

Finding and Declaring Our Conscience: The Battle for Democracy and the Principles of
“Americanism”

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In May of 1787, a group of individuals met in Philadelphia to begin a process that, although unknown at the time, would put into motion a series of events that would change the course of world history. One year later, on June 21, 1788, the United States Constitution was officially ratified after New Hampshire delivered the necessary ninth vote in favor of ratification; on December 15, 1791, the Bill of Rights, the first ten amendments to the Constitution, guaranteeing this new country would be a haven of civil liberty, was ratified.¹ One could argue that this document, only amended seventeen times since the addition of the Bill of Rights, exhibits one of the greatest and most successful compromises known to the human world. Crafted by flawed men with flawed ideas, this document has survived the institution of slavery, the Civil War, the Ku Klux Klan, the Great Depression, World Wars, McCarthyism, the Civil Rights Era, Watergate, the 9/11 terrorist attacks, and even an outright attack on Democracy on January 6, 2021. These events are just a drop in the bucket when it comes to the trials and tribulations that have been inflicted upon this country or its people over the course of the last two-and-a-half centuries.

At times, the chances of survival seemed dim, but our founding document and the liberal principles of democracy and individual civil liberties have persisted, despite the odds often being stacked against us. Our Founding Fathers worried about the potential for polarization to arise within this country, as addressed by Alexander Hamilton and James Madison in *The Federalist Papers*. However, as Benjamin Franklin once stated, “To succeed, jump as quickly at opportunities as you do at conclusions,” and it was obvious that the opportunity to form a new nation, conceived on the Enlightenment principles that had taken root in Europe in the centuries

¹ NCC staff, “The Day the Constitution Was Ratified - National Constitution Center,” National Constitution Center – constitutioncenter.org, June 21, 2023, <https://constitutioncenter.org/blog/the-day-the-constitution-was-ratified>.

preceding the writing of the U.S. Constitution, was an opportunity so grand and monumental that the negative consequences and possibilities could not outweigh the positive.²

To understand the polarization that the United States is facing today, it is vital that one goes back to the roots of our political system, the U.S. Constitution. When the Constitution was in the process of being ratified, three men, Alexander Hamilton, James Madison, and John Jay, wrote *The Federalists Papers*, advocating for ratification. In total, eighty-five papers were authored and dealt with a vast array of topics. One of the most well-known of these, however, is Madison's *Federalist No. 10*. In *Federalist No. 10*, Madison defines a faction as "a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."³ Ultimately, when one reads this definition, the modern notion of a political party comes to mind. Madison admits that these "factions" could cause great "mischief." In Madison's view, there are only two ways to cure these "mischiefs" entirely, either remove the causes or control the effects.

Madison writes that both of these "cures" are an impossibility. To remove the causes, Madison notes that you must destroy liberty. Madison states, "Liberty is to faction what air is to fire." This, in Madison's view, creates a situation in which the cure would be worse than the disease. To destroy liberty would destroy the foundation upon which the Constitution was built. To control the effects, practicably an impossibility, would require that all citizens have the same opinions, passions, and interests. Madison states, "As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed." While these two

² Samuel Bacharach, "Stop Procrastinating: 5 Tips from Ben Franklin," Inc.com, January 31, 2013, <https://www.inc.com/samuel-bacharach/stop-procrastinating-five-tips-from-ben-franklin.html>.

³ James Madison, Alexander Hamilton, and John Jay, "The Federalist Papers: Primary Documents in American History," Library of Congress, 2019, <https://guides.loc.gov/federalist-papers/full-text>.

means of eliminating the effects of factions on the country cannot come to fruition, Madison offers a reasonable safeguard against the detrimental effects of factions. This safeguard is the republic. In contrast to a pure democracy, Madison states that a republic, characterized by its representative form of governing, will lead to a “public voice” that will be “more consonant to the public good than if pronounced by the people themselves.”⁴

Many may believe that the levels of polarization in our current political discourse are unlike anything that has ever been seen before, but, throughout our country’s history, each generation has faced a variety of challenges that seemed to be “unsolvable.” At times, the Union was on the verge of collapsing, and, once, it occurred. While the Union survived South Carolina’s nullification crisis in 1832, the battle among slaveholders, abolitionists, and moderates who wanted to save the Union came to a head on December 20, 1860, when South Carolina became the first state to secede from the United States. At the time, a convention was called to make the decision on secession. 90.5% of delegates to that convention owned slaves. The delegates feared the incoming president, Abraham Lincoln, who was considered to hold “opinions and purposes” that were “hostile to slavery.”⁵

In the months preceding the inauguration of Republican Abraham Lincoln and the beginning of the Civil War, six additional states, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas, seceded; after the outbreak of war at Fort Sumter in April, the last four states, Virginia, Arkansas, North Carolina, and Tennessee, seceded to join the Confederate States

⁴ James Madison, Alexander Hamilton, and John Jay, “The Federalist Papers: Primary Documents in American History,” Library of Congress, 2019, <https://guides.loc.gov/federalist-papers/full-text>.

⁵ National Park Service, “South Carolina Secession (U.S. National Park Service),” www.nps.gov, March 30, 2021, <https://www.nps.gov/articles/000/south-carolina-secession.htm#:~:text=South%20Carolina%20became%20the%20first>.

of America.⁶ The following four years would bring years of blood and suffering to the United States. At the conclusion of the Civil War on April 9, 1865, an estimated 620,000 soldiers had died.⁷ Only one week later, Southern sympathizer John Wilkes Booth assassinated President Lincoln during a performance at Ford's Theater. Despite an end to hostilities, the extreme polarization that led to the Civil War continued to fester throughout the nation, and this would continue to develop over the next one hundred years.

The end of the war brought a period during which the Union had to be rebuilt; this period would come to be known as the Reconstruction Era. This period consisted of military control in the South, the freeing of slaves, the granting of civil rights and liberties to freed slaves, etc. Amidst the existing polarization and anger fomented in the South, an opportunity for racial and political violence arose. This environment allowed for the founding of the Ku Klux Klan. By 1867, former Confederate General Nathan Bedford Forrest had become the vigilante organization's first Grand Wizard. Over the course of the following one-hundred-fifty years, the group would rise and fall several times, readapting for changing conditions and always striving to instill fear in the lives of those deemed "unworthy" of political and social equality. The organization continues to exist today and adds to the political violence of the twenty-first century.⁸

Another important period in the history of American polarization is the Cold War Era, primarily during the Red Scare and the reign of Senator Joseph McCarthy. During this period, the fear of Communism permeated American society and hijacked many functionalities in the

⁶ National Park Service, "Civil War Timeline - Gettysburg National Military Park (U.S. National Park Service)," NPS.gov, 2016, <https://www.nps.gov/gett/learn/historyculture/civil-war-timeline.htm>.

⁷ Ken Burns, "The Civil War: Ambrose Burnside Biography," *The Civil War* | Ken Burns | PBS, 2023, <https://www.pbs.org/kenburns/the-civil-war/civil-war-facts>.

⁸ Jon Meacham, *The Soul of America: The Battle for Our Better Angels* (New York: Random House, 2019).

federal government. In the House of Representatives, the House Un-American Activities Committee was formed to root out Communist elements within the federal government and within the entertainment industry, primarily Hollywood. Simultaneously, Joseph McCarthy led the fight in the Senate. In what would come to be known as “McCarthyism,” Senator McCarthy made allegations of Communists working in various government departments and agencies, including the State Department.⁹

On February 9, 1950, Senator McCarthy claimed to have a list of 205 employees at the State Department who were members of the Communist Party. McCarthy never actually provided evidence that this was the case, and, eventually, McCarthy claimed his list had 57 on it. McCarthy, like many today, did not worry about the truth of the matter, but how it played to his base. As early as June 1, 1950, members of his own party in the Senate began to denounce him and his tactics. Led by Republican Senator Margaret Chase Smith of Maine, this group of seven Republican senators offered a “Declaration of Conscience,” with the spirit of taking the country back to the basic principles of “Americanism.” Smith hammered McCarthy for ignoring these principles, which she listed as the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right of independent thought. The group argued that the “exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood.”¹⁰ Once so powerful and influential that he was seen as a contender for the Republican nomination against Dwight Eisenhower in 1956, McCarthy flamed out in 1954. From January to June 1954, McCarthy’s approval polls dropped from 50% to 34%, displaying a shift in the national

⁹ History.com Editors, “Red Scare,” HISTORY (A&E Television Networks, June 1, 2010), <https://www.history.com/topics/cold-war/red-scare>.

¹⁰ Margaret Chase Smith, “Declaration of Conscience,” <https://www.senate.gov/artandhistory/history/resources/pdf/SmithDeclaration.pdf>.

conscience.¹¹ In essence, a true “declaration of conscience” by a vast majority of the American populace was made.

The final period in this country’s history that needs to be highlighted before delving into modern polarization is the Civil Rights Era. Four key aspects of the Civil Rights Era that were polled by Gallup at the time include *Brown v. Board of Education*, the Freedom Riders, the March on Washington, and the Civil Rights Act of 1964. Of these four, only *Brown v. Board of Education* and the Civil Rights Act received over 50% approval in these polls, with *Brown* having 55% approval and the Civil Rights Act having 58% approval. Simultaneously, only 22% approved of the Freedom Riders, and 23% approved of the March on Washington.¹² In the 1950s and 1960s, the United States was polarized over the basics of human rights and political equality. Looking back, one should be amazed that the national conscience shifted once again in favor of what was ultimately “right.” While it should not be amazing that a country built upon freedom eventually accepted the African American as a part of society, the environment in which this was occurring and the support for racial segregation and inequality should suggest that this divide would still be ongoing. For example, when a judge in Montgomery, Alabama ruled in favor of bus integration, soon-to-be Governor George C. Wallace declared him to be “a low-down, carpetbagging, scalawagging, race-mixing liar.”¹³ While racial discrimination still exists, the strides made since the passing of the Civil Rights Act of 1964 exhibit the strong foundation upon which this country was built.

¹¹ Richard M Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York; Oxford: Oxford University Press, 1990), pg. 138.

¹² Gallup Organization, “Public Opinion Polls on Civil Rights Movement, 1961-1969,” March 17, 2016, https://www.crmvet.org/docs/60s_crm_public-opinion.pdf.

¹³ Jon Meacham and John Lewis, *His Truth Is Marching On: John Lewis and the Power of Hope* (New York: Random House, 2020), 126.

Now, only half a century later, many would say that political polarization and violence are at an all-time high. According to Jennifer McCoy, the United States became “perniciously polarized” in 2015. This coincides with the emergence of Donald Trump into a political atmosphere that had already been uprooted by years of Middle-Eastern warfare, the Global Financial Crisis in 2008, and the formation of the Tea Party in response to the Obama Administration. The study included fifty-two episodes of pernicious polarization. Of these, 50% involved a downgraded Regimes of the World score. Of these 26, 23 descended into a form of authoritarianism. According to McCoy, four outcomes are possible when a country is perniciously polarized. First, the country may successfully depolarize and remain a democracy. Second, the country may depolarize but lose some democratic values. Third, the country may manage to handle high levels of polarization without any effect on its democratic rating. Fourth, the country may experience a downgrade in its democratic rating.¹⁴

This brings us to major political questions. Why now? Why in the United States? Why is a wealthy and longstanding democracy like the United States facing this issue in a much more severe manner than similar democracies? The answers to these questions are so complex that one individual cannot reasonably expect to comprehend them in their entirety. I believe that four aspects can be looked at in understanding the basics of the current climate of polarization in the United States. These include the prevalence of misinformation and disinformation, the Supreme Court’s decision in *Citizens United*, the consequences of gerrymandered congressional districts, and, abstractly, the lack of a national conscience. The epidemic of political violence goes hand-in-hand with political polarization. As with the Ku Klux Klan and other groups in the past, far-

¹⁴ Jennifer McCoy and Benjamin Press, “What Happens When Democracies Become Perniciously Polarized?,” Carnegie Endowment for International Peace, January 18, 2022, <https://carnegieendowment.org/2022/01/18/what-happens-when-democracies-become-perniciously-polarized-pub-86190>.

right political violence has increased exponentially since 2015; prior to 2012, right-wing violence remained generally constant with far-left political violence, signifying a deadly shift in American politics.¹⁵

However, to end political violence, we must begin by addressing the issue of political polarization. First, we must find a way to stop or ease the effects of misinformation and disinformation. Misinformation and disinformation find their way into the minds of the populace through a vast array of channels, including, but not limited to, mainstream news outlets, social media, podcasts, email chains, and political websites. Even though the outlets and authors pushing misinformation and disinformation may seem “suspicious” to those with knowledge of information literacy, most of these materials are “psychologically and strategically tailored” with exaggerated words and notions, creating echo chambers that exacerbate ideological polarization.¹⁶

In the last few years, two major events have suffered above all else from misinformation and, primarily, disinformation, COVID-19 and the 2020 Presidential Election. Because mainstream news outlets and social media cater to one’s own beliefs, there are often two perspectives to an event. For example, during the election, polling was done to capture the level of importance that COVID-19 held in regard to how people voted. 82% of Biden supporters considered the pandemic to be “very important” while only 24% of Trump supporters said the

¹⁵ Rachel Kleinfeld, “The Rise of Political Violence in the United States,” *Journal of Democracy* (Johns Hopkins University Press, October 2021), <https://www.journalofdemocracy.org/articles/the-rise-of-political-violence-in-the-united-states/>.

¹⁶ Cheuk Hang Au, Kevin K. W. Ho, and Dickson K. W. Chiu, “The Role of Online Misinformation and Fake News - ProQuest,” *Information Systems Frontiers* 24, no. 4 (August 2022), <https://www.proquest.com/docview/2745183410?https://search-proquest-com.marshall.idm.oclc.org/compscijour&parentSessionId=F6%2FdSoSA%2FuaCrIhZ45Ib%2Fmypu4qMYOH2KDSm9x%2FBTlw%3D&pq-origsite=summon&accountid=12281>.

same.¹⁷ Based on these polling differences, one would imagine that the voters lived in entirely different countries, one hit with COVID-19 and the other avoiding it; yet, that is simply not the case. The news media and social media created echo chambers in which these voters came to believe certain “facts” about the coronavirus outbreak and the response to it, no matter the factual basis behind such claims. This displayed the dangers of polarization on public health with many individuals refusing to partake in mask-wearing and vaccinations simply because politicians in their party and anchors on their favorite “news” opinion shows advocated against them.

The second case in which misinformation and disinformation have exploded is the 2020 Presidential Election. On election night, despite the results not being final, incumbent President Donald Trump claimed that the election had been rigged against him in favor of former Vice President Joe Biden. This created an avalanche of conspiracy theories that continue to this day and culminated in two of the criminal indictments, one federal and one in Georgia, against former President Trump. The belief in a “stolen election” is especially prevalent among the white population; in a Collaborative Multi-Racial Political Study poll, 57% of white Americans stated that they believed there had been voter fraud in the election. Now, in the aftermath of the election, 56% of respondents in one poll stated that they had “little or no” confidence in the outcomes of our elections.¹⁸ As we all know, this culminated in the January 6th attacks on the U.S. Capitol, an insurrection with the goal of preventing the certification of the electoral college, which was the last step in making Joe Biden’s victory in the 2020 election official.

¹⁷ Michael Dimock and Richard Wike, “America Is Exceptional in Its Political Divide,” pew.org, March 29, 2021, <https://www.pewtrusts.org/en/trust/archive/winter-2021/america-is-exceptional-in-its-political-divide>.

¹⁸ Gabriel Sanchez and Keesha Middlemass, “Misinformation Is Eroding the Public’s Confidence in Democracy,” Brookings, July 26, 2022, <https://www.brookings.edu/articles/misinformation-is-eroding-the-publics-confidence-in-democracy/>.

The second factor that I believe has fanned the flames of polarization is the Supreme Court's decision in *Citizens United*. In January 2010, a 5-4 majority on the Supreme Court ruled that it was unconstitutional to prevent unlimited political spending by corporations and wealthy donors. This ruling would allow for the formation of super PACs (political action committees) that could take unlimited funding and use them to promote or attack certain candidates. Nearly \$3 billion was spent by super PACs alone in the eight years following the Court's ruling.¹⁹ When the ruling was made, the majority opinion issued a reversal from previous cases and eliminated nearly 100 years of precedent in campaign finance law, specifically amending the 2002 McCain-Feingold Act (officially known as the Bipartisan Campaign Reform Act).²⁰ It is, without a doubt, my view that this openness toward unlimited spending in campaigns by entities not directly tied to the candidates themselves has exacerbated the degree of polarization over the last decade, and, as we move forward and experience more elections, this will continue to prove true.

The third aspect of modern polarization is political gerrymandering that occurs in state legislatures. Over the past decade, the Republican Party has benefited most from gerrymandered districts, both for seats in the federal legislature and state legislatures, but it is not just a Republican issue. Gerrymandering is done in two ways, "cracking" and "packing."

Cracking involves splitting certain demographic groups into multiple districts so that their impact is weakened. On the other hand, packing involves putting certain demographics in a small number of districts, meaning their electoral power is strong within those districts but not in

¹⁹ Tim Lau, "Citizens United Explained," Brennan Center for Justice (Brennan Center for Justice at NYU Law, December 12, 2019), <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>.

²⁰ Adam Liptak, "Justices, 5-4, Reject Corporate Spending Limit," *The New York Times*, January 21, 2010, <https://www.nytimes.com/2010/01/22/us/politics/22scotus.html>.

outside districts.²¹ Both pose a threat to democratic values. “Cracking” districts creates a scenario in which voters are not truly represented in the government, meaning the republic that Madison says will control factions cannot operate in total functionality. Additionally, “packing” a district results in the election of representatives who do not accurately represent the views of the state but, rather, a politically-designed congressional district. Both, in turn, lead to increased polarization as many voters begin losing faith in the system. Without an electorate that believes in our system of government and the principles it was built upon, the Union cannot survive.

The fourth and final aspect of polarization that I find vital to highlight is what I consider to be a lack of a national conscience. While this is a more abstract idea than the previous three, I believe it captures the current climate within our country. Currently, 9/10 Americans believe that electoral victories by the “opposing party” will lead to lasting harm.²² Empathy is lacking in the modern political climate. Politicians refuse to recognize the issues of certain demographic groups. For example, Republicans often refuse to empathize with Black Lives Matter protesters because of disbelief in systematic racism and insinuations that all of these protesters are looters. Democrats often refuse to empathize with those who stand against abortion because of a refusal to see that some genuinely have such an affection for human dignity that they cannot bear to see life terminated. A party should be able to disagree with another perspective while also working to understand why the other perspective exists in the first place. For me, empathy is key. I empathize with both the Black Lives Matter protestor and the pro-life advocate, not because I

²¹ Julia Kirschenbaum and Michael Li, “Gerrymandering Explained | Brennan Center for Justice,” www.brennancenter.org, August 10, 2021, <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>.

²² Michael Dimock and Richard Wike, “America Is Exceptional in Its Political Divide,” [pew.org](https://www.pewtrusts.org/en/trust/archive/winter-2021/america-is-exceptional-in-its-political-divide), March 29, 2021, <https://www.pewtrusts.org/en/trust/archive/winter-2021/america-is-exceptional-in-its-political-divide>.

necessarily agree with everything that each believes, but, rather, because it is the proper way to live.

A major and difficult question lies before us now. How do we move forward in such a polarized climate in a manner that alleviates some of this pain while also maintaining our founding principles? This is the point at which civil rights and liberties become key. All of the aforementioned potential causes of our “pernicious” polarization could quickly be solved with the sacrifice of our civil rights and liberties, but, as Madison said, this would be a situation in which the cure would be much more dangerous than the disease.²³ Rather, we must accept that these causes cannot be solved in their entirety. We must begin by finding little ways to alleviate polarization piece by piece. Eventually, as the national consensus becomes more concrete, deeper, longer-lasting solutions can be developed.

For misinformation and disinformation, Congress must find ways to regulate social media while maintaining the integrity of the First Amendment. Additionally, social media networks can continue to develop fact-checking technology so that misinformation and disinformation are both combatted before they harm the general populace. States should also require information literacy courses in public schools, something already adopted in Illinois, Delaware, and New Jersey.²⁴

For unlimited campaign spending through super PACs, advocates must seek a reversal of the Supreme Court’s opinion in *Citizens United* or begin pushing for a constitutional amendment that forbids this unlimited spending and use of dark money to influence political outcomes.

²³ James Madison, Alexander Hamilton, and John Jay, “The Federalist Papers: Primary Documents in American History,” Library of Congress, 2019, <https://guides.loc.gov/federalist-papers/full-text>.

²⁴ Courtney DuChene, “Ideas We Should Steal: Information Literacy Education,” The Philadelphia Citizen, February 7, 2023, <https://thephiladelphiacitizen.org/ideas-we-should-steal-information-literacy-education/#:~:text=Other%20states%2C%20including%20Delaware%20and>.

Allowing the wealthiest individuals to hijack the political discourse goes against the liberal principles upon which this country has come to rely.

For gerrymandered districts, states need to stop redrawing congressional districts through action by the state legislature or other partisan means. Of the 44 states that needed to be redistricted after the 2020 census (the six remaining states have at-large districts), four states, Arizona, California, Colorado, and Michigan, utilized independent commissions rather than state legislatures, state courts, or political commissions.²⁵ Taking partisanship out of redistricting would strengthen the foundations of democracy and the health of our republic while also alleviating polarization.

Finally, in regard to our national conscience, our political leaders need to tap into the work started by Senator Margaret Chase Smith and her six Republican counterparts over seventy years ago, declaring a new national conscience that supports what Senator Smith referred to as the basic principles of “Americanism” and nurturing a sense of empathetic thought, understanding that one has “the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right of independent thought.”²⁶ These rights are at the forefront of ensuring that our civil liberties remain intact.

After years of continued polarization, the political atmosphere in the United States exploded in the aftermath of the 2020 Presidential Election and the events of January 6, 2021. The American political discourse is suffering from an illness that must be cured if the national conscience is to be found and realized. As Abraham Lincoln said in March 1865, “With malice

²⁵ Chris Leaverton, “Who Controlled Redistricting in Every State | Brennan Center for Justice,” www.brennancenter.org, October 5, 2022, <https://www.brennancenter.org/our-work/research-reports/who-controlled-redistricting-every-state>.

²⁶ Margaret Chase Smith, “Declaration of Conscience,” <https://www.senate.gov/artandhistory/history/resources/pdf/SmithDeclaration.pdf>.

toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds."²⁷ It is time to turn once again to this spirit of unity, binding the wounds of polarization and bringing an end to political violence.

²⁷ Abraham Lincoln Presidential Museum, "Abraham Lincoln Presidential Library and Museum," Abraham Lincoln Presidential Library and Museum, n.d., <https://presidentlincoln.illinois.gov/lincoln-quotes/?pg=3&sz=10>.

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