



Political Science Club Newsletter



September 2020

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If you have any questions or concerns about this newsletter,
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Constitution Day!

By Jackson Berridge
Political Science Club President

Happy Constitution Day Skyhawks! Every year, on September 17th, the United States recognizes the day that the US Constitution was adopted when it was signed in Philadelphia in 1787. Considering that it is Constitution Day and that we are in the midst of a global pandemic, this month's featured article addresses the dichotomous and potentially contradictory nature of concern for public health as a whole versus the underpinning individual civil liberties we hold so dearly in this country. As we are now roughly six months into feeling the pandemic's repercussions in this country, it seems an appropriate time to look at both sides of this controversy. How much authority over ourselves are we



willing to give our government to protect society at large? How much more detrimental will this pandemic get if we do not take action at a societal level and cede more power to our governments? After reading the article, take a look at the section below, *Let's Continue the Discussion!*, detailing how you can contribute to this conversation at our school. Following that, our Treasurer Elly Harder has written a spotlight on an FLC Alum, and some of the amazing work that an education at FLC can prepare you for. We finish the newsletter off with some sentiments from FLC students, faculty, and alumni on the importance of Civic Engagement. The Political Science Club appreciates your interest and involvement with these important issues!

Let's Talk About It: Constitutional Rights vs. Public Health

By Jackson Berridge
Political Science Club President

Remember way back six months ago when it was funny that this virus had the same name as a beer? What happened? More specifically, what has happened in *this country*, why did it happen, and what should happen now? In this article I look at some history of the United States' pandemic-type situations and briefly at the resultant legislative impacts, how and why our responses to them have evolved, the conventional populist challenges to those responses, and the ostensible justification for our governments' response to the SARS-CoV-2 virus (aka Covid-19, aka Coronavirus).

How has the US government Addressed Public Health Crises?

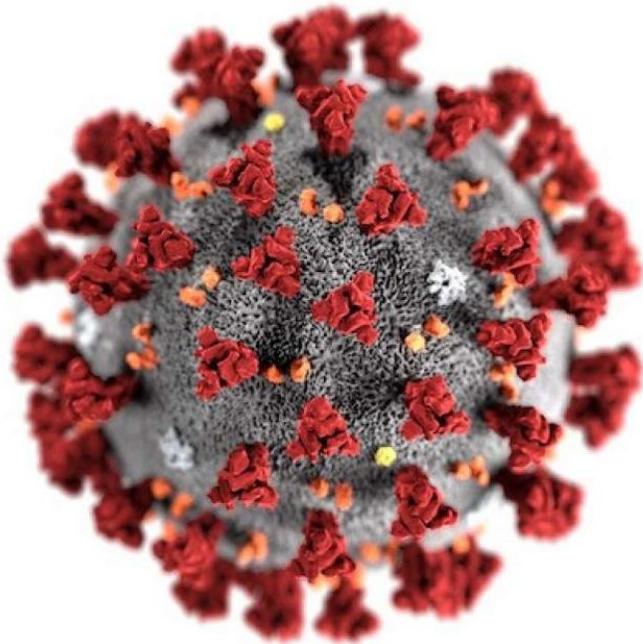


Image courtesy of the Centers for Disease Control and Prevention

Masks, social distancing, quarantine, self-quarantine, washing hands – these seem like obvious responses to a pandemic in the 21st century. But how did this country develop some of these practices and, more importantly, how has the government been responsible for initiating policies along these lines? To be clear, pandemics and serious diseases are not a new exigence, even in this country, by any stretch of the imagination. 1633 – Smallpox ,[*] 1793– Yellow Fever, 1832-1866 – Cholera, 1858 – Scarlet Fever, 1906 – Typhoid Fever (AKA Typhoid Mary), 1918 – H1N1 Flu, 1921 – Diphtheria, 1916 – Polio, 1980s-present – HIV/ AIDS, 1957 – H2N2 Flu, 1981 – Measles, 2009 – H1N1 Flu round 2, 2010 – Pertussis (AKA Whooping Cough), 2020 – Covid-19. [1] The infection rate of these outbreaks in the United States ranged from 6,000 people to almost 6.5 million (Covid-19), and as many as almost 200 thousand deaths (Covid-19). [2]

Even the Colonies often used isolation and closing city and state borders to prevent diseases from spreading. They addressed and looked after the public health as best they could. To do so they often exercised what we think of today as “police powers” at local levels, which were widely accepted. [3] Originally, addressing the spread of diseases was left almost entirely to the states, and not the federal government. Through the decisions of various Supreme Court cases germane to diseases affecting the US population during the 19th century, Congress’s authority on quarantine and vaccination procedures grew to address issues of diseases due to concerns such as cross-national transmutation. Vaccines are used only when the potential for harm is far far outweighed by the potential harm of the disease in question. With regard to federal and state vaccination mandates, according to Ed Richards of Louisiana State University Law Center, these various decisions by the Supreme Court affirmed, in the case of vaccinations, “the right of the state to endanger individuals for the benefit of society.” [4]

[*] **Fun Fact:** After a determined and comprehensive vaccination initiative in 1972, smallpox was eliminated from the United States, to the point where we don’t even need vaccines for it anymore. (Source: "The Worst Outbreaks In U.S. History". 2020)

What about the Constitutional Rights of Individuals?

Individual civil liberties comprise the backbone of our efforts for justice in this country. They are as important to the fabric of our everyday lives as our health is. How can we reconcile our self-determination and freedom of choice with policies that have the possibility to constrain our freedom of expression and assembly?

Churches, abortion clinics, gun stores – these are some entities that have been deemed non-essential in some states. [5] You can probably imagine the ensuing protests against the stay-at-home orders by their advocates and lobbyists.

Closing down the *private* entities which enable us to exercise some of our most fundamental rights? *In this country?* Does that perhaps constitute “an undue burden and an extinction of that right”? [6] The truth is that this pandemic does encroach on all but a few of our rights as American citizens. For example, our right to a speedy trial (*Amendment VI*) is very much diminished due to citizens’ concern for gathering in a jury, or in a courtroom in general, so courts are being forced to postpone trials. Concordantly, so too has our ability been diminished to hold our governments accountable. Here are some excerpts from a few of our intractable rights particularly relevant to our current circumstances:

Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech ... or the right of the people peaceably to assemble...

Amendment II: ...the right of the people to keep and bear arms, shall not be infringed.

Amendment XIV: No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

A decision by the 1958 Supreme Court case *NAACP v. Alabama ex rel. Patterson*, concluded that:

“It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.” [7]

Additionally, one summary decision by the 1973 U.S. Supreme Court case, *Roe v. Wade*, on the issue of abortion, was that the “ ‘Fourteenth Amendment’s concept of personal liberty and restrictions upon state action’ includes ‘a right of personal privacy, or a guarantee of certain areas or zones of privacy’ and that

‘[t]his right of privacy . . . is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.’”

How might the essence of these decisions be applied to say... wearing masks? Assembling? Expression of beliefs about the plausibility of the pandemic along newly affected political lines?

While you consider that, I would like to share some other angles from which to think about our civil liberties, within the context of this pandemic. I had a conversation with our newest political science professor here at FLC, Dr. Thora Giallouri. She outlined some constitutional concerns that we might want to remain cognizant of during these times. Namely, that this is not the first time our country has faced a public crisis, and more importantly, not the first time that we have considered granting powers to our government to take steps that may not necessarily be in our best interest – powers that we may not necessarily be able to recover when this is all over. A very keen example comes to mind given the proximity of its 19th anniversary to the release of this newsletter – 9/11, and the Patriot Act.

Dr. Giallouri, our resident educator on the US Constitution and pertinent US legislative measures, spoke of how soon after the tragedy on 9/11 we allowed the government to indefinitely detain individuals without due process, without access to representation, and without promise of a trial. However, this was a rather mild measure to be taken when stacked against the Patriot Act – “the first of many changes to surveillance laws that made it easier for the government to spy on ordinary Americans by expanding the authority to monitor phone and email communications, collect bank and credit reporting records, and track the activity of innocent Americans on the Internet.” [8] This act still stands today, despite substantial condemnation of it by the American public. I only mention this to provide a frame of reference for another surveillance measure that was recently instituted by the CDC through the federal government: “a portal for federal, state, and local officials that contains geolocation data in what could be as many as 500 cities across the U.S. . . . to help plan the epidemic response.” The data is “stripped of identifying information like the name of a phone’s owner.” [9] However, many citizens are concerned with how this capability may be used in a post-pandemic US, such as to monitor who associates with whom at political gatherings such as protests, meetings between private citizens, between officials, etc.. Maybe it’s just me, but that’s pretty damn frightening. This situation is not a terrorist attack, it is a virus. It is more extensive and is going to linger. Luckily, there has been significant attention paid to these policies and cries for “[mandatory] strong legal safeguards” to be put in place.” [10] Unfortunately, it is difficult to get those kinds of rights back once we relinquish them.

What About Public Health?

The need to balance rights with what needs to be done for the common good has always been here and is not going to go away. I would like to thank Dr. Giallouri again for this sentiment – one I share – about this virus and our civil liberties: A good measure is to always question, but also to listen to what is being said, especially by experts. I do not wish to make an argument for the dangerous fallacy of strictly authority-based contentions – we listened to CIA expert analysts and strategists after 9/11, and now we have the Patriot Act. However, as I said before, this is a virus, not a terrorist attack, and so we need to consider it as its own, unique crisis. Approximately 200 thousand people *have* died who would not have otherwise were it not for Covid-19. While there is plentiful controversy and considerable potential for

federal authoritarianization with this pandemic, when we are speaking in terms of *hundreds of thousands of deaths*, maybe for the time being we should just wear a mask, wash our hands, and keep a little distance from others when it is not strictly necessary to be in close-quarters.

I am very worried about our ability to hold our local, state, and federal governments accountable, and do not think we should ever drop the ball on holding them responsible for providing for and protecting our civil liberties, let alone amidst our current tumultuous political atmosphere; this pandemic will fade away, our liberties absolutely cannot be allowed to. We have seen what our government is capable of doing when the citizenry is not up to the task of providing for our own security. [†] I would rather wear a damn mask for a while than be forced to submit to a second round of the Patriot Act, (not that it's outside the realm of possibility anyways, so I will keep an eye out, and you should too). Yes, many of us are much less susceptible to this disease than others, due to a litany of personal circumstances of health and wellbeing, but leaving behind those less resistant to this virus is not strategically nor morally sound. To put it plainly: Wearing a mask and being hygienic is the easiest compromise *we all* can make to protect those few among us who make it necessary.

[†] A public health crisis constitutes a threat to that security!

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[10] Ibid.

Let's Continue the Discussion!

This semester, the Political Science Club would like to invite the FLC community to participate in a series of discussions about hot-button issues in the classroom and beyond. Our goal is to practice creating safe environments for constructive dialogue across a wide variety of differing perspectives. Above all, we ask that as you join us in this conversation, you do not try to "win" the conversation. This is not a competition. We are all here to listen and learn.

To take part in this discussion, please join the Political Science Club on the FLC app where we hope to create a space to practice engaging in meaningful dialogue about difficult issues. To make sure we can create the conditions for constructive dialogue, we ask that you please read and comply with the following ground rules.

Ground Rules for Discussion

The Political Science Club and all of our events are open to any FLC students who are interested in political engagement and civil discourse. If you cannot not abide by these ground rules, we will ask you to remove yourself from the conversation until you can.

- 1) Be authentic and honest.
- 2) Listen (or read) carefully, especially if you disagree. Do not formulate a response until you have first taken the time to understand what is being communicated.
- 3) Ask questions to help you understand perspectives different from your own.
- 4) Be respectful when asking for evidence supporting a statement that has been made.
- 5) Don't assume anything about one another's beliefs, ideas or identities.
- 6) Don't make generalizations about any group of people. Don't use the words 'always' or 'never'.
- 7) Recognize the difference between facts and opinions. Both are legitimate when expressed appropriately, but we need to be careful not to confuse the two.
- 8) Keep an open mind and remember that we are here to learn from each other and solve shared problems rather than to convince or win arguments.

- 9) Be patient with one another and ourselves in cases of low knowledge or awareness, remembering that our intention is to learn from each other.
- 10) Acknowledge intent and address impact. Assume that others are speaking and acting from a place of good intent. At the same time, if our actions negatively impact others, we must address, understand, and take responsibility for that impact.
- 11) Practice inclusivity and appreciate diversity of the identities, perspectives, and experiences in our community.

FLC Alumni Spotlight on Olivia Thomas

By Elly Harder

Political Science Club Treasurer

Olivia Thomas was an amazing and involved Fort Lewis student that graduated in the spring semester of 2020. I have the joy of knowing her as a teammate in our local Durango Roller Derby team, but I have the pleasure of introducing her to you all as the Campaign Manager for the Barbra McLachlan re-election campaign, who is the current Colorado State Representative for District 59.



Olivia is very talented, and at just 22 it is incredible that she has reached such a position at her age! I asked her what she did to get such an amazing job, and what she said surprised me. She started off as a volunteer coordinator two years ago from a job posting online. She simply worked hard, showed dedication, and was open minded and patient, all skills she said she learned at Fort Lewis.

Some of Olivia's other accomplishments that differentiated her was being appointed La Plata County's Young Democrat for this term and establishing our FLC ballot drop box that is located

in the Concert Hall parking lot entrance. I asked Olivia what her greatest accomplishment was so far on the campaign trail, and she humbly responded at first with "helping a good candidate get elected" but when I pressed her a bit harder she said she raised over \$60,000 for Representative McLachlan at one event! I am really excited to see how far my good friend and peer Olivia goes with her political career!

If you'd like to get involved with Barbara McLachlan's campaign, you can email Olivia at thomasrolivia@gmail.com. Or if you'd like to hear more about local issues, you can attend the virtual town halls that happen every Sunday at 4pm, the link is on Facebook.

Why is Political Engagement Important to You?

“Political engagement is important to me because I grew up in a place where it was seldom a priority. Parents often guided their children in directions without offering any other perspective to an issue. I was lucky enough to have parents that fostered my curiosity and prompted me to do my own research and engagement that led to the shaping of my own political stance, an ever-changing thing in the realm of ever-changing political topics and movements. One thing I have learned at Fort Lewis is the more I learn, the less I feel confident in previous opinions I held simply because they aligned with my ‘affiliated party.’”

The great thing about politics is that they change every day. Party lines are blurred or crossed, and no one is obligated to agree with everything their associated party stands for. To remain politically engaged is to stay up-to-speed on issues that impact you, your community, your country, and the world and to act on issues you are passionate about. To not do so is to neglect your right as a citizen to remain informed or be part of change you want to see within political institutions. I don’t know why anyone would shy away from the opportunity to advocate and vote for political change this country and its citizens deserve.”

Liza Doppler

Political Science major, Psychology minor

“Americans often refer to Lincoln's ‘government of the people, by the people, and for the people,’ while lamenting the fact that our modern political experience does not reflect this ideal. And Americans are right, in a sense, because it is impossible to make Lincoln's motto reality without civic engagement. From voting and

joining political associations to helping a community garden grow or people with registering to vote, we cannot have a political system that represents our interests and needs without being a part of it, without us engaging with and existing in it.”

Dr. Thora Giallouri

Assistant Professor of Political Science

“As long as the current political system is in place, electoral politics is an effective way to see change. Vote, because our elected officials work for us! But don’t stop organizing as soon as elections are over.”

Olivia Thomas

**Campaign Manager for Rep. McLachlan
FLC Alumna, majored in Political Science
and Borders and Languages**

“Political engagement is vital to me because I believe it is how we strive to create and maintain a free society. I believe the way in which we politically engage was protected in its totality by the text of the Constitution - for the reason stated above. Furthermore, the ability to loudly voice one's opinion, dissent, write editorials, and organize is no less important now than it was in the 18th century.

Those abilities should not be used sparingly or taken for granted. In fact, it is the primary goal of this club to encourage their use through this newsletter and associated events. We are thrilled that our readers have taken such an interest this semester in the latter, and we welcome their voices and perspectives. Stay safe, healthy, and politically engaged.”

Benjamin Brewer

Political Science Club Secretary