

Extent of Civil Liberties

*What is the extent of civil liberties in the United States
and how do these liberties affect our lives?*

Unit Six





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Civil Liberties Around the World

Overview of International Civil Liberties

Civil liberties vary across the world, with different governments ensuring rights and freedoms to different extents. Nevertheless, in most democratic countries, there exist a set of rights that have been established for a government to protect, known as “negative rights.” These are the boundaries or limitations set in place so that a government will not cross and infringe on people’s basic individual liberties. In other words, they are the rights and liberties by which citizens are guaranteed and that the government is prohibited from unduly infringing upon. In the United States, these “negative rights” are enshrined in the Bill of Rights. The incorporation of the Bill of Rights, as well as the concept of negative rights *writ large*, bears a connection to the **natural rights** doctrine and its relationship to democracy. According to this doctrine, the power to govern comes from the people, and that the rights consigned to the people are inherently theirs by the will of nature. That being said, there are many countries today that are ruled by regimes that stifle or outright suppress these rights. This is along a spectrum, of course, with illiberal democracies imposing limited, but no less apparent, strictures on a citizen’s rights and liberties, to outright totalitarian autocracies, where no such rights exist or are heavily suppressed with severe punishments. In this section of the curriculum, students will explore connections between government structures and civil liberties and compare different countries to the US.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights, published in 1948, is a document drafted by 18 representatives from various countries that details the rights and dignities that all humans are entitled to. Adopted by the United Nations, the UDHR has been signed by 192 countries, showing their commitment to protecting these rights. Its 30 Articles cover issues ranging from discrimination, torture, and cruel punishment, to freedom, the right to nationality, and the ability to seek asylum from persecution. The final Article states that none of the rights listed in the previous articles can be used to deny or debase any of the aforementioned rights.

Geneva Conventions



The Geneva Conventions were four separate treaties that came out of a conference held in Geneva in 1949. Written during and shortly after World War II, the treaties form a basis for the **humanitarian** standards of treatment for prisoners of war and other civilians. Convention One states that all injured or sick people on the battle lines are entitled to proper medical care as long as they are not acting openly hostile. Convention Two expands these protections to shipwrecked innocents and wounded members of the navy on hospital ships. Convention Three demands humane treatment for prisoners of war and bans torture as a device used to gain information about an enemy. Lastly, Convention Four describes that civilians should be treated well and left alone during a war, and that hospitals and medical transports cannot be attacked. These conventions surround healthcare and wartime medical treatment as the original 1864 Geneva Convention was what established the International Red Cross and declared medical forces neutral in conflicts.

Mandatory Service

Some countries enforce compulsory military service. The U.S. military has been set to a volunteering basis since 1973, but the draft can be reinstated if there is a national emergency. However, all men between the ages of 18 and 25 still must register for the Selective Service System.

Guided Activity: International Comparisons in Civil Liberties

Students will be divided into small groups and assigned one country of their choice other than the U.S. to research. There will be a class chart or spreadsheet that each group will add to, filling out the row for their country. The U.S. row can be filled out as a class.

The first column will compare government structures. The second will examine which of the rights outlined in the Universal Declaration of Human Rights may be prioritized by the country. The next two columns will allow students to research specific issues regarding civil liberties and see what the policies are in their assigned country. Teachers will have the flexibility to change these issues if they see fit. The final column lets students answer the question of whether they think this country puts individual rights and freedoms above the goals of the community as a



whole (public health, safety, security, national defense) or puts the goals of the community above individual rights and freedoms instead.

Sample:

Country	Government Structure (Does this country have a democracy?)	Which articles of the UDHR are embraced by this country?	Issue 1: Gun Laws / Self-Defense Rights	Issue 2: Religious Freedom, Freedom of Speech and Press	Personal Liberties vs Common Good
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Evolution of Civil Liberties in the U.S.

On December 15, 1791, ten amendments to the Constitution, known as the **Bill of Rights**, were ratified. The Bill of Rights provides protection for certain individual liberties, such as speech and religious freedom. **The freedom of speech and expression** is protected by the First Amendment. It refers to the liberty of speaking and writing freely without the fear of potential government interference or censorship. However, freedom of speech remains a controversial topic, as there are numerous debates about whether there is a point where harmful nature of speech should cause it to lose its protection. The United States has experienced recent social movements, such as the **Black Lives Matter** and **Me Too** movements, which have promoted national dialogue about racism, sexual harassment, and other social issues. Due to the rise of social media



platforms, legal precedent has established that social media users do not have a right to free speech on private social media accounts.

The right to religious freedom refers to the right of Americans to believe in any religion and prohibition of Congress from making an establishment of religion. **Religious liberty** supports the freedom of individuals to practice, worship, and observe their religion in public and private. This principle has contributed to America's religious diversity, as Americans believe in religions ranging from Christianity to Hinduism. In a similar fashion, the right to keep and bear arms was established in the **Second Amendment**, and from this generated the contention between the citizen's right to privately own a firearm and a government's ability to regulate that right. As such, much debate and discourse has been had over the question of gun safety regulations and how they ought to be balanced with the citizen's right to own and brandish a firearm, and these debates are most especially contained around violent crime and mass-casualty events involving firearms. Many laws have been passed banning specific guns and increasing protection, such as the **Violent Crime Control and Law Enforcement Act of 1994**. Mass shootings, such as the Robb Elementary School shooting, have raised awareness and demands to implement stricter gun control laws.

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Textual Basis of American Civil Liberties

Overview

Civil Liberties are freedoms guaranteed by the U.S. Constitution, protected against both state and federal government actions, not to be confused with the concept of our civil rights, which ensure equal protection under the law. The drafting of the Constitution was influenced by the Declaration of Independence, which listed grievances against the British Crown. These grievances would be later translated into several key clauses within the US Constitution that would grant negative (protective) rights unto the American people, specifically through the US Bill of Rights, the first 10 amendments to the governing document. Among such grievances, the colonists had complained that the British government kept standing armies amongst civilian households during times of peace, which culminated in the incorporation of the 3rd Amendment, preventing the quartering of soldiers in civilian homes during peacetime. Moreover, several clauses contend that the British Government failed to try colonists freely and fairly, and in doing so, applied harsher punishments than necessary, which resulted in the Fifth through Eighth Amendments. In general, however, the grievances listed were akin to red flags that the Americans, who were now free of British rule, needed to address in order to see themselves as a newly independent, yet also stable and fair, country..

Civil liberties are explicit within the first eight amendments of the Bill of Rights – the enumerated rights. However, some of our civil liberties that are not expressed within the Constitution are safeguarded through the 14th Amendment, which extends protections at the state level. Our civil liberties per the Bill of Rights include the following:

Freedom of Speech & Freedom of Religion, *First Amendment*

The constitution grants citizens the right and privacy of practicing freedom of speech, voicing their opinions and concerns freely, as well as practicing and observing any religion of their choice without interference. When writing the Constitution, the founders intended to prevent a



“state-wide” religion from being established, one of the core reasons why the earliest settlers had left England. This clause also implicitly ensures separation of church and state, as the implication of pre-empting a statewide religion results in the government being unable to lean towards a particular religion and denomination. Additionally, to promote the public good, platform, and literary space, they believed free speech was of the utmost necessity. Even though the amendment doesn’t explicitly state any restriction on free speech, courts have imposed them. Courts have ruled that free speech does not cover many categories of speech, including threats, fraud, and defamation (false statements that damage someone else’s reputation, especially if they were issued with the intent to harm that person). Conversely, courts have extended this right beyond what many people commonly understand by the word “speech,” including the right to burn the flag and contribute to campaigns. These vague liberties constitute the very first amendment of the Bill of Rights, underpinning what the authors had considered the most important liberties to be protected from federal encroachment.

Right to Bear Arms, *Second Amendment*

Citizens have the right to keep and bear arms. Considering the period, the Founders had thought of maintaining an armed populace per the need for a civilian militia or the onset of war. It was commonplace to prepare civilians for these emergencies through the use and supply of their weapons as well as to prevent authoritarianism and threat of deployment from the government against individual peoples. Considering the danger the widespread use of firearms poses, the right to bear arms can be restricted under certain circumstances. Restrictions on this right include bans on carrying firearms on school grounds or government property, bans on concealed carrying, and banning possession of firearms by felons or the mentally ill.

Right to Property, *Fifth Amendment*

Citizens may not be deprived of property by the government without due process of law. All parties must follow eminent domain, meaning public spaces should be used for such, and private property may be used the same, for just compensation. The Fifth Amendment details the rights of American citizens charged with “capital or otherwise infamous” (felony) actions. This Amendment lays out the Grand Jury Clause, authorizing the federal government to assemble a



grand jury to indict a potential defendant, providing a threshold of “probable cause” to warrant an indictment and thus begin prosecution procedures. In addition to this clause, the Fifth Amendment lays out rights to the criminal defendant, including the prohibition of double jeopardy, whereby a defendant cannot be charged twice for the same crime, and self-incrimination, which is where the “pleading the Fifth” phrase is derived. The Fifth also provides civil protections as well, whereby a citizen cannot have their livelihoods or liberties be stripped without just reason, though this would be augmented with the 14th Amendment’s own due process clause in order to apply to states. Finally, the Fifth Amendment’s Takings Clause prevents the government from seizing private property without proper compensation, akin to the power of eminent domain.

Right to a Jury Trial, Sixth Amendment

*Citizens have the right to a juried trial in criminal cases, counsel, a speedy and public trial, an impartial jury, the right to be informed of your charges, to cross-examine witnesses, and order someone to appear in court as a witness for the defense as per a Writ of **Habeas Corpus**.* This amendment had been derived from the **Magna Carta**. It had been incorporated with an intent to democratize the government and prevent any single figure from dominating the courts, ensuring a free country. It was a safeguard that provided a platform to challenge unjust laws in court

Rights of The Accused:

*The **Fourth Amendment** prevents and protects against searches and seizures by the government deemed unreasonable by the law.* This stemmed from the use of “writs of assistance” and “general warrants” that were typically weaponized by the British against agents of dissent. Today, a modern version of this includes surveillance.

*The **Fifth Amendment** provides citizens with the right to remain silent and protect themselves from self-incrimination.* This practice was created due to the experiences of the common law courts of England that did not inform defendants of their charges and accusals and used inquisitory practices that often led to self-incrimination. After its incorporation, this liberty was later expanded to include civil proceedings as well.



The Eighth Amendment protects citizens against cruel and unusual punishment, excessive bail, and excessive fines. Such practices were common among British courts and were seen as excessive for the pettiest of crimes; thus, this amendment established a precedent of “time matching the crime.”

14th Amendment:

14th Amendment:

After the Civil War, the 14th Amendment came to expand protections down to the state level to combat abuses of liberties as it pertained to individual states. It came out of trying times that tested the legal and civic boundaries of the Bill of Rights application in common law, especially in times of abolition.

According to the National Constitutional Center, the 14th Amendment, amongst other post-Civil War fallout mitigations, ensures:

- Citizenship for all those born or naturalized in the United States of America and procedural due process towards life, liberty, or property
- Proportional representation of the House among states and elimination of the 3/5ths rule
- Substantive due process, which *protects fundamental rights from government interference by “adopting appropriate legislation to enforce other provisions”*

General Right to Privacy

The general right to privacy is a nebulous concept, which generally refers to the concept of personal autonomy. “U.S. Supreme Court precedent has held that the right to privacy comes from the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments. The First Amendment protects the right to speak freely, assemble peacefully, and worship according to individual choice. The Third Amendment prohibits the government from forcing individuals to quarter, house, or feed soldiers. The Fourth Amendment prevents the government from unreasonably searching or seizing an individual or an individual’s property. The Fifth and Fourteenth



Amendments provide due process of law before the government can deprive an individual of life, liberty, or property. The Ninth Amendment states that rights not explicitly outlined in the Constitution may still exist. Taken together, these amendments indicate that the Constitution was written to erect a barrier between individuals and an overly intrusive and regulatory government. In modern society, this right to privacy guarantees the right to use birth control, the right to abortion [before *Dobbs v. Jackson Women's Health Organization* overruled *Roe v Wade*], and the right to participate in consensual sexual relations”(Publisher).

Protection of Liberties

One of the most prominent court cases that questioned the delineation between state and federal protection was **Barron v. Baltimore**. Mr. John Barron sued Baltimore, Maryland for its urban development projects that had supposedly diverted sediment into his wharf. He claimed it violated his civil liberty to property and was not provided just compensation for the damage. Though the court ruled that because the Fifth Amendment aligned with federal protections provided by the Constitution, and thus the state of Maryland was not legally required to uphold them, the case was essential to the ramifications of the 14th Amendment.

This started a succession of cases that allowed the Supreme Court to rule that the nature of due process prompted **selective incorporation**, which incorporated parts of certain amendments, rather than them as a whole (Cornell Law). This ultimately reversed the Barron V. Baltimore ruling.

Aside from due process, **incrementalism** is also an agent of protection. Incrementalism results in public policy changes gradually over time in small increments, appropriate to the changing political climate and advances of society. An example of this would be the progression from slavery, to the 3/5ths voting rule, to modern segregation, to the full, equal guarantee of whole American citizenship as American society shifted towards racial equality. A more modern, controversial take would be the current debate surrounding gun control reform, moving away from open-carry and arm-bearing policies to policies that may limit or constrain arms and their movement.



Modern Legislation to Know...

Though there is a slight difference between civil rights and civil liberties, modern legislation passed in recent decades is of the utmost importance in ensuring that the liberties of *all* people are protected by the Constitution and its amendments. Per the U.S. Department of Labor, examples of these include:

- **The Civil Rights Act of 1964:** “Prohibits discrimination based on race, color, religion, sex, or national origin.”
- **The Americans with Disabilities Act of 1990:** “Prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government programs and services.”

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Reasons For Curtailing Liberties

What Does it Mean to Curtail Liberties?

Civil liberties are rights and freedoms that everyone is entitled to, but, as with all things, there must be trade-offs in order to exact a greater good. Citizens in the United States are guaranteed rights and liberties outlined in the US Constitution and its amendment, however there are limits on said rights and liberties to maintain social order. Consider this: if everyone has complete freedom, then you could steal something out of someone’s hands, or go a step further and murder, with no consequences. While extreme, this is the consequence of “absolute freedom,” whereby without proper regulation, the very freedoms guaranteed to citizens become their undoing. These things would fall under a universally agreed-upon category of morality, or a system of right and wrong behavior, typically in the form of a code of law. Since we as humans have free will, we can do immoral behavior. Yet in order to maintain a stable society, one must forgo these freedoms and relinquish them to the government, who will provide law and order in the absence of these forsaken rights. This idea is known as the **social contract** and it had been developed through the Enlightenment philosophies of John Locke, Thomas Hobbes, and, most famously, Jean-Jacques Rousseau. Subjects such as theft and murder are widely agreed upon as crimes or “freedoms” that should be disallowed and punished. Other categories are more debatable, as different people have different views regarding the role of the government and when it is appropriate for them to restrict individual liberties for the betterment of society.

Public Health

Public health is an area in which courts side mostly with the authorities when it comes to allowing national interventions over preserving individual liberties. In 1966, a California appellate court determined that constitutional limitations don’t typically apply to public health



regulations. As discussed in the “Issues Regarding Civil Liberties” foundational topic section, vaccine mandates (for school registration, workplace safety, etc.) are an example of a common issue involving personal freedom and public health. Adding on, another issue is doctor-patient confidentiality and access to patients’ records. Oftentimes, with highly infectious diseases that have a wide impact, such as tuberculosis and AIDS, cases are automatically reported to CDC or the state health departments. However, the AIDS crisis that took place in the 1980s and 90s made people start to question this breach of privacy, especially since AIDS disproportionately affected gay men and this epidemic was closely aligned with the civil rights movement for LGBTQ people. People infected with HIV (which leads to AIDS) had to give their names to public health registries, and there were controversial instances of mandatory screening and testing for the virus. Another possible point of contention is forcing people to isolate or quarantine if they have been diagnosed with or tested positive for an infectious disease. Having to stay home and avoid contact with others for extended periods not only affects one’s social life, it can also cause economic consequences if one cannot go to work. On the other hand, quarantine helps contain diseases instead of letting them spread as people go about their lives. Some believe that boundaries are being pushed too far when it comes to curbing civil liberties, but sometimes there can be good reasons for doing so.

National Defense & Security

National security is one policy that many Americans agree is an important duty of the federal government. In the wake of the September 11 attacks on the World Trade Center in 2001, anti-terrorism measures increased tenfold and people’s prioritization of national defense was increasingly heightened. In spite of this broad consensus, many have been and remain concerned about privacy and the protection of personal liberties. **The PATRIOT Act** of October 26, 2001, adopted one month after 9/11, enhanced law enforcement’s methods of surveillance for possible terrorists, allowing the government to search private property and spy on people electronically, which some believe is excessively intrusive. Four years later, in 2005, the NSA (National Security Administration) was authorized to monitor people’s emails and phone calls without having to get a court-ordered warrant by President Bush. Democrats and Libertarians are more likely to be concerned than Republicans about the breaching of rights and privacy for national



defense, but security is another one of the main reasons citizens must give up our civil liberties on occasion.

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Issues Involving Civil Liberties

Tech Privacy

When the Fourth Amendment was written, privacy from unreasonable search and seizure primarily applied to an individual's physical belongings, such as papers on a desk. Now that we have entered a digital age, and big tech companies are buying and sharing people's data for profit, as well as companies who want to advertise may pay Facebook or Google to give you personalized ads, how do we decide what crosses the line and breaches one's civil liberties? First, the **Electronic Communications Privacy Act of 1986** began by extending restrictions on the government's access to personal information to telecommunications, such as preventing them from wiretapping people's phone calls. Of course, since the rise of the World Wide Web, our



technological world has changed rapidly. In 2018, the Supreme Court decision in the case *Carpenter v. United States* held that the information demanded from Timothy Carpenter's cell service provider was unconstitutional as it violated the Fourth Amendment, expanding it to location tracking technologies such as GPS.

When it comes to differing opinions on the extent of this civil liberty, the right to privacy is now legally extended to digital privacy, and most people would agree with this, though companies are not necessarily held accountable. Tech privacy is not exactly a polarizing issue, rather one that some people are more aware of than others. That's why advocacy groups like the Identity Theft Resource Center are focusing on spreading awareness and educating people on data protection. People also have differing opinions on how exactly to deal with the issue as our lives become less and less private. One perspective is that we should give more power to the individual, allowing them to see and choose which sites have access to their information, and requiring consent. But true privacy in the world of tech and the internet is essentially impossible. It is probably more productive to try to make reasonable limits on what information companies can collect without consent.

Vaccines

Large scale vaccination has been ongoing in the United States since the late 1940s. One of the most notable diseases that has been completely eradicated by vaccines is smallpox. In relation to civil liberties, vaccines are a concern to some because they could be interpreted as violating bodily autonomy. The integrity of one's person is a part of the Fourth Amendment, though not as explicitly enumerated as the right to one's property. People have a variety of reasons for not wanting to inject vaccines into their bodies. Vaccines are weakened versions of the virus or bacteria intended to expose one's immune system to the disease so it will know how to fight it off if the person is infected. They may have side effects, but it is nothing like being infected with the real illness, something that scares a lot of people. Some might have other medical conditions that might interfere, and for some vaccines are in conflict with their religious beliefs. There has been a lot of controversy around policies like **vaccine mandates**, especially in the wake of the COVID-19 pandemic.



Should the government be allowed to mandate workers in the public sector to be vaccinated to promote workplace safety and prevent the spread of a disease, or is this an infringement of their right to choose what goes into their bodies? It raises the question of where the line should be drawn in weighing individual liberties with the health and welfare of the public. Some people believe that on principle, vaccines violate an important personal right to bodily control. But some may also be misinformed about vaccines or not understand how they work, which brings us to the next issue involving civil liberties: education.

Education

The American public education system is varied across the nation. Although everyone has a right to education and school is mandatory through twelfth grade, with the growing income gap there are huge discrepancies in the education young students are receiving. Public schools in poorer areas often receive less funding due to property taxes, while these schools often need twice or more times as many resources to support their students as institutes located in areas with less poverty. This means that people of color, who make up a higher percentage of those living in poverty, are disproportionately affected. Teachers have been notoriously treated badly, being underpaid and often not given employment benefits such as healthcare. This has led to a shortage of teachers, prompting states to lower the requirements to become a teacher, bringing in less qualified people who leave or are fired after only one or two years and perpetuating the cycle.

Since there is such a difference in the quality of schools depending on the area and whether it is a public, private, or charter school, some believe that parents should be able to choose which schools their taxpayer money goes to. This is known as school vouchers. School vouchers can be beneficial in that they offer greater flexibility, help families become more invested in their schools, and raise educational standards by forcing public schools to compete with private ones. The problem with this is that middle-class and wealthy families can funnel all of their funding into some schools, leaving others underfunded and increasing the gap overall.



Another issue that involves civil liberties and education is banning books, or restricting people's access to certain types of information and literature. Books are a form of mass media that can be the inspiration behind large-scale movements. Throughout history, book bans have been a way to try to influence or control people's thoughts and behaviors, particularly aimed at preventing rebellion. Today, book censorship is a hot topic as some states like Oklahoma and Florida are trying to ban certain books, mostly ones including non-conservative views about race and gender.

School vouchers and book bans have to do with civil liberties because they limit the type of education one can receive, whether it be related to funding and access to quality teaching or outright control over the learning material. The American Civil Liberties Union, or ACLU, founded in 1920, is a major advocacy group that has been working in various sectors including education. They are involved in decisions regarding school funding and try to make it equitable for students of all backgrounds and socioeconomic classes. People's views on school vouchers and book bans are usually aligned with certain political ideologies, as they have to do with individual freedoms vs progressivism and equality.

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Animal Welfare

General Information: Although there is no explicit constitutional protection for animals, there are various federal and state laws protecting their rights. The most notable law is the **Animal Welfare Act (AWA)**, which protects animals in zoos, laboratories, and those commercially bred and sold. The Department of Agriculture enforces the standards set by the AWA, including standards of handling, care, treatment, and transportation. However, the AWA has been criticized for not being expansive enough, sanctioning a wide variety of inhumane practices, and lacking effective enforcement. Other laws prohibit various forms of animal cruelty, including inhumane animal transportation and slaughtering conditions. States have various individual protections for animals, including regulations around hunting, prohibition of commercial reselling, and prohibitions on forced use of animals for entertainment. These laws suggest that animals have a basic right to liberty that must be respected, although the protections for these rights are not as stringent as they are for U.S. citizens. However, the issues of animal exploitation in entertainment, widespread hunting, animal cruelty in laboratory settings, and animal confinement in factory farming remain unaddressed.

Viewpoints: One of the most important issues in animal welfare is experimentation on animals, especially for medical purposes. Proponents argue that animals are extremely similar to humans and provide valuable information to scientists to make sure medicines are safe, help cure diseases that afflict many animals, and that there is no alternative to animal testing.

Organizations in support of animal use in experimentation include the American Cancer Society, the American Physiological Society, and the American Heart Association. Opponents claim that



animals' differences from humans make them unreliable tests, experimenting on animals is excessively cruel, and that there are alternative methods for testing (including vitro testing). Organizations against animal testing include the Physicians Committee for Responsible Medicine (PCRM), Johns Hopkins University Center for Alternatives to Animal Testing (CAAT), and People for the Ethical Treatment of Animals (PETA). Another important animal welfare issue is factory farming, a method of agriculture for raising farm animals to ensure maximum profits while using as few resources as possible. Opponents argue that factory farming is inhumane, may result in meat contaminated with antibiotics and other chemicals, and pollutes the air, water, and land around factories. Organizations against factory farming are animal rights groups including Mercy for Animals, The Humane Society of the United States (HSUS), and the Farm Animal Rights Movement (FARM). Proponents of factory farming argue that it lowers meat costs, produces more meat, and strengthens the economy. There are not many organizations advocating for factory farming; rather, its main support lies in the demand for cheap meat and animal products, with meat consumption increasing steadily worldwide, especially in low- and middle-income countries.

Right to Life

The right to life is the most fundamental right that any citizen has. While a simple concept, it has vast applications to many of society's most polarizing issues. The right to life is a key issue in the social debate over euthanasia, a medical practice where the physician terminates the patient's life, at the patient's request, so that the patient may have a dignified, painless death. This is usually done when the patient is terminally ill or in great pain. However, the right to euthanasia is not constitutionally guaranteed: the Supreme Court ruled in 1997 that there is no general constitutional right to commit suicide nor obtain help in committing one. However, the Supreme Court did not ban the practice, it merely left the issue up to the states. The issue is who, if anyone, can decide to revoke the right to life, innate in every human being. It is fraught with ethical and moral questions that often draw attention to the legal dilemma; however, euthanasia is inextricably linked to the right to life and the extent to which that right is applied and revoked. Another societal issue that is linked to the right to life is **capital punishment**, also known as the



death penalty. While euthanasia deals with the issue of whether someone can revoke their right to life, the death penalty deals with the issue of whether the government can revoke this right as punishment for a crime. Both deal with the circumstances under which this right can be revoked. The legality of the death penalty is a fairly settled issue at the federal level: the Supreme Court has ruled that it is legal, but it must be as painless and humane as possible in order to comply with the 8th amendment's prohibition of cruel and unusual punishment. Many states have banned the death penalty but it remains legal at the federal level.

Viewpoints: While no one advocates revoking the right to life, questions arise as to the nature, application, and extent of this right. Regarding euthanasia, many organizations regard it as a fundamental right that relieves people from extreme suffering. Pro-euthanasia organizations include Death with Dignity, the Final Exit Network, and the Completed Life initiative. Opponents of euthanasia regard it as fundamentally incompatible with physicians' role as healers. Additionally, opponents believe that it may be abused and used against people who do not genuinely desire death and insurers may deny life-saving treatments and money to patients knowing that they will eventually be killed. In principle, opponents of euthanasia believe that life is sacred and there is no right to take it. Organizations against euthanasia include the American Medical Association (AMA), the World Medical Association (WMA), and the International Association for Hospice and Palliative Care (IAHPC), although the IAHPC stated they may be open to reconsidering if nations and states ensure universal access to palliative care and appropriate medications. Questions about the sanctity of life arise in death penalty debates. Opponents of the death penalty say that the right to life is too fundamental to be taken, even as a punishment. Organizations against the death penalty include the decision "To Abolish The Death Penalty (NCADP), the American Civil Liberties Union (ACLU), and then the Equal Justice Initiative (EJI). Proponents argue that the death penalty is a significant crime deterrent and provides closure for the victims and their families. There are not many notable organizations advocating for the death penalty; however, most Americans regard it favorably and it is currently legal.



The Extent of Criminality

Criminals, especially those convicted of a felony, often lose access to particular fundamental rights, including the right to vote and the right to bear arms. The Fourteenth Amendment, considered the champion of liberty, sanctioned revoking a felon's right to vote. The Fourteenth Amendment states that the right to vote may be denied or abridged on account of participation in a crime. Even though this restriction is permissible, many states restore felons' right to vote upon completion of their prison sentence. Another fundamental right that is revoked upon a felony conviction is the right to bear arms outlined in the Second Amendment. The right to bear arms is embroiled in a national controversy due to the increase in mass shootings, especially in schools. In gun rights cases, the Supreme Court has ruled that the possession of guns is generally allowed for individual use, but has suggested a list of permissible regulations in their prior opinions, including banning firearms for the mentally ill, regulations around concealed carrying, and banning firearms for convicted felons. However, some procedures can restore the right to bear arms for convicted felons in certain jurisdictions, including petitions to the appropriate agencies.

Viewpoints: The issues of felons' rights reentering society remains controversial. Proponents of felons voting argue that serving prison time constitutes paying a debt to society as a result of committing a felony; once this debt is paid, all privileges should be restored. Additionally, they argue that the wider prison system disproportionately penalizes minorities, accusing efforts to prevent felon voting of being racially motivated. Organizations to help raise awareness and advocate for felon voting rights include the More Than A Vote Initiative and the Florida Rights Restoration Coalition (FRCC). Opponents of felons voting argue that this restriction is consistent with other restrictions including age, residency, and sanity, and operates on the same principle as other regulations, including banning sex offenders near schools. Furthermore, they argue that felons have displayed poor judgment, making it unwise to trust them with a vote. There are not many interest groups specifically focused on this phenomenon, with famous pro-gun rights groups like the National Rifle Association (NRA) claiming that they don't advocate for guns in the hands of criminals.

Guided Activity:



Have students choose two of the three issues discussed and explore their similarities and differences.

For the third issue, split students into groups of three to four and have them discuss a question regarding each of the three rights.

For Animal Welfare: What additional protections/laws should be put in place to protect animals?

For the Right to Life: Should euthanasia be allowed? If so, should there be any restrictions?

For Extent of Criminality: Should felons be allowed to carry a firearm and vote? If so, under what conditions?

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The Extent of Civil Liberties Breakdown

Moderate Democrats

Background

Moderate Democrats believe that it is the responsibility of the government to balance protecting the civil liberties of citizens with the welfare of the country. Often, this is done through legislation and executive orders, as described below.

Tech Privacy

Moderate Democrats believe that it is the responsibility of the federal government to cooperate with the private sector to balance the necessary protection of sensitive information with the equally necessary sharing of information to warn and protect individuals from serious cyber threats.

Democratic congresswomen Anna Eshoo and Zoe Lofgren introduced the **Online Privacy Act** authorizing a new Digital Privacy Agency with 1,600 employees and giving users the right to access, erase, transfer, or edit their data as needed. It has not gained bipartisan support, and even other moderate democrats oppose the act because it includes a private right of action, or the citizen's right to protect their own rights under a circumstance of violation. The Social Media Privacy Protection and Consumer Rights Act of 2019, as proposed by Democratic Senator Amy Klonuchar from Minnesota, would obligate social media corporations to notify their users of data collection and usage and require them to alert users if there is a data breach. Moderate democrats highly favor this act and are often in favor of acts that do not hinder the economic growth of corporations.

Vaccines

Moderate Democrats are generally supportive of vaccine mandates when referring to the COVID-19 pandemic. Democrats pushed the Biden administration to prioritize funding for



vaccine development and distribution in 2021. They supported the federal vaccine mandate in an effort to reopen the nation's economy in the most efficient way possible, believing their constituents were entitled to the quickest relief efforts. Moderate Democrats supported this movement in addition to Biden's \$1.9 trillion aid package, which received overwhelming backlash from Republicans.

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Education

Moderate Democrats have strayed away from supporting school vouchers and instead lean towards supporting public schools, including charter and magnet schools with the proper funding to raise their educational standards. Additionally, Moderate Democrats support the platform of free public college for families with a household income of under \$125,000.

Their goals include improving accessibility and affordability of higher education through the extension of the **Federal Perkins Loan Program**, streamlining the Free Application for Federal Student Aid to incentivize more students to complete it, increase support services such as childcare services and transportation in higher institutions, and increase the buying power of the Pell Grant program. Moderate Democrats also prioritize increasing opportunities for first generation students and veterans by expanding financial support for **Deferred Action for Childhood Arrivals** (DACA) eligible students and expanding the **Federal TRIO Programs** that prepare students for college through tutoring and counseling.

Additionally, Moderate Democrats want to reduce student loan debt by reforming Federal Work Study Programs, allow students to refinance federal student loans with cheaper interest rates, and find ways for institutions to reduce attendance costs.



Animal Welfare

Moderate Democrats have historically co-sponsored bills to protect animals from exploitation and abuse. For example, Kurt Schrader, D-Ore., passed a law known as the Prevent All-Soring Tactics (PAST) Act, which would prohibit the abuse of walking horses' legs and hooves to elicit an exaggerated mark prized in competitions.

Additionally, Cory Booker, D-NJ co-sponsored the Shark Fin Trade Elimination Act, which bans the sales of shark fins in the United States. This industry promotes the cutting of a shark's fin just to throw it back into the water to have it bleed to death. Moderate Democrats found consensus among Republicans for these issues, and even got other Republicans to co-sponsor these bills.

Right to Life

States with Moderate Democrat leaders have passed legislation for medically assisted deaths, or euthanasia. Aid-in-dying laws find popularity with both Liberal and Moderate Democrats. An overwhelmingly Democratic-backed bill, the Death With Dignity Act, was introduced to Californians in 1992, and has since been implemented in Washington, D.C., Hawaii, Vermont, Maine, Colorado, New Jersey, Washington, and Oregon. This act permits adults with certain illnesses to obtain medication that would terminate their lives in a humane manner.

A majority of Moderate Democrats (57%) reported that the death penalty is a moral punishment for murder and other similarly heinous crimes. Although seventy percent of Moderate Democrats have voted that the death penalty fails to deter similar crimes, they believe the punishment is rooted in justice and is therefore moral.

Extent of Criminality

Moderate Democrats often distance themselves from the views of more Progressive Senators like Bernie Sanders, who state that inmates deserve full enfranchisement even in prison. Some Moderate Democrats, such as former Representative Beto O'Rourke (D-TX), suggested the possibility of re-enfranchisement for nonviolent offenders. Other Moderate Democrats have



encouraged the conversation of re-enfranchisement without necessarily supporting one way or the other.

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Moderate Conservatives

Background

Although Moderate Conservatives tend to have moderate-to-conservative stances on fiscal policies, their moderate-to-liberal approach to social issues lends to more expansive and progressive positions toward many civil liberties, many of which will be specifically discussed below.

Tech Privacy

Moderate Conservatives believe that the right to privacy is essential to creating a free person, and therefore are strong advocates of the right to tech privacy. They view the private realm as a



platform for the First Amendment where people may think, share, and create without the judgment of others. Because of this, they believe that the governmental role in privacy should be one that acts as a safeguard, rather than an agent of secrecy that allows abuses online. Moderate Conservatives call for a better, purer intent of oversight from both legislatures and the judiciary to create a more appropriate path of regulation, one that does not allow an expansion of the government's power over the internet, nor fancy the interference of intergovernmental organizations. The group supports privatization to prevent the stealing of private personal information overseas.

Moderate Conservatives believe the right to privacy is necessary to maintain the role and impact of journalism as well. They denounce Big Tech for its attempts to ban online political content and ads as well as censorship and violation of one's privacy rights, as it uses personal online data and history trackers under pretenses of net neutrality.

From the 2016 platform of the Republican Governance Group, a caucus of Moderate Republicans in the White House, they *"envision government at all levels as a partner with indrighsals and industries in technological progress, not a meddlesome monitor. . . We intend to advance policies that protect data privacy while fostering innovation and growth and ensuring the free flow of data actress borders"* [Excerpt cited from the *2016 Republican Governance Group Report*]

Moderate-Conservative-backed legislation on the floor has stalled for years, including the recent and impactful Promoting Responsibility Over Moderation in the Social Media Environment Act (PROMISE Act).

Vaccines

Moderate Conservatives are more likely to support vaccine productions and mandates than their right-leaning counterparts, but less so than Liberals. In fact, Pew Research Center and spatial analysis done by Portland State University show that Moderate Republicans show higher vaccination rates in Republican states in the Northeast. In terms of mandates, Moderate Conservatives are split. Though many support vaccination regimens to combat the COVID-19



pandemic, not all Moderate Conservatives are made the same. Some may argue the necessity of mandates in society, others may tweak the language and refrain from calling it a mandate — a testament to limiting governmental interference in the everyday life of an individual. It is less common for a Moderate Conservative to completely oppose the spirit of a mandate in comparison to their more conservative counterparts.

Education

Moderate Republicans believe education is an investment in the country that should be made with the choice of the people. Therefore, much of their educational perspective may disrupt the average public school model and promote more personalized options. Despite this, Moderate Conservatives are wary and do not condone the outside social forces that have brought political discourse into education reform. They believe that “the federal government should not be a partner in that effort, as the Constitution gives it no role in education” (2016 Republican Governance Party Platform). Parents are seen as the dictators of a child’s education and they fight to protect constitutional rights from the states, federal government, and intergovernmental organizations such as the United Nations.

Most Moderate Conservatives are against the use of national standards and assessments, and support alternatives to the common core, reinforcing the lack of a need for government oversight in youth education. They view choice as the most important force in the extent of this civil liberty. Consequently, members of the identity often support the creation of a larger education system by expanding private schools and charter schools run by private companies. In recent years, governors from Republican states have led these expansions that also support state voucher programs for private schools and replace the No Child Left Behind Act (2001) with the Every Student Succeeds Act (2015).

Animal Welfare

Moderate Conservatism once rooted itself with a stance consistent with the political alignment of Kant-centric ideals, but in the past few years, the gap between human and animal rights in their eyes has slowly closed and allowed for pro-animal-rights positions to take charge.



Their greatest stances are against governmental involvement that often induces detrimental predator practices, such as recent Alaskan legislation that localized the aerial hunting of grizzly bears. Moderate Conservatives also disapprove of the unregulated control of laboratory testing that the government can overreach at times. Overall, Moderate Republicans tend to side with many identities in the sense to protect animal life, and that the government should refrain from legislation or regulations that overbearingly hurt, abuse, or murder innocent animals. Though, this does not lend to extremism towards duty to animals, such as banning animal products or hyper fixating on vegan or vegetarian eating practices among the American people. This ideology often stemmed from the belief in traditional tests of moral compasses and the right to life for all.

Right to Life

Moderate Conservatives stand by the idea that every person, alive and unborn, has a right to life and therefore are against any practices that may bring an early end to it. In regards to the disputed topic of abortion, Moderate Conservatives are in opposition as they claim the Fourteenth Amendment's protections apply to children before birth. Subsequently, Moderate Conservatives oppose the direction of public funds to pro-abortion physicians and groups such as **Planned Parenthood**.

They also strictly oppose the practice of euthanasia and assisted suicide. Many moderate Conservatives believe more harm is done than good with the premature ending of one's life outside of natural causes. This stems from the ideological principles of traditional family values and respect for the "sanctity" of human life.

Lastly, Moderate Conservatives vehemently campaign for the abolition of the death penalty. They do not believe the state should exercise the power to end a convict or accused's life, regardless of the crime committed. This is especially true as programs, like the Innocence Project, use new DNA technologies to expose the potential for the wrongful conviction of many prisoners previously sentenced to capital punishment. Thus, though they believe it is a right constitutionalized within the Fifth Amendment, Moderate Conservatives maintain that the risk of



executing an innocent person in the United States is inconsistent with our Constitutional values and commitment to human rights.

The Extent of Criminality

Overall, Moderate Conservatives believe the government has prioritized over-criminalization due to the expansion of power to arrest, committed by not only congress but also career civil servants and political appointees. This is seen as a violation of constitutional order and finds the government has overreached its jurisdiction. Moderate Conservatives emphasize restorative justice to allow for eventual reentry into society as a whole, fully contributing member, and call for reform that privates targeted pathways for nonviolent offenders and persons with substance abuse or mental health issues. They also encourage engagement with prisoners through literary and vocational education.

Historically, Moderate Republicans have a history of not acting in favor of disenfranchisement, a practice of paying all fines and fees associated with the felony conviction, what is known today as a modern form of voter suppression and poll-day taxes. In a 2001 bill, Moderate Republicans were key to raising support for An Act to Restore Voting Rights of Convicted Felons Who Are On Probation, which eventually stalled and died on the floor.

There are instances where Moderate Conservatives do hold criminality as an obstacle to certain rights. They are not as keenly connected to the **National Rifle Association** as the more right-leaning Republican may be, therefore their support for gun control laws is not surprising, including those that limit the rights of a felon to buy weapons. In particular, Moderate Conservatives had supported a bill that seriously banned juvenile felons from ever owning guns under a provision amending the Federal Gun Control Act of 1968. Additionally, they applaud social networking sites that bar criminalized sex offenders from participation.

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Progressives

Background

As implied by the name, Progressives strive to take a more progressive approach to matters, opting for justice, equity, and reform when possible. The Progressive need for reform and justice takes precedence over other issues such as economic constraints. In the case of civil liberties, progressives traditionally advocate for the guaranteed protection of all individuals' stated and unstated liberties. Delving further into the progressive ideology, let us elaborate on the specific standpoints for all of the unit's issues relating to civil liberties.

Tech Privacy

Technology is an inevitable factor in everyday life. From remote online jobs and classrooms to social media, people find themselves online frequently throughout the day, engaging with various platforms offered by various companies. While the tech world is diverse, certain larger, older companies have managed to dominate the sector. However, this control comes with more access to everyday users' private data. Progressives want to break up these “cyber trusts” by pushing for government regulation of larger tech companies. This would allow for stricter guidelines on the collection and handling of private information, in the hope of increasing public privacy and safety.

Vaccines

Progressives are largely in support of not only receiving vaccines themselves but ensuring other people have access to vaccines and needed treatment. During the COVID-19 pandemic, Progressives overall reported lower rates of vaccine hesitancy. For those experiencing vaccine hesitancy or all-right denial, the Progressive approach was less one of isolation and shame than education and openness. Progressives sought to educate those unsure about or unwilling to receive the vaccine about the risk and benefits of both options. In January of 2022, the Congressional Progressive caucus pushed President Biden to do more in his efforts against the Global Pandemic, calling for 2 billion dollars for vaccine manufacturing, 17 billion additional funds to guarantee a global vaccine rate of 70 percent, and supporting global vaccine efforts.



Education

Progressives believe education is a continuous part of one's life and want to start building its foundations right in early childhood. Progressive education pushes for a hands-on approach to learning that caters to all student's needs to ensure they learn to think, not just to memorize. Following this belief, Progressives are largely in support of the public school system and against private school vouchers. They believe there are already funding issues within many school systems and the solution is not to redirect more money from failing districts into private schools. Private schools have a history of exclusionary practices that do not align with the progressive model of education. The limiting of classroom materials and content is also widely unfavored among Progressives. This includes efforts like banning books, restricting certain controversial topics like LGBTQ+ or critical race theory, and limiting student expression.

Animal Welfare

While animal welfare seemingly has a less modern focus than many other civil liberty issues, progressives now and then are in support of efforts to protect and regulate the treatment of pets and wildlife. **The Animal Welfare Act of 1966** was passed by Progressive Democratic President Lyndon B. Johnson and regulates the treatment of animals for research purposes. Over time the act, with the support of progressives, has evolved into protecting animals under veterinarian care by setting standards for sanitization, housing, and nutrition. Like their desire to protect individual's rights and liberties, animals are a concern to Progressives. However, modern-day efforts in support of animal rights have been minimal in comparison to other liberties. The 2019 Preventing Animal Cruelty and Torture Act serves as an example of the few modern-day actions to consider and control abuses against animals frequently ignored.

Right to Life

Progressives argue for the right to life when this is placed in the hands of the people. In the case of euthanasia, they believe individuals suffering from debilitating illnesses who wish to terminate their lives through medical assistance should have the right to do so. On the other side of the right to life, the death penalty is widely unsupported by Progressives. They believe the



current political justice system lacks the reforms needed to ensure the protection of those over-criminalized and discriminated against throughout history. Without the proper institutions in place, the death penalty can potentially serve as a weapon against Black, Brown, and impoverished individuals.

Extent of Criminality

As large supporters of criminal justice reform, Progressives do not believe previous criminal history justifies stripping an individual of their rights completely. Federal convicts charged with felonies are denied the right to vote, but on a state level many Progressives are pushing acts to allow for the restoration of rights under circumstances like good behavior or elapsed time. In addition to the right to vote, the right to work is also a concern of Progressives. Past criminal records leave many unable to secure work years after committing their crime, despite receiving punishment and exhibiting reformation. Many are pushing for bills on the state level similar to Michigan's Clean Slate Bill, which allows for the sealing of certain records relating to certain lower-level offenses and felonies.

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Libertarians

Background

Libertarians value equal rights for all individuals with no exceptions. Libertarians believe in the right for individuals to live however they choose, as long as they do not interfere with the way others choose to live. There is an emphasis on one’s freedoms and rights over any authority, such as the government. Additionally, Libertarians believe that the government should treat all people equally under the law.

Tech Privacy

Libertarians highly support technological privacy. In their words, privacy refers to individual rights that are threatened by abuses of government power, specifically with search and seizure or government surveillance. Libertarians believe individuals should have protection over their personal information and that the government should not interfere with that protection.

Vaccines

Most Libertarians oppose vaccine mandates by the government, as they value bodily autonomy. Since Libertarians value individual freedom, they are skeptical of exercises of government authority such as requiring certain vaccinations. Therefore, while Libertarians are divided on their decision to take vaccines, most libertarians oppose vaccine mandates themselves, as they do not believe the government should interfere with their personal choice.



Education

Libertarians strongly believe in free-market education, which allows parents, teachers, and students to make their own decisions on matters of education, free from government interference. They believe that every student is different and that education should be chosen to fit the needs of each individual by parents and teachers, not the government. Since Libertarians highly value personal freedom, they are also against censorship and banning books.

Animal Welfare

Although the key principles of Libertarianism show a duty to protect the individual rights of humans and animals, Libertarians often ignore the concept of animal rights. While some Libertarians believe that animals should be protected under the law, others do not believe that they need political protection. While Libertarians believe that animals have their rights, they would likely not want to use government power to enforce these rights.

Right to Life

Most Libertarians argue against capital punishment, such as the death penalty. They view capital punishment as an extreme application of government power, in disagreement with the pivotal values of a free society. Since individual liberty is highly valued, Libertarians would be in support of an individual's right to choose passive or active euthanasia, also known as assisted death. Additionally, Libertarians would condemn any form of involuntary euthanasia.

Extent Of Criminality

Libertarians believe that crime specifically refers to actions of force and/or fraud against another individual and/or group. They believe that the justice system should punish those who commit such crimes, but actions that do not involve force and/or fraud should not be criminalized. Most Libertarians believe that felons have a right to vote because it is an individual right. Libertarians believe that all individuals should have the legal right to own a gun to use for self-defense.

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Ideological Overlap: Progressives and Moderate Democrats

Overview

The difference between Progressives and Moderate Democrats can be seen through beliefs on how radical reforms should be. Progressives mirror their name in that they often opt for a swifter and more radical progression in reform and litigation. Moderate Democrats, however, seek compromises and less extreme changes. Anti-corruption and accountability for large corporations have always been major aspects of the Progressive movement. Moderate Democrats, who prioritize economic development, are often slightly less strict with restricting monopolies than their party’s more liberal counterparts. Despite having different priorities, both Moderate Democrats and Progressives adhere to the blue party’s basic ideologies: social responsibility and



large government intervention.

Shared Philosophies and Policies

Both Moderate Democrats and Progressives support protecting individual privacy by limiting corporate access to personal data. Jurisdictions across the country have instituted measurements against violations of privacy through technology, and representatives from both political ideologies have introduced legislation to further protect consumers. For example, moderate Democratic congresswomen Anna Eshoo and Zoe Lofgren introduced the Online Privacy Act, which would authorize a new Digital Privacy Agency with 1,600 employees and give users the right to access, erase, transfer, or edit their data as needed. Similarly, a group of Progressive representatives introduced the **American Data Privacy and Protection Act (ADPPA)** which, if passed, would implement new federally protected rights for all citizens. This act would codify a set of data collection and access rights for all Americans who share their data with private companies, protecting this information from leaks and unapproved usage.

The Fair Pay Act, backed by Progressives and many Moderate Democrats, would correct discriminatory wage practices against minorities and women across the country. Both ideologies promote anti-discriminatory and inclusive philosophies to fight injustices.

A majority of Democrats, both Progressives and Moderates, believe that the government ought to provide an increased amount of assistance to those in need. Progressives are more supportive than moderate democrats, as 72% of them call for increased social services, while only 49% of moderates agree. This overlap is a significant one, leading to different policies backed by legislators belonging to the two groups. For example, the Prepare for an Aging Population Act would create a task force to review, on a state-by-state basis, the aging population in order to establish plans to provide the necessary services to account for the various needs of different regions.

Both Progressives and Moderate Democrats believe that all legislators must band together to implement immigration reforms. Moderate Democrats expect \$900 billion in new jobs through reform and push it almost as swiftly as Progressives, though they prioritize different reasons.



Moderate Democrats have endorsed the **American Dream and Promise Act** to eliminate rampant injustice in jobs, housing, and education for America's Dreamers. It would permanently protect Dreamers to permit their continued contribution to local communities while providing an uninhibited path to citizenship. Progressives have also backed this bill in the name of serving social responsibility and accountability.

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Conclusion

While Progressives and Moderate Democrats have disagreements on the extent of their changes, such as on environmental policies like the **Green New Deal**, the two parties find harmony in the ideology of social accountability. While the extents differ, the basis remains consistent.

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Ideological Overlap: Progressives and Moderate Conservatives

Overview:

Progressives and Moderate Conservatives tend to share the same nature, but not extent, of perspectives on civil liberties in American society. Progressives are much more extreme in their Liberal and Democratic views and positions, while Moderate Conservatives may side with and prioritize stances about fiscal ramifications. However, the two identities value granting rightful civil liberties in the pursuit of life, liberty, and happiness. Due to the nature of the Moderate Conservative identity, the following may not apply to *all* who identify themselves as so.

Technological Privacy & the Right to Internet Privacy

Both Progressives and Moderate Conservatives are concerned that the government is not actively protecting American citizens' right to privacy on the internet through technological advances as the economy digitalizes. While progressives approach the issue by continuously supporting legislation aligning with Moderate Conservatives, many are copycat bills that the latter party often warns off.

Both parties agree that the United States implements the most effective safeguards to protect American consumers, improve data security, and prevent online phishing to establish and maintain privacy rights. Recently proposed bills, such as the Consumer Data Protection Act, is a bipartisan attempt to do so, representing the federal oversight of internet regulation in the only capacity that is tolerated by the Modern Conservatives, and allowing for the regulation of private companies to be monitored without the exploitation of consumers.



Right to Life: Euthanasia & the Death Penalty

Due to the nature of the death penalty's impediment on the right to life and excessive and extreme punishment, Moderate Conservatives and Progressives both actively oppose it. Executions are often seen as murder and the denying of a basic human right, in which opposition to it finds its constitutionality, according to Moderate Conservatives that parallel their more-hard-right counterparts. Additionally, both identities fear the risk of executing a potentially innocent person who has been wrongfully convicted. Without safeguards to ultimately guarantee this, it is best agreed upon to remove the practice in its entirety to extend the civil liberties in the eyes of both parties in an equitable manner, especially to minors, as seen in the **Late-Adolescent Death Penalty Resolution (2018)** that protects juveniles. Furthermore, from a fiscal standpoint, capital punishment is often seen as a waste of taxpayer money that has no benefit for return on the American economy.

In terms of analyzing assisted suicide and euthanasia, progressives tend to advocate for its legalization for physicians, antithetically to Moderate Conservatives, but in many cases, both parties have advocated for and against it due to ideological beliefs.

Educational Rights and Intervention

Both Moderate Conservatives and Progressives support the expansion of schools with charters and vouchers. A main platform for the Progressive party, Democrats for Education Reform's ideology is consistent with Moderate Conservative bill-backing in states such as Maryland, where governors are fighting for an increase in both aspects of educational institutions.

Additionally, both Progressives and many Moderate Conservatives oppose banning books across the country. Progressives believe that some books, especially those deemed appropriate for high school students that include LGBTQIA+ inclusivity and sexuality, address racism, or are historically-renowned and widely-read, should not be up to certain individuals' discretion for removal. Though Moderate Conservatives might focus on the role of social issues affecting educational decisions, the overall intervention of the government garners opposition to book bans. Both may agree that school boards should refrain from becoming political, and that the



government should not create a standard of books containing certain themes being banned, in order to avoid impeding on one's First Amendment rights.

Vaccination

The call for vaccination mandates has been present for many years preceding the recent COVID-19 pandemic. Legislative action that is *ideologically* supported by most Progressives and many Moderate Conservatives, is often practically opposed by the latter. Before the mask mandates and requirement for COVID-19 vaccines, educational institutions including public schools and college campuses held several vaccine mandates, like the Meningitis vaccine mandate. However, with the severity, contagiousness, and politicization of COVID-19, Moderate Conservatives found themselves agreeing with Progressives on the idea and necessity of a vaccine mandate, but prefer it in another form of delivery more conducive to the Republican Party, such as public health and educational campaigns.

Extent of Criminality

In its current state, the restoration of voting rights for felons is a state-by-state process, leaving out federal legislation to dictate the ability or inability of ex-convicts to vote. Due to the lack of federal government interference, and consistent with the ability to fully re-integrate with society, Moderate Conservatives support voting rights and often support bills that support disenfranchised voters. Along the same lines, Progressives are often the most extreme and vocal supporters aiming to take down disenfranchised voters with the theme of racial, social, and economic justice.

In terms of gun rights, Progressives and Moderate Conservatives maintain the need for gun control in the hands of convicts and felons. Both parties support bills that suspend the registration of firearms and weapons to the currently and previously incarcerated. Prominent legislation that bridges the political spectrum through this, and one spearheaded by Moderate Conservatives, is the Gun Control Act, passed in 1968 and supported by President Lyndon B. Johnson.



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Ideological Overlap: Progressives and Libertarians

Overview

At a glance, the Progressive and Libertarian political philosophy seem vastly different. Progressives believe in the government as an instrumental tool to secure justice, while Libertarians focus on the ability of individuals to choose their own actions. Although their approach may be different, Libertarians and Progressives share a couple of similarities in some



fields. It is best to think of all ideological comparisons as a spectrum. This section will focus on pulling out these similarities. Although there are ideological overlaps, their differences are at the center of their core beliefs. That difference is what distinguishes these two ideologies from each other.

Crime and Justice

Both Progressives and Libertarians believe that the criminal justice system is a rampant problem in the United States, and they both have a passion to structurally transform the system.

Accounting for around 20% of the world's prison population, Progressives see the US criminal justice system as violating basic justice principles. On the other hand, Libertarians recognize the prison system as a deeply flawed one, one that violates the principle of liberty – the idea that one should have the choice to decide for themselves without any involvement from the government.

Civil Liberties

Under the Libertarian perspective, civil liberties include, but are not limited to: “Protecting freedom of religion, association, speech, press, and assembly.” The Libertarian perspective is keen on these values because, to achieve these liberties, a citizen must have the autonomy to practice what they believe in.

Civil liberties are very particular in the Libertarian philosophy. For example, some other civil liberties that the group advocates for is the right to bear arms. Progressives believe quite the opposite. They believe in government-imposed restrictions on firearms to protect citizens from rampant gun violence in the United States. However, there is significant agreement on civil liberties protected by the First amendment of the U.S. Constitution, which grants freedom of speech, religion, press, and the right to petition. Both parties believe this to be a fundamental right, and there is often less debate over how to achieve this in comparison to other civil liberties topics, such as gun ownership. Civil liberties protected by the First Amendment involve justice, a Progressive value, by eliminating government rule concerning these liberties, falling in line with Libertarian values.



Conclusion

As mentioned above, the Libertarian and Progressive philosophies have fundamental differences in what the role of government should be. While the Libertarian believes that the role of government should be drastically reduced to give people maximal autonomy, the Progressive standpoint believes in the role of the government to tackle systemic injustices. Although these differences may seem detrimental to collaboration, there are some instances, such as criminal justice reform and civil liberties, in which they are fighting for the same cause.

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Ideological Overlap: Moderate Liberals and Libertarians

Overview

Libertarians almost always support measures to further personal liberty and autonomy in society, while Moderate Liberals are more willing to consider government intervention. Libertarians generally view issues from the perspective of individual liberty, while Moderate Liberals view issues from the perspective of society as a whole.

Technological Privacy & the Right to Internet Privacy



Libertarians support an individual's right to privacy, including the protection of privacy from third parties. While Libertarians take an individualistic approach, Moderate Liberals view online privacy breaches as a societal issue and believe it is the responsibility of the government to coordinate with the private sector to agree upon a common security framework.

Right to Life: Euthanasia & the Death Penalty

Since Libertarians support individual freedom, they would support passive or active euthanasia, also called assisted death. Moderate Liberals would also support euthanasia, as they generally support bodily autonomy.

Educational Rights and Intervention

Libertarians believe in the free market and the ability of individuals to make their own choices - not the government. Therefore, Libertarians are against banning books as it inhibits that freedom. Moderate Liberals do not have as strong of a principled objection to book bannings, but they have expressed support for recent books, primarily highlighting LGBTQ+ perspectives, that have been banned.

Animal Welfare

Libertarians and Moderate Liberals agree that animals have certain rights; however, they generally do not favor government intervention to protect those rights. Nonetheless, Moderate Liberals have introduced bills to protect animals' rights, including Senator Cory Booker's Shark Fin Trade Elimination Act, which bans the sale of shark fins, as it incentivizes industries to cut off sharks' fins, causing them to bleed to death.

Vaccine Mandates

Libertarians and Moderate Liberals share opposite views on vaccine mandates: Moderate Liberals support them to promote public safety, while Libertarians oppose them as infringing on personal liberties. While Libertarians may agree with Moderate Liberals that vaccines are effective, they don't believe that the government should make that choice for people.



Extent of Criminality

Libertarians believe that once criminals have served their time and paid their debt to society, their right to vote should be reinstated. Moderate Liberals advocate for expanding voter rights for felons due to concerns that the mass incarceration of minorities could lead to widespread, irreversible disenfranchisement for minority communities if felons are not allowed to vote.

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Moderate Conservatives and Libertarians

Overview

Libertarians and Moderate Conservatives tend to agree on a majority of policies, especially concerning the role of the government and individualism.



Overlapping Policies Regarding Foreign Policy

Social Policy & Healthcare

Libertarians promote the use of a free market healthcare system, condemning the current government regulations of healthcare facilities and drug development. They believe that institutions such as the Food and Drug Administration, as well as the payment towards hospitals and doctors set by the federal government, limit access to quality care. Libertarians also advocate for personal freedom of individuals regarding healthcare, opposing mandated medical treatment such as vaccines, and supporting personal choice of medical insurance, medication, and more. Ultimately, “Libertarians believe that healthcare prices would decrease and quality and availability of healthcare would increase if providers were freed from government meddling and control.” Moderate Conservatives share the opposition to mandated medical treatment of any kind, also believing in the freedom of individuals to choose in all aspects, healthcare included.

Economic Policy

Moderate Conservatives advocate for a free market, arguing that “the free market will reward individuals according to their talent and hard work.” Libertarians share this perspective, coupled by the belief that heavily regulated capitalism “benefits the wealthy, powerful, and special interests who know how to influence policy makers,” while the free market “when it is allowed to do so, provides tremendous opportunity for people of all backgrounds, interests, and abilities.” Libertarians hold the view that government activity within the economy should be only to protect and defend property rights and voluntary trade, and provide judgment on disputes.

Foreign Policy

Both Libertarians and Moderate Conservatives tend to share a non-interventionist perspective on foreign policy, with Libertarians endorsing the phrase “war is justified only in defense.” They believe in emphasizing peace with all nations, and ending the current policies of economic & military aid, sanctions, and regime change. Moderate Conservatives tend to emphasize their



limited support of government within foreign policy, with many sharing views with Conservatism against organizations such as the UN, which “govern” internationally.

Education

“Libertarians advocate free-market education where parents, teachers, and students, not the government, should make their own choices on education.” They promote diversity of choice, heavily disagreeing with the current mandated system per the Department of Education, and believe that parents, students, and educators are better fit to make the decision of placement regarding institution and style of education. Many also believe that “public government schools can also lead to the indoctrination of children and interfere with the free choice of individuals.” Moderate Conservatives share the belief that parents should decide where their children are to be placed, promoting the idea of wholly privatized education, influenced once again by their perspective of limited government — with a leading mantra of “keeping Washington out of education.”

Capital Punishment

While remaining somewhat divided on the topic, the Libertarian party itself believes that the government must be able to justify any policy that infringes on personal liberty, and since capital punishment removes personal liberty entirely, substantial justification must be provided: “this burden becomes even greater when we recognize that the death penalty’s effects reach beyond the person executed.” Many agree that the death penalty is a power instrument held by the state that limits liberty, thus going against the beliefs promoted by Libertarianism. Moderate Conservatives strictly oppose the death penalty, citing the frequency of false convictions: “the risk of executing an innocent person in the United States is inconsistent with our Constitutional values and commitment to human rights.”

Climate Change

Both ideologies believe that global warming is a rapidly growing issue, and trust the science behind it. Libertarians disagree with the belief that capitalism is the cause of climate change, as well as the idea that the solution for this issue lies in the hands of the government. They believe



that “there should be behavioral changes and technological changes through competitive property rights and free markets. Conservation groups and private landowners have a responsibility to maintain natural resources.” Moderate Conservatives in part share this stance, also believing in the scientific evidence behind climate change, and that environmental protection is a necessary and great responsibility; despite this, the solutions promoted by the two differ vastly. Libertarians believe that enforcing individual responsibility and rights within the realms of air, wildlife, water, and land would greatly benefit combating climate change, placing an emphasis on the protection of property rights and that all land owners should be responsible for their own properties. Moderate Conservatives believe that climate change must be addressed at a larger scale, viewing it as a global issue rather than an individual one.

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Debate Activity

Preparation and Procedure (2-day Debate)

Students will be split into two teams (pro and con of the proposed question). One student from each team will be paired up for a debate. Half of the paired students will be debating, while the other half will be listening to the debate. After the first half of paired students have debated, the other half will debate.

Debate Process (32-minute debate, two 16-minute debates)

Debater A: Opening Argument (2 minutes)

Debater B: Opening Argument (2 minutes)

Debater A: Rebuttal (3 minutes)

Debater B: Rebuttal (3 minutes)

Debater A: Closing (3 minutes)

Debater B: Closing (3 minutes)

Day 1:

Topic #1: Is it ever permissible for the federal government to infringe on civil liberties?

Before the in-class debate, students will have one to two nights to research the situation with the following sources and prepare their materials and arguments.

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Day 2:

Topic #2: Under what circumstances is it permissible for the federal government to infringe on civil liberties?

After the first debate topic, students will have a larger knowledge of the topic at hand, the infringement of civil liberties by the government. Based on prior research conducted and listening to the debates from the first day, students will have the opportunity to delve further into this topic. This debate will follow the same debate structure as Day 1.

Debate Evaluation and Self-Reflection

After both debates have concluded, students will reconvene and answer the following questions individually. Then, students will discuss their answers with their peers.

1. Which team were you on, pro or con?
2. Which team made the better argument? Why?
3. What were the strengths and weaknesses of your team’s debate?
4. What were the strengths and weaknesses of the other team’s debate?
5. Did your stance on the topic change? If so, why?



Democratic Simulation

Extent of Civil Liberties – Voting Age & Voters’ Rights

Introduction

At the end of this unit, students should be able to analyze and discuss our civil liberties, our freedoms and rights both explicitly and implicitly granted by the Constitution, anything that resides within them, and to what extent they should apply. Based on different ideologies, personal values, beliefs, and social priorities, different people may hold conflicting views of the extent of certain liberties.

Activity

The civil liberty analyzed in this democratic simulation in particular will be voting rights based on federal and state differences in voting age eligibility. Today, the federal voting age is currently at 18 years old. Using the knowledge gained from this past unit and personal experiences, students will debate whether or not to raise the voting age from its current requirement. Together, the class will come to an agreement and motion for a movement by the end of the period. Students will take on the role of student senators in response to the legislation. The bill presented down below is a historically accurate and real amendment presented in 2021 by Rep. Grace MENG [D-NY-6].

Duration: 60-75 minutes

Scenario

Congress has received the following amendment to the Constitution detailed below on the floor sponsored by leaders. The current amendment brings to the foreground the topic of Voter Rights and eligibility status. It calls for the lowering of the voting age to 16 (sixteen) years old federally across all states, dropping from the initial 18 (eighteen) years old. For activity purposes, imagine the bill has just entered the process of debate and caused a heated discussion. The debate has begun on the floor. Each senator will be able to debate on behalf of the amendment



and will proceed into the voting processes. Following that, the senators will go into conference if there are differences to be resolved, to which then the bill will either be voted down or sent to the President to be signed into law.



“116TH CONGRESS 1ST SESSION

H. J. RES. 23

**Proposing an amendment to the Constitution of the United States extending the right to
vote to citizens sixteen years of age or older.**

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

**Ms. MENG (for herself and Ms. SCHAKOWSKY) introduced the following joint
resolution, which was referred to the Committee on the Judiciary**

JOINT RESOLUTION

**Proposing an amendment to the Constitution of the United States extending the right to
vote to citizens sixteen years of age or older.**

**1 Resolved by the Senate and House of Representatives
2 of the United States of America in Congress assembled (two-
3 thirds of each House concurring therein), That the fol-
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by the legislatures of three-fourths of the several
8 States within seven years after the date of its submission
9 for ratification:**



2

1 “ARTICLE —

2 “SECTION 1. The twenty-sixth article of amendment
3 to the Constitution of the United States is hereby re-
4 pealed.

5 “SECTION 2. The right of citizens of the United
6 States, who are sixteen years of age or older, to vote shall
7 not be denied or abridged by the United States or by any
8 State on account of age.

9 “SECTION 3. The Congress shall have power to en-
10 force this article by appropriate legislation.”

- *H.J.23, 117th Cong. (2017)*



Part I - Framing Your Position

30 Minutes

Consider what would affect your vote and the life experiences you have had over time. In breakout groups, discuss with your peers your initial thoughts on voting ages and its impact. Here are some guiding questions to consider:

- If you are 16, are you already pre-registered to vote? Would you pre-register to vote?
- Think about other age-dependent laws in the country: vehicle control and licensure, gun ownership, drugs and substance purchase ages, military registration. How do these laws affect your view?
- What constitutes a vote? Who should be voting? Should everyone of all civic education levels be able to vote?



- What are your own experiences with students of that age and your own? How do maturity levels and backgrounds differ?
- Does age-distribution among states affect voting patterns? Consider states with higher average voter ages and their correlating voter turnout in comparison to states with lower average voter ages.

Part II - Entering Debate & Ruling

30 Minutes for Voting Procedure, 15 Minutes for Conference Procedures

With a position settled, students will enter the debate. Teachers should denote a speaking time to debate either for or against decreasing the voting age limit to 16 years old. Teachers should facilitate by taking 3 students for it and 3 students against it at a time. After a sufficient amount of rounds of students, or if a debate stalls, the student congress will enter a voting procession.

1. *Roll Call & Vote*: when students' names are called, answer with YAY in favor of it, or NAY if not in favor
2. *Ruling*: Simple majority vote of $\frac{2}{3}$ votes
 - a. If a simple majority is not reached, the student congress will enter into a conference to resolve differences.
3. *Conference*: Students will have 10 minutes for the unmoderated caucus to discuss the ramifications of the amendment and to delineate how to proceed next. Students may form groups based on voting stances and ideas, but mostly encourage dissenting stakeholders to agree. After 10 minutes, for the sake of classroom purposes, students will enter voting procedures again via roll call. The ultimate goal of this process is to earn a simple majority vote toward one stance.

If the student congress passes the bill, it will be sent to the President for signing! If not, the 18-year-old voting age will remain protected from the floor!

Citation:



H.J.23, 117th Cong. (2017).

<https://www.congress.gov/bill/117th-congress/house-joint-resolution>