commission. Campaign finance reform has been a goal of Congress and the American public since the mid-Nineteenth Century. During this time, the courts have had to balance First Amendment freedom of free speech with the need to provide balanced and equitable opportunities for all citizens to express their opinion and petition the government. By ruling that corporations are people the Supreme Court has made the issue of free speech and equal access to political candidates a controversial ruling.

## Key Objectives:

The student will:

- Explain how the Supreme Court's decision in Citizens United v. Federal Election Commission created a controversy over freedom of speech and equal access to political candidates.
- Trace key events in campaign finance reform in U.S. history.
- Describe the impact of Citizens United v. Federal Election Commission on the political campaign
process and citizens' access to political candidates.
- Analyze opinions of others regarding the Supreme Court's decision in Citizens United v. Federal Election Commission.
- Evaluate the impact of Citizens United on federal elections.


## Key Vocabulary:

- Civil service: a system or method of appointing government employees on the basis of competitive examinations, rather than by political patronage.
- Coercion: use of force or intimidation to obtain compliance.
- Extortion: the crime of obtaining money or some other thing of value by the abuse of one's office or authority
- Loophole: a means or opportunity of evading a rule, law,
- Partisan: an adherent or supporter of a person, group, party, or cause, especially a person who shows a biased, emotional allegiance.
- Repeal: to revoke or annul (a law, tax, duty, etc.) by express legislative enactment
- Spoils system: The practice of appointing applicants to public offices as a reward for their loyalty to the political party in power.
- Transparency: the quality or state of being transparent or making able to see all information.

Source: Dictionary.com

## Omaha Public Schools

 Standards :http://bit.ly/wgAPad
Social Studies: Government Grade 12
Standard 4: Describe the factors that influence government policy and decisions.

Conceptual Lens: Citizenship Rights
Enduring Understanding: A country's political documents embody the basic principles which ensure the protection of individual's rights

## Language Arts: Reading

 Grade 12Standard 01: Students will read a variety of grade level texts fluently with accuracy, appropriate pace, phrasing and expression.

Standard 03: Students will extract and construct meaning using prior knowledge, applying text information, and monitoring comprehension while reading grade level text.

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## Time Frame:

- Opening Activity: 20 minutes
- Viewing Activity: 25 minutes
- Main Activity: One class period


## Materials:

- the.News segment "Dollars \& Votes: 2012 Election" www.pbs.org/newshour/thenews/thegov
- Internet access
- Student Handouts
o Handout 1: Political Cartoon Analysis
o Handout 2: Article Analysis Graphic Organizer


## Lesson Topics:

- elections
- Supreme Court
- free speech
- Super PACs’
- political fundraising
- First Amendment
- political cartoon analysis
- campaign finance reform




## Background:

Like the politics they try to regulate, campaign finance legislation has had an erratic and tumultuous history. For over a century, Congress has tried to strike a delicate balance between the right of political campaigns to raise and spend money as they choose and the need for a level playing field so that no campaign has an advantage over another. Political campaigns have always sought to gain advantage in raising money for support. In the 1828 presidential election, candidate Andrew Jackson took advantage of a national media network of partisan newspapers to coordinate his message. After the election, he rewarded political allies with lucrative jobs in government, which became known as the "spoils system." Elected officials would reward big donors with a government job.

After the Civil War, both political parties increasingly relied on wealthy individuals and government employees for their support. Government employees were expected to donate portions of their salary to the political candidates who got them their jobs. To protect shipyard workers, an 1867 Naval Appropriations Bill prohibited officers and government employees from soliciting them for political contributions. Later, the Pendleton Civil Service Reform Act of 1883 established the civil service and extended this protection to all civil service employees. However, this loss of a major funding source increased pressure on political parties to solicit funding from corporate and individual donors.

Contributions from corporations and individuals increased dramatically in the second half of the $19^{\text {th }}$ century. In 1872 a group of wealthy New York Democrats pledged $\$ 10,000$ each to pay costs in an election. One Republican supporter of Ulysses S. Grant alone contributed one fourth
of the Grant's campaign's finances. In the 1890s, Pennsylvania Senator Boise Penrose used extortion tactics on potential corporate donors by threatening to promote legislation that would tax or regulate their businesses unless they contributed to his election campaign. In one 48 hour period, he raised over a quarter million dollars. Vote buying and voter coercion were common and candidates were under extreme obligation to wealthy contributors.

Over the next 100 years, Congress passed a series of laws intended to put broader regulation on federal campaign financing. ${ }^{1}$ Together, these laws intended to:

- Limit the contributions of wealthy individuals and special interests to ensure they didn’t have disproportionate influence.
- Prohibit certain sources of funding in federal campaigns
- Control campaign spending
- Require public disclosure of campaign finances to deter abuse


In 1907, Congress passed the Tillman Act (1907) which prohibited corporations and banks from contributing money to federal campaigns. This law was amended in 1911 to cover Senate elections as well and set spending limits on all Congressional candidates. In 1925, Congress passed the Federal Corrupt Practices Act which strengthened previous legislation and required campaign financial disclosure be reported quarterly and established that any contribution over $\$ 100$ be reported. The law intended to let the public know who was supporting the candidates and for how much money. To make sure Congress had the authority to regulate campaigns, it passed the Hatch Act in1939 and amendments in 1940 that gave Congress the right to regulate primary elections and set limits on political parties’ campaign expenditures at $\$ 3$ million and individual campaign contributions at $\$ 5,000$. In 1947, the TaftHartley Act attempted to eliminate or reduce the influence of both labor unions and corporations by barring them from making expenditures and contributions to federal elections.

[^0]
## Partnership for 21st Century Skills <br> http://www.p21.org

## Civic Literacy

- Participating effectively in civic life through knowing how to stay informed and understanding governmental processes
- Understanding the local and global implications of civic decisions.


## Creativity and Innovation

Think Creatively:

- Elaborate, refine, analyze and evaluate their own ideas in order to improve and maximize creative efforts
Work Creatively with Others:
- Develop, implement and communicate new ideas to others effectively
- Be open and responsive to new and diverse perspectives; incorporate group input and feedback into the work

Critical Thinking and Problem Solving Reason Effectively:

- Use various types of reasoning (inductive, deductive, etc.) as appropriate to the situation
Make Judgments and Decisions:
- Effectively analyze and evaluate evidence, arguments, claims and beliefs
- Analyze and evaluate major alternative points of view
- Interpret information and draw conclusions based on the best analysis

Communication and Collaboration
Communicate Clearly:

- Articulating thoughts and ideas clearly and effectively through speaking and writing
- Listen effectively to decipher meaning, including knowledge, values, attitudes and intentions


## Collaborate with Others:

- Demonstrate ability to work effectively and respectfully with diverse teams

The problem with many of these laws was that they lacked enforcement provisions. There were also numerous loopholes in the laws which further weakened their effectiveness. In 1971, Congress passed the Federal Elections Campaign Act (FECA) which strengthened disclosure previsions, set contribution limits, and instituted public financing for presidential elections. FECA also established a framework for separate segregated funds for corporations and union's political action committees (PACs). The law provided an exemption to corporations and unions whereby they could use their treasury funds to establish, operate, and solicit voluntary contributions for the organizations’ that contribute to federal political races. This law too, did not contain enforcement provisions.

After the 1972 Presidential election, scandals were revealed through the Watergate investigation, and a consensus emerged in Congress to create an independent body to ensure compliance with campaign finance laws. An amendment to FECA established the Federal Election Commission (FEC) which was given jurisdiction in civil enforcement matters. Congress also enacted strict limits on both contributions and expenditures applying these to all candidates for federal office and the political committees that influence federal elections.

Key provisions of the FECA amendments were challenged in court and in Buckley v. Valeo (1976) the Supreme Court upheld contribution limits because they served the government's interest in safeguarding the integrity of elections. However, the Court overturned FECA's limits on what organizations could spend stating that the restrictions "limit political expression at the core of our electoral process and of First Amendment freedoms." ${ }^{2}$ This became known as the "money equals speech" argument. The Court also ruled that media ads that expressly advocated for or against a candidate must be used with regulated money, but if an ad avoids direct advocacy of a candidate and using words like "elect so-and-so"

[^1]or "defeat so-and-so", it isn’t regulated. This led independent groups to produce "issue ads that attack or promote candidates without using direct attacks against them. ${ }^{3}$

In response to the Supreme Court's decision, Congress repealed the expenditure limits (except for candidates who used public funding) in the FECA law.
 Between 1976 and 1979, amendments to campaign finance law further regulated PACs by requiring that they disclose sources of campaign contributions. However, these amendments also allowed corporations, unions and wealthy individuals to give unlimited funds to national party committees, but only for "party building" activities, such as "get out the vote" campaigns. These amendments created "hard money" and "soft money" contributions.

During campaigns, political organizations raise and use "hard money" and "soft money" to run their campaigns and advocate for their candidates. "Hard money" is money that is contributed directly to a political candidate running for election. Regulations in the FECA law limited individual donations to $\$ 1000$ and donations by political action committees (PACs) to $\$ 5000$. Hard money can be used to promote individual candidates.

"Soft money" is money that is not regulated by law. Political parties and political action committees could receive unlimited funding from corporations, unions, and wealthy individuals because they didn’t use these funds for specific candidate advocacy and were not subject to regulation by the Federal Elections Commission. In the elections between 1988 and 2000, the use of "soft money" exploded. Special interest groups formed non-profit organizations, known as Super PACs and 527s (after the federal tax code

[^2]which allowed for such groups). The money didn't go directly to candidates' campaigns but these organizations created issue attack ads that focused negatively on an issue that an opposition candidate supported and thus made the connection that the candidate too was negative.

In an attempt to better regulate the use of soft money, Congress passed the Bipartisan Campaign Reform Act of 2002 (McCainFeingold Act) to ban national political party committees from accepting or spending soft money contributions and required candidates claim responsibility for their campaign advertisements (typically seen with the phrase "I'm candidate so-and-so and I approve this message.) The law also barred 527s from airing "issue ads" 60 days of a general election and 30 days before a primary.


Photo: Restore Our Future

In 2003, BCRA was challenged on free speech grounds in the case of McConnell v. Federal Election Commission. The Supreme Court ruled that BRCA did not infringe on individuals First Amendment rights. In 2007, the provision barring issue ads 30 or 60 days before an election was struck down in a 5-4 decision, in Federal Election Commission v. Wisconsin Right to Life, Inc. The Supreme Court ruled that unless an ad was obviously urging the support or defeat of a candidate, it was eligible to run anytime before an election.


Then in 2010, in the case of Citizens United v. Federal Election Commission, the Supreme Court ruled in a 5-4 decision that the First Amendment prohibited the government from restricting political spending by corporations and unions. In essence, the Court said that political speech is essential to a democracy and it doesn't matter if that speech comes from a
corporation. This ruling allows corporations to spend unlimited funds in support of a candidate. The only stipulation is that the corporations cannot work directly with the candidate. The decision proved to be very controversial as it reversed nearly 100 years of legislation intended to limit the influence of corporations and unions in political elections. Even President Barack Obama, in an unprecedented move, publically criticized the Court's decision in his 2010 State of the Union Address. Supporters of the Court's decision hailed it as striking a blow for the First Amendment and added that it adds transparency to the election process while making it more competitive.

Note to Teachers: If students need additional information about campaign finance and Super PACs, the following site has easy-to-use graphics that describe how campaign financing works: http://nyti.ms/yE07xv


Photo: Priorities USA Action

## Opening Activity:

## Students Analyze cartoon.

Directions: Follow the questions below to analyze the three political cartoons with members of your group.

- What is the event or issue depicted in the cartoon?
- Deconstruct each cartoon by explaining the use of labels, symbols, caricature in each. What are they and what do they represent?
- What aspects of the cartoon (if any) are difficult to understand? What further information do you need to fully understand the cartoon?
- Describe the cartoonist's message.
- Explain why you agree or disagree with the message of the cartoon.


## News Segment Viewing Activity

1. Show the video " Dollars \& Votes: 2012 Election" or have students watch the video as homework.
2. Discuss with students the following questions after viewing the.News segment:

- Describe the type of organizations expected to spend the most money in this year's election.
- Explain why Congress outlawed corporate contributions for all Congressional and Presidential campaigns after Teddy Roosevelt’s 1904 election.
- Describe what the Tillman Act called for and who or what it and its subsequent amendments affected most.
- Describe the balance Congress has to find when passing campaign reform legislation.
- Explain the U.S. Supreme Court's decision in United v. Federal Election Commission (2010) and describe the Court's reasoning.
- President Obama was an ardent critic of the Court's decision in Citizens United. However his campaign committee announced that a Super PAC would be formed to assist in President Obama's reelection in 2012. Describe the campaign committee's reasoning for this decision.
- Explain why it might be an advantage to Super PACs to not have to disclose their donor list.
- Compare and contrast the views of Robert Weissman (of Public Citizen) and Len Doren (host of the series "How the World Works") on the Citizens United decision and corporate influence in elections.
- Summarize the views of Abby Phillips (of Politico) on how the elections process might be affected by Super PACs involvement in political campaigns. Support or rebut her views with those of your own.


## Main Activity

Before conducting this activity, put together reading packets or provide the links for student to read various articles covering the Citizen United issue. Students can review this material as homework before conducting the activity.

Divide the class into two large groups. One group will read articles in support the Supreme Court's decision in Citizens United v. Federal Election Commission and the other group will read articles in opposition. Each large group will be composed of several smaller subgroups. Each subgroup will read one of articles either in support of or in opposition to the decision.

Articles that support the Citizens United decision:
o Wall Street Journal's editorial board: http://on.wsj.com/67Nafd
o Salon's Glenn Greenwald: http://www.salon.com/2010/01/22/citizens_united/
o National Review, Paul Sherman: http://bit.ly/hVfx0S
Articles that oppose the Citizens United decision:
o New York Times editorial board: http://nyti.ms/6V7lY3
o Lawrence Lessig at the Huffington Post: http://huff.to/7P7aEd
o Slate's Dahlia Lithwick http://www.slate.com/id/2242208/

1. When assigning the article, distribute Student Handout 2: Article Analysis Graphic Organizer for students to take notes on the articles in support of or opposition to the Citizens United decision.
2. After students have read their respective articles, provide some time for each small group to analyze the article by discussing the asterisked questions $(1-5)$ on the handout and formulating a small presentation.
3. Now organize the class into a "modified fishbowl" activity: Arrange students' seats in a large half circle facing the front of the classroom. Place enough seats in the front of the room to accommodate the largest subgroup.
4. Have each subgroup come up to the front to present their article analysis following the asterisked questions in the handout. (Each student in the subgroup can present one or
more of these questions.) Stress to the class that they are to listen carefully to the presentations because they will be asked to comment on what they've heard.
5. Have students in the large group comment on the following questions for each article:
a. What ideological position is expressed by the article's author? Support your answer with examples.
b. What alternatives or solutions does the author present?
c. What are your thoughts on the views expressed in the article?
6. Have the small subgroup respond to the comments of the large group by either agreeing or disagreeing with their assessment. Encourage students to challenge or agree with each other's thinking when appropriate.

## Assessment

- Students write essay or formulate a presentation that summarizes positive and negative impact of the Citizens United decision and whether you feel the decision will be best for the democratic process and the reasons why.


## Extension activity

- Have students track how Super PACs and money are playing out in the current election. Have students look at the amount of Super PAC money spent at each of the primary elections. [http://projects.propublica.org/pactrack] Pose to students the questions: How does the amount of Super PAC money spent compare with success at the ballot box? Does spending equal campaign success? Have students track the amount of Super PAC money spent at each primary and how the candidates faired. Review news articles that provide analysis on the effect of Super PAC spending in the primaries. Summarize the effects of Super PAC spending on primary campaigns and based on that data, predict how you think will be the winner of the primary elections and will go on to capture the presidential nomination.
- In December, 2011, the Montana State Supreme Court upheld the state’s 100 year-old law that banned direct spending by corporations and unions for or against political candidates. This ruling [http://bit.ly/zBxuwB] overturns a lower state court ruling that earlier declared the Montana law unconstitutional based on the U.S. Supreme Court's ruling on Citizens United v. Federal Election Commission Examine the Montana Supreme Court's ruling [http://bit.ly/zXJkZp] and analyze how it compares with the Supreme Court's ruling in Citizens United v. Federal Election Commission. Do you think the Montana Supreme Court was right in its decision? On February $17^{\text {t }}$ 2012, the Supreme Court placed a stay on the Montana Supreme Court decision, in essence allowing direct spending by corporations, unions and wealthy individuals in Montana elections, for now. However, U.S. Supreme Court Justices Ginsburg and Breyer attached a note to the stay order that basically said they would like to reconsider the Citizens United case. Do you think the U.S. Supreme Court will
eventually overturn the Montana Supreme Court's ruling? On what grounds do you base your opinion? Conduct a case study on the Montana Court's ruling. Information on how to conduct a case study can be found at the.News lesson "The Third Branch."
(http://to.pbs.org/xJFD3P)
- Look into the efforts to overturn or modify the U.S. Supreme Court's ruling in Citizens United v. Federal Election Commission. Several actions are being considered from a Constitutional amendment to the Congressional DISCLOSE Act (Democracy is Strengthened by Casting Light on Spending in Elections Act) under consideration [http://bit.ly/duRrLl]. Which of these efforts do you feel has a good chance of succeeding and what do you base your opinion on? Formulate a media news story (radio, television, print or for the Internet) that describes these efforts and analyzes the chances of carrying them out. Predict whether you believe any of these efforts will succeed and he reasons why.


Photo: Free Range Studios

## Resources:

## National Sources

- the.News http://www.pbs.org/newshour/thenews/
- Federal Election Commission http://www.fec.gov/
- Citizens United http://www.citizensunited.org/
- Public Citizen http://www.citizen.org
- Politico (online political news source) http://www.politico.com/
- "How the World Works" (YouTube)
http://www.youtube.com/user/HowTheWorldWorks/featured
- PBS NewsHour "Are Super PACs living up to Supreme Court's Intentions?" This story focuses on the effects of CU decision on 2012 Iowa primary
- http://www.pbs.org/newshour/bb/politics/jan-june12/superpac_01-05.html


## Supreme Court's decision on Citizens United v. Federal Election Commission and related issues

- Oyez. Org http://www.oyez.org/cases/2000-2009/2008/2008_08_205
- Cornell University Law School www.law.cornell.edu/supct/html/08-205.ZS.html
- ENotes http://www.enotes.com/topic/Citizens_United_v._Federal_Election_Commission
- The DISCLOSE Act http://www.opencongress.org/bill/111-h5175/show


## Super PACs

- Tracking the Super PACs NPR News http://n.pr/x145lw
- Center for Responsive Politics (links to Super PACs and who they support) http://www.opensecrets.org/pacs/superpacs.php


## Activity Designer:

Greg Timmons is a former social studies teacher, now freelance writer and education consultant.

## Student Handout 1: Political Cartoon Analysis

## Super PAC Reboot

Directions: Follow the questions below to analyze the three political cartoons with members of your group.

- What is the event or issue depicted in the cartoon?
- Deconstruct each cartoon by explaining the use of labels, symbols, caricature in each. What are they and what do they represent?
- What aspects of the cartoon (if any) are difficult to understand? What further information do you need to fully understand the cartoon?
- Describe the cartoonist's message.
- Explain why you agree or disagree with the message of the cartoon.


From Cagle Cartoons www.politicalcartoons.com
Title: Super PAC Reboot
Artist: Pat Bagley
Attribution: Pat Bagley, Salt Lake Tribune.
Date 2/1/2012

## Student Handout 2: Article Analysis Graphic Organizer

1. Basic information on the article*

Article Title: $\qquad$
Author: $\qquad$
Publication's Name: $\qquad$
Publication's Political Inclination: $\qquad$

| Review the article and identify the 5 Ws and H |  |
| :--- | :--- |
| Who? |  |
| What? |  |
| When? |  |
| Where? |  |
| Why? |  |

## Analysis Questions

2. For what audience was the article written? *
3. Does the article reflect the writer's opinion or the opinions of others or is it purely objective reporting on the Citizens United decision? (opinionated/objective)*
*Present your answers to the asterisked questions during the full class discussion. Be prepared to comment questions 7,8 , and 9 .
4. What is the impact of the Citizens United decision according to the author?* $\qquad$
$\qquad$
$\qquad$
5. List three points the author states to explain this impact.*
A. $\qquad$
$\qquad$
B. $\qquad$
$\qquad$
C. $\qquad$
$\qquad$
6. What facts or sources of information are presented to support this position? $\qquad$
$\qquad$
$\qquad$
7. If an ideological position is evident, which position does the author's opinion express? $\qquad$ Explain why you conclude this? $\qquad$
$\qquad$
8. What alternatives or other solutions does the author present? $\qquad$
9. What are your thoughts on the views expressed in this article?

[^0]:    ${ }^{1}$ Federal Election Commission http://www.fec.gov/info/appfour.htm

[^1]:    ${ }^{2}$ Federal Election Commission http://www.fec.gov/info/appfour.htm

[^2]:    ${ }^{3}$ NPR "History of U.S. Campaign Finance Law"
    http://www.npr.org/templates/story/story.php?storyId=121293380

