

# US LAW AND POLITICS: CLASS ACTIVITIES\*

## Class 1. Sep. 9: Introduction and Orientation

### Discussion questions:

- What do you know about the 2020 presidential election? Do you follow US politics? Who would you vote for?
- What is your opinion of Donald Trump?
- What is your opinion of Joe Biden?
- What are some of the differences between the Canadian and the American legal system? What are some of the differences between the Canadian and the American political system?
- Analyze the following cartoons:





**Class 2 Sep. 16**

### **Free Speech**

Watch President Trump's speech of July 4, 2020 available at:

<https://www.youtube.com/watch?v=FzYHiRNvD5Q>

- 1) What is cancel culture? How does it work?
- 2) Give examples from the United States.
- 3) What is the connection between free speech and cancel culture? Is cancel culture a violation of Free Speech rights under the First Amendment of the US Constitution? Why or why not?
- 4) What is President Trump's position on cancel culture? Do an online search of Trump's speeches and Tweets and give specific examples of President Trump's arguments about cancel culture. How about Joe Biden's position on cancel culture?
- 5) Read the following open letter from Bari Weiss. Why did the New York Times hire her? What happened in the 2016 campaign that led to her hiring? What does she mean by the Times "didn't have a firm grasp of the country it covers"?
- 6) Why did she resign? What does she mean when she says that Twitter is the ultimate editor of the New York Times?
- 7) Read the Open Letter on Justice and Debate. What is the main point of the letter? Do an online search of the background of this letter. What is the purpose of the letter? What do

the authors mean by “the exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted”? Give examples not mentioned in the letter that illustrate this argument. Do you agree with this argument? Why or why not?

- 8) Discuss the following quote from an article published in 2016 before the presidential election.

Judges have interpreted the First Amendment broadly, giving Americans some of the most expansive rights of speech in the world. But over the past two decades, and especially the past few years, American college administrators and many students have sought to confine speech to special zones and agitated for restrictions on language in classrooms as well. To protect undergrads from the discomfort of having to hear disagreeable ideas and opinions, administrators and students—and the U.S. Department of Education—have been reframing speech as “verbal conduct” that potentially violates the civil rights of minorities and women.

Dear A.G.,

It is with sadness that I write to tell you that I am resigning from The New York Times.

I joined the paper with gratitude and optimism three years ago. I was hired with the goal of bringing in voices that would not otherwise appear in your pages: first-time writers, centrists, conservatives and others who would not naturally think of The Times as their home. The reason for this effort was clear: The paper’s failure to anticipate the outcome of the 2016 election meant that it didn’t have a firm grasp of the country it covers. Dean Baquet and others have admitted as much on various occasions. The priority in Opinion was to help redress that critical shortcoming.

I was honored to be part of that effort, led by James Bennet. I am proud of my work as a writer and as an editor. Among those I helped bring to our pages: the Venezuelan dissident Wuilly Arteaga; the Iranian chess champion Dorsa Derakhshani; and the Hong Kong Christian democrat Derek Lam. Also: Ayaan Hirsi Ali, Masih Alinejad, Zaina Arafat, Elna Baker, Rachael Denhollander, Matti Friedman, Nick Gillespie, Heather Heying, Randall Kennedy, Julius Krein, Monica Lewinsky, Glenn Loury, Jesse Singal, Ali Soufan, Chloe Valdary, Thomas Chatterton Williams, Wesley Yang, and many others.

But the lessons that ought to have followed the election—lessons about the importance of understanding other Americans, the necessity of resisting tribalism, and the centrality of the free

exchange of ideas to a democratic society—have not been learned. Instead, a new consensus has emerged in the press, but perhaps especially at this paper: that truth isn't a process of collective discovery, but an orthodoxy already known to an enlightened few whose job is to inform everyone else.

Twitter is not on the masthead of The New York Times. But Twitter has become its ultimate editor. As the ethics and mores of that platform have become those of the paper, the paper itself has increasingly become a kind of performance space. Stories are chosen and told in a way to satisfy the narrowest of audiences, rather than to allow a curious public to read about the world and then draw their own conclusions. I was always taught that journalists were charged with writing the first rough draft of history. Now, history itself is one more ephemeral thing molded to fit the needs of a predetermined narrative.

My own forays into Wrongthink have made me the subject of constant bullying by colleagues who disagree with my views. They have called me a Nazi and a racist; I have learned to brush off comments about how I'm "writing about the Jews again." Several colleagues perceived to be friendly with me were badgered by coworkers. My work and my character are openly demeaned on company-wide Slack channels where masthead editors regularly weigh in. There, some coworkers insist I need to be rooted out if this company is to be a truly "inclusive" one, while others post ax emojis next to my name. Still other New York Times employees publicly smear me as a liar and a bigot on Twitter with no fear that harassing me will be met with appropriate action. They never are.

There are terms for all of this: unlawful discrimination, hostile work environment, and constructive discharge. I'm no legal expert. But I know that this is wrong.

I do not understand how you have allowed this kind of behavior to go on inside your company in full view of the paper's entire staff and the public. And I certainly can't square how you and other Times leaders have stood by while simultaneously praising me in private for my courage. Showing up for work as a centrist at an American newspaper should not require bravery.

Part of me wishes I could say that my experience was unique. But the truth is that intellectual curiosity—let alone risk-taking—is now a liability at The Times. Why edit something challenging to our readers, or write something bold only to go through the numbing process of making it ideologically kosher, when we can assure ourselves of job security (and clicks) by publishing our 4000th op-ed arguing that Donald Trump is a unique danger to the country and the world? And so self-censorship has become the norm.

What rules that remain at The Times are applied with extreme selectivity. If a person's ideology is in keeping with the new orthodoxy, they and their work remain unscrutinized. Everyone else lives in fear of the digital thunderdome. Online venom is excused so long as it is directed at the proper targets.

Op-eds that would have easily been published just two years ago would now get an editor or a writer in serious trouble, if not fired. If a piece is perceived as likely to inspire backlash internally or on social media, the editor or writer avoids pitching it. If she feels strongly enough

to suggest it, she is quickly steered to safer ground. And if, every now and then, she succeeds in getting a piece published that does not explicitly promote progressive causes, it happens only after every line is carefully massaged, negotiated and caveated.

It took the paper two days and two jobs to say that the Tom Cotton op-ed “fell short of our standards.” We attached an editor’s note on a travel story about Jaffa shortly after it was published because it “failed to touch on important aspects of Jaffa’s makeup and its history.” But there is still none appended to Cheryl Strayed’s fawning interview with the writer Alice Walker, a proud anti-Semite who believes in lizard Illuminati.

The paper of record is, more and more, the record of those living in a distant galaxy, one whose concerns are profoundly removed from the lives of most people. This is a galaxy in which, to choose just a few recent examples, the Soviet space program is lauded for its “diversity”; the doxxing of teenagers in the name of justice is condoned; and the worst caste systems in human history includes the United States alongside Nazi Germany.

Even now, I am confident that most people at The Times do not hold these views. Yet they are cowed by those who do. Why? Perhaps because they believe the ultimate goal is righteous. Perhaps because they believe that they will be granted protection if they nod along as the coin of our realm—language—is degraded in service to an ever-shifting laundry list of right causes. Perhaps because there are millions of unemployed people in this country and they feel lucky to have a job in a contracting industry.

Or perhaps it is because they know that, nowadays, standing up for principle at the paper does not win plaudits. It puts a target on your back. Too wise to post on Slack, they write to me privately about the “new McCarthyism” that has taken root at the paper of record.

All this bodes ill, especially for independent-minded young writers and editors paying close attention to what they’ll have to do to advance in their careers. Rule One: Speak your mind at your own peril. Rule Two: Never risk commissioning a story that goes against the narrative. Rule Three: Never believe an editor or publisher who urges you to go against the grain. Eventually, the publisher will cave to the mob, the editor will get fired or reassigned, and you’ll be hung out to dry.

For these young writers and editors, there is one consolation. As places like The Times and other once-great journalistic institutions betray their standards and lose sight of their principles, Americans still hunger for news that is accurate, opinions that are vital, and debate that is sincere. I hear from these people every day. “An independent press is not a liberal ideal or a progressive ideal or a democratic ideal. It’s an American ideal,” you said a few years ago. I couldn’t agree more. America is a great country that deserves a great newspaper.

None of this means that some of the most talented journalists in the world don’t still labor for this newspaper. They do, which is what makes the illiberal environment especially heartbreaking. I will be, as ever, a dedicated reader of their work. But I can no longer do the work that you brought me here to do—the work that Adolph Ochs described in that famous 1896 statement: “to make of the columns of The New York Times a forum for the consideration of all

questions of public importance, and to that end to invite intelligent discussion from all shades of opinion.”

Ochs’s idea is one of the best I’ve encountered. And I’ve always comforted myself with the notion that the best ideas win out. But ideas cannot win on their own. They need a voice. They need a hearing. Above all, they must be backed by people willing to live by them.

Sincerely,

Bari

### **A Letter on Justice and Open Debate**

**July 7, 2020**

The below letter will be appearing in the Letters section of the magazine’s October issue. We welcome responses at [letters@harpers.org](mailto:letters@harpers.org)

Our cultural institutions are facing a moment of trial. Powerful protests for racial and social justice are leading to overdue demands for police reform, along with wider calls for greater equality and inclusion across our society, not least in higher education, journalism, philanthropy, and the arts. But this needed reckoning has also intensified a new set of moral attitudes and political commitments that tend to weaken our norms of open debate and toleration of differences in favor of ideological conformity. As we applaud the first development, we also raise our voices against the second. The forces of illiberalism are gaining strength throughout the world and have a powerful ally in Donald Trump, who represents a real threat to democracy. But resistance must not be allowed to harden into its own brand of dogma or coercion—which right-wing demagogues are already exploiting. The democratic inclusion we want can be achieved only if we speak out against the intolerant climate that has set in on all sides.

The free exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted. While we have come to expect this on the radical right, censoriousness is also spreading more widely in our culture: an intolerance of opposing views, a vogue for public shaming and ostracism, and the tendency to dissolve complex policy issues in a blinding moral certainty. We uphold the value of robust and even caustic counter-speech from all quarters. But it is now all too common to hear calls for swift and severe retribution in response to perceived transgressions of speech and thought. More troubling still, institutional leaders, in a spirit of panicked damage control, are delivering hasty and disproportionate punishments instead of

considered reforms. Editors are fired for running controversial pieces; books are withdrawn for alleged inauthenticity; journalists are barred from writing on certain topics; professors are investigated for quoting works of literature in class; a researcher is fired for circulating a peer-reviewed academic study; and the heads of organizations are ousted for what are sometimes just clumsy mistakes. Whatever the arguments around each particular incident, the result has been to steadily narrow the boundaries of what can be said without the threat of reprisal. We are already paying the price in greater risk aversion among writers, artists, and journalists who fear for their livelihoods if they depart from the consensus, or even lack sufficient zeal in agreement.

This stifling atmosphere will ultimately harm the most vital causes of our time. The restriction of debate, whether by a repressive government or an intolerant society, invariably hurts those who lack power and makes everyone less capable of democratic participation. The way to defeat bad ideas is by exposure, argument, and persuasion, not by trying to silence or wish them away. We refuse any false choice between justice and freedom, which cannot exist without each other. As writers we need a culture that leaves us room for experimentation, risk taking, and even mistakes. We need to preserve the possibility of good-faith disagreement without dire professional consequences. If we won't defend the very thing on which our work depends, we shouldn't expect the public or the state to defend it for us.

### **Class 3 September 23**

#### **Current issues**

- 1) Who was Ruth Bader Ginsburg? Briefly discuss her life and her achievements in the US Supreme Court (SCOTUS).
- 2) What does RBG vacancy mean for US politics?
- 3) How are Supreme Court vacancies filled in the US?
- 4) Why does POTUS want to fill the vacancy? Who are the main candidates to replace RBG?
- 5) Why does the Democratic Party oppose to the filling of the vacancy in SCOTUS?
- 6) What is the Democratic Party threatening to do if Donald Trump goes ahead with the nomination?
- 7) What happened to then President Barack Obama's nomination of Merrick Garland?

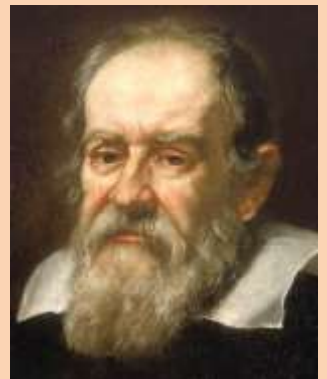
8) What is the current ideological/political composition of SCOTUS?

### The US and the Founding Myth



- Read the article “[The Use of Myth in History: Many Myths Are Designed to Explain Us as We Wish to See Ourselves](#)” by Gil Klein (Excerpts. Published in CW Journal: Summer 2012).

- What purpose do myths have in politics?
- Based on the article by Gil Klein, analyze the following dialogue from Bertolt Brecht’s play “Galileo”: Andrea: “Pity the land that has no hero.” Galileo: “No, Andrea: Pity the land that needs a hero.”



- From YouTube or a similar site, find examples of popular culture that illustrate the mythical founding of the United States. These may portray a historical or contemporary figure as a hero or historical or contemporary events where the United States is shown as having a special world leadership role.
- Do a brief search of the US-Mexican War (1846-1848). What is the Manifest Destiny doctrine? How can this war be explained in light of the mythical foundation of the United States?

## Political campaign



Watch the video where Joe Biden makes a comparison between the Latino and the African American communities in the US. Discuss. Are his remarks racist? Why or why not?

<https://www.youtube.com/watch?v=5E9ZupZx-n8>

In an interview with members of the national associations of Black and Hispanic journalists, former Vice President Joe Biden said with reference to Cubans that the Hispanic community is much more "diverse" than the Black community in the U.S. Biden told NPR's Lulu Garcia-Navarro: "Unlike the African-American community, with notable exceptions, the Latino community is an incredibly diverse community with incredibly different attitudes about different things. You go to Florida, and you find a very different attitude about immigration in certain places than you do when you're in Arizona."

Watch the video where Joe Biden asks whether the interviewer took a cocaine test. Discuss. Are his remarks racist? Why or why not?

<https://www.youtube.com/watch?v=Y-l2eXZ28Mk>



**Class 4 Sep 30:**

**Presidential debate**



**Analyze the presidential debate**

Here is a link to the transcript: <https://www.dailymail.co.uk/news/article-8788571/Full-transcript-Donald-Trump-Joe-Biden-debate.html>

Here is a link to the video: <https://www.youtube.com/watch?v=6FPxLV9eRyY>



- 1) What message did Biden want to convey to the audience? Was he successful? Why or why not?
- 2) What message did Trump want to convey to the audience? Was he successful? Why or why not?
- 3) What tone did Trump use in the debate? What about his body language?
- 4) What tone did Biden use in the debate? What about his body language?
- 5) What do you think of Trump's nomination of Amy Coney Barrett to the Supreme Court? What did Biden say about this in the debate?
- 6) What strategies did the candidates use in the debate? Give specific examples. Were they effective? Why or why not?
- 7) Did Biden have any Freudian slips? If so, what were they?
- 8) Discuss the following exchange. What implications can Biden's assertion have within Democratic voters, particularly those who support Bernie Sanders, AOC, and other left wing politicians, what Donald Trump refers to as the [Democratic Party] Radical Left?

DONALD TRUMP: Listen, you agreed with Bernie Sanders and the manifesto.

JOE BIDEN: There is no manifesto, number one.

CHRIS WALLACE: Please let him speak, Mr. President.

JOE BIDEN: Number two.

DONALD TRUMP: He just lost the left.

JOE BIDEN: Number two.

DONALD TRUMP: You just lost the left. You agreed with Bernie Sanders on a plan that you absolutely agreed to and under that plan [crosstalk], they call it socialized medicine.

DONALD TRUMP: Your party doesn't say it. Your party wants to go socialist medicine and socialist healthcare.

JOE BIDEN: The party is me. Right now, I am the Democratic Party.

DONALD TRUMP: And they're going to dominate you, Joe. You know that.

JOE BIDEN: I am the Democratic Party right now.

DONALD TRUMP: Not according to Harris.

JOE BIDEN: The platform of the Democratic Party is what I, in fact, approved of, what I approved of.

- 9) Who is Chris Wallace? How do you assess his job as moderator?
- 10) What phrase or argument resonates the most with you? Why?
- 11) Why did Biden refuse to address Trump's questions about law enforcement and Law and Order?
- 12) Who did Biden speak to? The "Radical Left"? More conservative Democrats? Republican supporters? Independent voters? Why?
- 13) Who did Trump speak to?
- 14) Did the debate sway undecided voters? Why or why not?
- 15) What is racial sensitivity training? Why did Trump end it? What did he say?
- 16) Why didn't Trump condemn white supremacists and white militia?
- 17) What is Antifa? What is Trump's position about Antifa?
- 18) What did Trump mean by "Okay, boys stand back and stand by."
- 19) What happened in Charlottesville three years ago? What did Trump mean when he talked about very fine people on both sides?
- 20) Who is Hunter Biden? What did Trump accuse him of? How did Joe Biden defend his son?

- 21) Were there any cheap shots and low blows? If so, give examples.
- 22) What did the candidates say about the substantive issues such as the Supreme Court vacancy, the pandemic, climate change, and the economy?
- 23) Do an online search and describe and analyze your favourite memes, cartoons, and tweets about the debate.
- 24) Who won the debate? Why? Was it a win by –unanimous or split- decision? Or a knock out? Or perhaps a draw?
- 25) Suppose you are on Biden’s team, what advice would you give him for the next debate? What should he do differently in the next debate? How would you prep Biden?
- 26) Suppose you are on Trump’s team, what advice would you give him for the next debate? What should he do differently in the next debate? How would you prep Trump?





## **The United States Constitution**

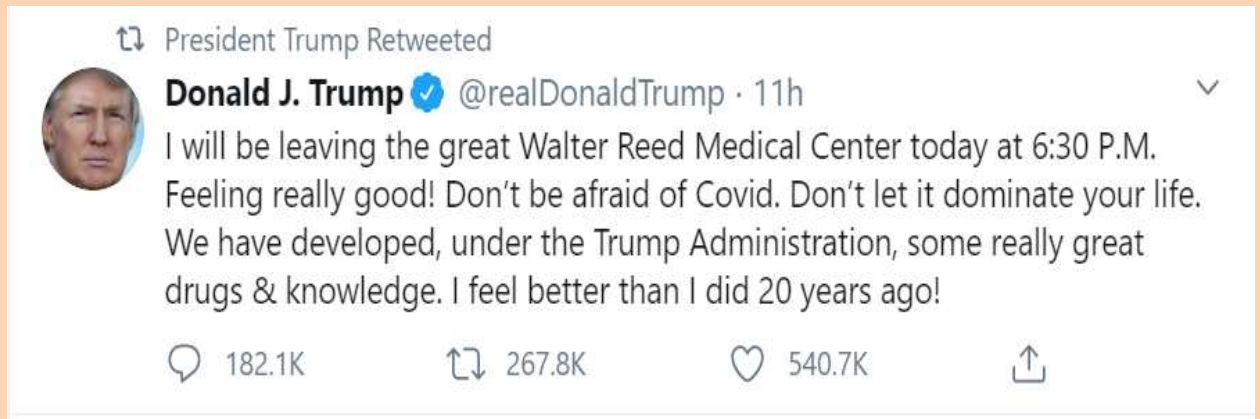
Choose one of the Constitutions amendments and do the following:

- 1) Transcribe and explain the selected amendment.
- 2) Find and discuss a US Supreme Court case dealing with the selected amendment.
- 3) Find and discuss a news article dealing with the selected amendment.

## **Trump and Covid-19**

- What happened to Trump?
- How did he probably contract the virus?
- How did the media treat Trump's disease? Why?
- Discuss some of the conspiracy theories related to Trump's Covid-19.
- Is it fair to treat Trump with experimental cocktail of monoclonal antibodies?
- What are the chances of Trump's complete recovery?
- What has been Trump's attitude toward his disease and Covid-19 in general?
- What can Trump's recovery mean in the fight against Covid-19?
- How can his disease/recovery affect the presidential race? How will Trump's diagnosis affect how Americans view the pandemic?

- Discuss Trump's tweet:



- What happened to Boris Johnson and Jair Bolsonaro? Compare these leaders' approach to Covid-19 and Trump's.
- New York, whose governor is Democrat Andrew Cuomo, is still in lockdown, while Florida, whose governor is Republic Ron DeSantis, has fully opened and lifted most restrictions. Comment.
- How has the US federal government handled the coronavirus pandemic? What about state and local governments?
- What measures that governments have taken can be considered unconstitutional?
- Discuss the article Covid-19 and the Constitution.

### **Covid-19 and the US Constitution**



- 1) How has the US federal government handled the coronavirus pandemic? What about state and local governments?
- 2) What measures that governments have taken can be considered unconstitutional?
- 3) Read the following article and discuss it.

### **COVID-19 and the Constitution**

April 27, 2020 Rob Natelson

COVID-19 and the Constitution

This article originally appeared in the April 7, 2020 issue of the Epoch Times.

Americans' constitutional rights are not luxuries to be thrown away in times of crisis. They are central to our economic and social system and key to our success. To discard them is to cut our own throats.

First, the good news: Our constitutional system is flexible enough to allow government to respond to pandemics and other emergencies. Each state enjoys a vast reservoir of authority the courts call the police power. (The word "police" does not refer to the cop on the beat; it is an older usage meaning "governance.") In responding to a pandemic, states and their local

governments may employ the police power to quarantine the sick, close places of assembly such as theaters and churches, provide emergency care, and require testing and vaccination. States may impose health restrictions on businesses that remain open, such as reducing business hours and requiring masks. They may restrict mass transit or take special steps to ensure vehicles are well ventilated and not too crowded. They may declare tax holidays and repeal regulations so as to reduce the burden of government.

The Spanish Flu pandemic of 1918-19 may have killed as many as 50 million people worldwide. It made COVID-19 look like a walk in the park. State and local government fought it with some of the tools I've just listed. All of those tools are perfectly constitutional. This flexibility in the face of emergency is why the late Justice Robert H. Jackson once said, "The Constitution is not a suicide pact."

On the other hand, emergencies do not cause the Constitution to vanish. The Supreme Law is flexible, but it is not dissolvable. Today, though, some state and local governments are acting as if it doesn't exist.

Although the state police power is extensive, it is still subject to the Constitution. Today, many state officials and bureaucrats are threatening constitutional rights as they never have before in time of peace. Most universally threatened is the right to travel.

The Constitution does not mention the right to travel explicitly. But the Supreme Court has found its components in the Privileges and Immunities Clause of Article IV and in the Equal Protection and Privileges or Immunities Clauses of the Fourteenth Amendment. The court ranks it as a "fundamental right"—in the same category as freedom of speech and religion.

In a series of cases the Supreme Court has protected the right to travel by striking down state laws that imposed only incidental burdens on interstate migration. I think it would act even more readily if faced with excessive direct bans on travel within state boundaries.

Over the years, the Supreme Court has developed a test for measures (laws, regulations, and

orders) that restrict fundamental rights. It is a two-part test: (1) To be constitutional, the measure must further not merely an ordinary government purpose, but a compelling one, such as national defense. (2) The government's measure must be "narrowly tailored"—i.e., targeted closely at the problem. It can't be over-broad: You can't use a shotgun to kill an ant.

Additionally, if the measure is filled with loop-holes, that's a sign that it's not "narrowly tailored." A citizen suing to strike down the measure does not have to prove it is defective. The government must prove it is valid.

I think the courts would find that fighting the Corona virus is a "compelling government purpose." But they likely would find also that the states' methods for doing so are too scattershot to be constitutional.

One example is the statewide lock down order in Maryland. Because epidemics do not last forever, emergency orders should include a termination date. If the epidemic has not eased sufficiently by the termination date, the order can be extended. But Maryland's state shutdown order has no termination date.

As President Trump has suggested, a stay-at-home order appropriate in New York City would be excessive for Wyoming. The same flexibility should be observed within individual states. The governor of Pennsylvania formerly understood this and limited his state's order to urban counties. But he has since extended it to his entire state, even the most profoundly rural areas. A court could find this to be over-broad.

Colorado's orders follow a template used in some other states. They are unconstitutional for several reasons:

- \* They extend to all parts of the state, even though conditions differ radically between metropolitan Denver and the state's nearly empty eastern plains.

- \* The Colorado orders ban much automobile travel, although the virus is not

communicated between cars.

\* They close down most of the economy rather than taking a more targeted approach. For example, it may be sufficient to allow businesses to function if they follow emergency health procedures, such social distancing and offering curbside service. Anyway, destroying the economy is a sure way to hike the death toll from suicide, malnutrition, and other products of poverty.

\* The Colorado orders, like those of some other states, contain unexplained exemptions. For example, recreational marijuana stores may stay open, but tobacco shops must close. Clearly this is more about politics than health: In Colorado the marijuana lobby is stronger than the tobacco lobby.

Some states are violating other constitutional rights as well. One of Colorado's orders seems to ban most interstate freight hauling, in violation of the Supreme Court's Dormant Commerce Clause rules. And in Montana the governor has issued a directive that probably violates the Constitution's Contracts Clause.

### **Class 5. Oct 7:**

## **The Executive Branch**

### **Impeachment**



- 1) What is impeachment?
- 2) What is an impeachable offence?
- 3) Who can be impeached?
- 4) How does impeachment work as part of the system of checks and balances?
- 5) Discuss Donald Trump's impeachment. What do you think happened? What did Trump do? What didn't he do?
- 6) What do you think of Joe Biden's behaviour in the Ukraine affair?
- 7) Were there any political reasons unrelated to the Ukraine's affair behind the impeachment?
- 8) Briefly discuss Bill Clinton's impeachment.

### **Trump impeachment: A very simple guide**

**19 December 2019**

US President Donald Trump has been impeached and now faces the next stage of a process that could, with enough support in Congress, see him removed from office.

It all centres on whether or not he improperly sought help from Ukraine to boost his chances of re-election in 2020.

Mr Trump became only the third president in US history to be impeached after two votes in the Democratic Party-controlled House of Representatives - but more on what that means below.

President Trump, who is a Republican, strongly denies any wrongdoing.

What is he accused of doing wrong?

President Trump is accused of pressuring Ukraine to dig up damaging information on one of his main Democratic challengers for the presidency in 2020, Joe Biden, and his son Hunter.

Hunter worked for a Ukrainian company when Joe Biden was US vice-president.

The president is accused of dangling two things as bargaining chips to Ukraine - withholding \$400m of military aid to Ukraine that had already been allocated by Congress, and a White House meeting for Ukraine's president.

This, Democrats say, amounts to an abuse of presidential power, using the office for personal political gain and to the detriment of national security. Ukraine was using that money in its ongoing conflict with Russia.

Mr Trump is also accused of obstructing Congress by refusing to co-operate with the congressional inquiry.

What is the evidence against Trump?

A formal complaint from a whistleblower - an unnamed intelligence official who wrote a letter expressing concern about Mr Trump's 25 July call with President Volodymyr Zelensky - kicked off the impeachment process in early September.

A rough transcript of the call revealed that Mr Trump had urged President Zelensky to investigate discredited allegations against Joe and Hunter Biden.

The call came shortly after Mr Trump had blocked the release of millions of dollars in US military aid to Ukraine. A senior official later testified that the president made clear the release of the aid was conditional on Mr Biden being investigated, but the White House denies this.

In a series of public hearings, a procession of US officials have testified that there was a White House shadow foreign policy led by the president's personal lawyer, Rudy Giuliani.

Its aim was to get Ukraine to open an investigation into the Bidens and declare as much publicly.

What is his defence?

Mr Trump denies using US military aid as a bargaining chip with Mr Zelensky and has repeatedly insisted his call with Ukraine's leader was "perfect".

He has called the impeachment inquiry a "witch hunt" by Democrats and elements of the media.

He also says it was appropriate to ask Ukraine to investigate "corruption", referring to the energy firm where Hunter Biden worked.

The Republican defence comes in three parts:

- Ukraine's president said he felt no pressure
- The Ukrainians were unaware the aid was held back
- US military aid was eventually released

What is impeachment anyway?

To impeach, in this context, means to bring charges in Congress that will form the basis for a trial.

The US constitution states a president "shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes or misdemeanours".

It's important to note this is a political process, rather than a criminal one.

What is the process?

It happens in two stages.

The first stage is done now - two articles of impeachment (charges) were brought to the House of Representatives and passed in a vote along party lines.

Next the process heads to the Senate where a trial will be held in January.

But here, a two-thirds vote is necessary for a president's removal - and this milestone has never been reached in US history.

The Senate is currently controlled by the Republican Party so conviction is considered unlikely in Trump's case.

### **Trump impeachment: president acquitted on both articles**

President becomes third in US history to be impeached by the House and acquitted in Senate trial

Tom McCarthy

Wed 5 Feb 2020

Donald Trump has been acquitted in his Senate trial on both of the articles of impeachment he faced, ending the threat that he would be removed from office and concluding the impeachment process.

Trump responds to impeachment acquittal with rambling, vitriolic speech – as it happened  
Voting largely along party lines, the senators found Trump not guilty of the first article of impeachment, abuse of power, by a 52-48 tally, and not guilty of the second article of impeachment, obstruction of Congress, by a 53-47 tally.

Trump became the third president in US history to be impeached by the House of

Representatives but acquitted in a Senate trial. A two-thirds majority of 67 senators would have been required to remove him.

As the historic vote landed, Democrats protested that Trump had not won a true acquittal because, in the words of Senator Chris Murphy of Connecticut, the trial was “a show trial”. The acquittal votes came after the chamber’s Republican majority defeated an effort to call witnesses at the trial who could have testified directly to Trump’s alleged misconduct.

Mitt Romney was the only Republican to vote in favor of convicting Trump – and he became the only senator in history to vote to remove a president from his own party in an impeachment trial. Romney voted “guilty” on article 1, for abuse of power, and “not guilty” on article 2, for obstruction of Congress.

“I support a great deal of what the president has done,” Romney said on the Senate floor. “But my promise before God to apply impartial justice required that I put my personal feelings and political biases aside.

“The president is guilty of a flagrant abuse of public trust. Corrupting an election to keep oneself in office is perhaps the most abusive and destructive violation of one’s oath of office that I can imagine.”

Chief Justice John Roberts, who presided at the two-week trial, thanked the senators for their patience “as I attempted to carry out ill-defined responsibilities in an unfamiliar setting”.

“You have been generous hosts, and I look forward to seeing you again under happier circumstances,” Roberts said as the trial concluded.

Trump was impeached for conditioning military aid and a White House meeting for Ukraine on the announcement of a pair of investigations: one into his potential rival for the White House in the 2020 election, Joe Biden, and son Hunter; and a second into a conspiracy theory that Ukraine, instead of Russia, was behind foreign tampering in the 2016 US election.

Democrats launched a formal impeachment inquiry in September, a month after an anonymous whistleblower filed a complaint accusing Trump of soliciting foreign interference in the upcoming 2020 election.

A day after the impeachment inquiry was formalized, the White House released a partial transcript of a 25 July call between Trump and the Ukrainian president, Volodymyr Zelenskiy, in which Trump told Zelenskiy “the United States has been very, very good to Ukraine” and then asked for a “favor”.

Two months of fact-finding and closed-door depositions were followed by public hearings in December in which multiple White House officials and federal employees defied Trump to testify before Congress.

One witness, former national security council (NSC) official Fiona Hill, testified during public hearings that officials carrying out Trump’s Ukraine scheme were “being involved in a domestic political errand. And we [at NSC] were being involved in national security foreign policy, and those two things had just diverged”.

Trump was impeached on 18 December 2019. In the Senate trial that followed, Republicans argued Trump’s removal would rob a decision from American voters of whether to return Trump to office in the November election.

“Our founding documents provide for duly elected presidents who serve with ‘the consent of the governed’, not at the pleasure of the United States Congress,” said retiring Republican Lamar Alexander of Tennessee, once thought to be a potential defector. “Let the people decide.”

But Democrats rejected the Republican defenses, arguing that, if left in office, Trump would continue to try to find a way to tamper in the 2020 election.

“When the framers wrote the constitution, they didn’t think someone like me would serve as a United States senator,” said Democrat Kamala Harris of California, who is the first senator of Indian or Jamaican ancestry.

“But they did envision someone like Donald Trump being president of the United States. Someone who thinks he is above the law and that rules don’t apply to him. So they made sure our democracy had the tool of impeachment to stop that kind of abuse of power.”

As impeachment wound down, Trump was enjoying a streak of developments welcomed by the White House, from a Gallup poll this week pegging Trump’s approval rating at a personal-best 49% to a malfunction in the reporting in Monday’s Iowa caucuses, muddling the opposition race.

Democratic senators held ranks in opposing Trump, however. Doug Jones of Alabama, who faces a difficult election in November in a heavily pro-Trump state, declared on the senate floor on Wednesday morning that he would vote to convict on both articles of impeachment.

“I cannot and will not shrink from my duty to defend the constitution and to do impartial justice,” Jones said. “These actions were more than simply inappropriate, they were an abuse of power.”

In speeches on the Senate floor on Wednesday, Democrat after Democrat portrayed the imminent acquittal not as a vindication for Trump, but as a condemnation for the Senate.

“This is not an exoneration of Donald Trump,” said Tammy Baldwin of Wisconsin. “It is a failure to show moral courage and hold this president accountable.”

**Class 6. Oct 21:**

**Test**



**Class 7. Oct 28:**

### **Congress**



- Describe the legislative process (from a bill to a law)
- Find a newspaper cartoon dealing with Congress and analyze it.
- Find a TV show or film with Congress and analyze it.
- Find a newspaper article with Congress and analyze it.
- Outline and analyze *McCulloch v. Maryland* (1819) and explain its importance.

- Find another US Supreme Court case that relies on *McCulloch v. Maryland*.
- What is the commerce clause?
- Outline the 1825 *Gibbons v. Ogden* case.
- Find another US Supreme Court case dealing with the commerce clause and briefly explain it.
- Explain and find examples of reserved vs. concurrent powers.

### **Class 7. Oct 28:**

## **The United States Supreme Court**

### **The Supreme Court and the United States Constitution**

Choose an article of the US Constitution and make a short video or a PowerPoint presentation to explain the article and its interpretation by the US Supreme Court in a leading case.



Who do you think you are? Investigate the lives and judicial work of one of the following justices of the US Supreme Court:

- 1) John Roberts
- 2) Brett M. Kavanaugh
- 3) Neil M. Gorsuch

- 4) Sonia Sotomayor
- 5) Ruth Bader Ginsburg
- 6) Oliver Wendell Holmes, Jr
- 7) Earl Warren
- 8) Benjamin Cardozo
- 9) Clarence Thomas

### **Class 8. Nov. 4:**

#### **Analysis of US elections**



- Briefly explain the 2020 election results. Are you surprised with the results? Happy? Disappointed? Why?
- What does the presidential result mean for the US? Will there be any significant changes with respect to the last 4 years?
- Why did he win? Why did he lose? Who voted for them?
- What were the main campaign slogans? Discuss them. What role did they play in the election?
- What statement/phrase/slogan during the presidential campaign resonated most with you?
- What does the presidential election result mean for Canada?
- What happened in the House? In the Senate? What does the new composition of Congress mean for the president?

- California voted some propositions. What were some of the main propositions? What were the results? What do you make of these results?
- Briefly explain the electoral process. What is the Electoral College? How is the president elected? What are swing states? What is split-ticket voting?
- Do you think the election was rigged?

**Class 9. Nov. 11**

### **US Foreign Policy**



**Choose one of the following states or regions. Summarize and discuss the current US foreign policy with respect to the selected state or region.**

- 1) US-Russia relations
- 2) US-China
- 3) US-Ukraine
- 4) US-Canada
- 5) US-Latin America
- 6) US-UK
- 7) US-European Union

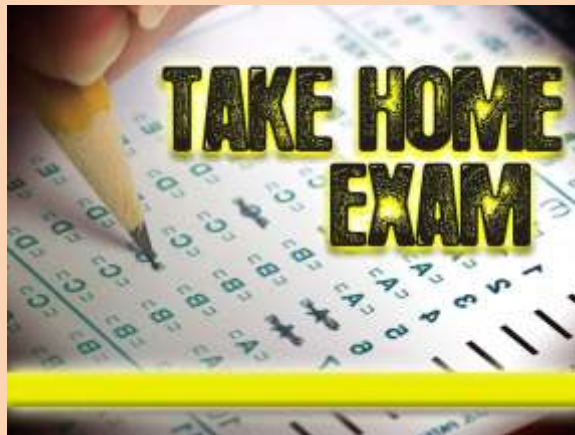
8) US-Middle East

**Class 10. Nov. 18**

**Analysis of media coverage of US presidential elections**

1. Select a US TV network, radio station, or newspaper.
2. Describe and analyze the main characteristics of the selected media outlet's coverage of US presidential elections. Give specific examples.
3. Write a short report. Include all the above tasks and your conclusions about the coverage of US presidential elections.

**Distribution of final take-home**



**Class 11. Nov. 25**

**Submission of final take-home**



## **\* TRIGGER WARNINGS**

Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have mature content, including violent, sexual, and strong language content. Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. The views and opinions expressed in the articles assigned for reading in this course are those of the authors and do not necessarily reflect the position of the course professor. Questions, follow-up questions, examples, and comments made within the context of class activities do not purport to reflect the opinions or views of the course professor. All such articles, comments, questions, examples, and activities are meant solely to facilitate the discussion and study of Law. They are not meant to advocate or promote any crime or unlawful action. Neither are they meant to advance any ideological perspective. Discretion advised before signing up for this course.