

Andrew Jackson

Notes – Week 1 – September 9, 2025

1. Course Introduction
 - a. Change – Laws and Values; Aspirational Documents v. Legally Enforceable Documents; Winning Hearts and Minds
 - b. Power, Policy, Politics and Persuasion
 - i. Power is the authority to make a decision or take an action from the constitutionally allowed “Safe Box” of options
 - ii. Policy is the actual decision or action chosen by the person or entity with the appropriate power
 - iii. Politics refers to decisions or actions that further an individual’s or groups self-interest as compared to the public good
 - iv. Persuasion is the process by which members of the body politic attempt to convince the person or entity with power to choose a particular decision or action.
 - c. Every action has risks, costs, and benefits. From whose point of view should they be determined?
 - d. What is Citizenship? What rights are included?
 - i. Civil Rights – right to enter into contracts, own property, sue in court
 - ii. Political Rights – vote, serve on jury
 - iii. Social Rights – intermarriage, go to school; live where you want
2. The Law as a Process – Science & Math v. Art & Architecture; Predictability & Certainty v. Innovation & Heightened Risk
3. General Principles for Understanding the Legal Documents
 - a. Words are given their *plain meaning*.
 - i. Words are to be interpreted by their ordinary meaning unless the result would be absurd.
 - ii. If the plain meaning fails to solve the underlying problem for which the provision was passed, is it absurd? Or is it simply a mistake?
 - b. If the provision is unclear or ambiguous after applying the *plain meaning* rule, the next step is to see if the provision can be made clear by reviewing the overall purpose of the document or section in which it is found. If it is still unclear or ambiguous, then a review of the drafters’ intent follows. This would include statements made at the time of the drafting.
 - c. Words Matter
 - i. The same words mean the same thing

- ii. Different words mean different things
- iii. Lists are sometimes exclusive, but sometimes not
- d. Facts Matter
 - i. Interpretations depend on the particular facts of the situation being considered
 - ii. Time changes everything, not always for the good

4. A leader accepts responsibility to initiate action to assist the members of the group to organize their resources to meet common goals and challenges.

- a. What else do we expect from our President?
- b. The C-Span Rankings of Presidents considered these factors:
 - i. Public Persuasion;
 - ii. Crisis Leadership;
 - iii. Economic Management;
 - iv. Moral Authority;
 - v. International Relations;
 - vi. Administrative Skills;
 - vii. Relations with Congress;
 - viii. Vision / Setting an Agenda;
 - ix. Pursued Equal Justice For All; and
 - x. Performance Within Context of Times

5. Are there still common goals shared by Americans?

a. "Elections and people on the street do not democracy make," he [Leslie Gelb] told the American Prospect in 2005. "Democracy really is a series of institutions and attitudes; it's free press, protection of minority rights, division of power. It's the confidence that if you lose in elections, you're not going to lose your basic interests and values or your life. It's the rule of law. And those things take a long, long time to develop."

b. Do we still believe in the words of the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness.

c. How about the words of the Preamble to the Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

6. When you think about selecting a candidate to be the next President of the United States, what questions are on your mind? [NY Times - Choosing a Contender](#)

- a. Does he want to do something or prove something?
- b. Does she present a plan to improve our future or an agenda to increase her fame?
- c. Is he capable of feeling shame and embarrassment? Is she more interested in causing shame and embarrassment? Does he believe that causing shame and embarrassment is an effective tool for positive change?
- d. Does she want to be president or need to be president?
- e. What are the challenges he is talking about?
- f. Does he have a plan for all of us or just enough of us to get elected?
- g. Does she have a fundamental understanding of what America and Americans are all about?
- h. Is he more interested in being truthful or being entertaining?
- i. If her ideas fail, will she and her allies suffer along with the rest of us? Does he have a stake in the success or failure of his plan?
- j. Does she have a history of success or a long list of dreams?
- k. Does he believe that change is driven by domination and overpowering or persuasion and compromise?
- l. Does she respect her political opponents?
- m. Does he respect all the American people? Enough to tell us unpleasant truths?
- n. Do I believe what she is saying?
- o. Do I believe that he believes what he is saying?
- p. Does the candidate believe that we are capable of sacrifice for the public good? Enough to tell us we may have to?

7. The Declaration of Independence – July 4, 1776 – See, Danielle Allen, *Our Declaration*

- a. We are created equal; We have the rights to life, liberty, and the pursuit of happiness; We institute government to secure these rights and We give the government the powers to secure these rights through our consent; when the government no longer secures these rights, it is our right to alter or abolish it

- b. Freedom
 - i. from interference
 - ii. from domination
 - iii. to be a citizen with the rights and responsibilities of citizenship
 - iv. is NOT another word for nothing left to lose.
- c. Equality
 - i. in status – no one dominates anyone else
 - ii. in access to the tools of government which secure our rights
 - iii. in providing our points of view to the development of public policy and having our judgments respected and considered
 - iv. in receiving benefits from our fellow citizens and in owing benefits to our fellow citizens
 - v. in sharing ownership of public life and in co-creating our common world
 - vi. “The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.” — Anatole France, 1894
 - vii. “Equality is the hidden American code, the unspoken feeling that everyone shares, even if it’s not articulated or fulfilled: the desire to be everyone’s equal – which is not the same thing as the desire for everyone to be equal”. George Packer, *Last Best Hope*, p. 157
- d. Format is a blueprint for the U.S. Constitution

10. The U.S. Constitution is a ***national consensus*** on the ***distribution of power between the governments and the people*** by the application of ***American values***.

- a. The risk of danger is better than the guarantee of tyranny. It is better to free nine guilty people than to jail one innocent one.
- b. We shall all hang together, or we shall all hang separately. A slightly different version of the same idea is *E Pluribus Unum*, or *From Many, One*.
- c. To safeguard against tyranny, power must be decentralized. Spreading power horizontally between the Congress, the President, and the Judiciary and vertically to the States will create a *formal structure of checks and balances* to protect the American people.
- d. The final barriers against tyranny are the *informal structures* that keep the machinery of government and society operating smoothly. For the goals of the Constitution to be achieved, there must be intelligent people acting in good faith and putting the common good above their self-interest participating at all levels of government. That includes each member of the body politic. We are the fourth branch of government. Finally, there must always be the continuous parade of courageous Americans who stand up and say, ***“Enough. No More”***. These three words, more than any others, define both the strength of our government and the essence of what it

means to be an American. We have survived because each time that we need people to say **“Enough. No More”** they were there. This always represents our last best chance.

- e. A **Republic** is a form of government characterized by:
 - i. Sovereignty is in the people, not the government or the ruler. Power FROM the people.
 - ii. The people elect their representatives to the legislature.
 - iii. The executive is appointed or elected. It is not an inherited position.
- f. When America succeeds, it is because we have found the proper balance between confidence, competence, and humility.

