I. CONTENTS:
   A. Republican democracy
   B. Comments on political rights.
   C. Film “Search and Seizure”

II. REPUBLICAN DEMOCRACY:
   A. Republican form of government:
      1. A republic is a form of government in which supreme power rests in citizens and is exercised by representatives chosen by and accountable to them.
   B. The essence of democracy:
      1. Citizens must be able to hold leaders or representatives responsible for their action.
      2. That is, citizens must have the ability to judge policies acceptable or unacceptable and to set guidelines for future action.
   C. Accountability assumes a number of conditions that we’ll spend the rest of the semester examining.
      1. A major gauge of democracy is how well it facilitates citizen’s holding representatives accountable.

III. GENERAL PROPOSITIONS ABOUT RIGHTS:
   A. It’s interesting to note that foreigners often remark about America’s commitment to rights; its willingness to protect them even at the expense of the common good.
      1. Our political culture makes “the individual” the center of the political universe.
         i. That is, we consider it very important to protect individual rights.
         ii. Frequently individual rights trump the “rights of the community,” a term a lot of people don’t understand or accept.
      2. Example: opposition to gun control, seat belt and helmet laws, land use.
   B. Rights inevitably conflict with at least one of democracy’s main assumptions, majority rule.
      1. That is, if the majority has the right to enact laws in the common interest, can it thus restrict individual liberties? Our political thought and culture has never given a definitive answer to this question.
         i. Such a question may be inherently unanswerable.
   C. The very idea of a "right" implies disagreement over its meaning and range of application.
      1. A right implies a claim one sort or another on someone or some agency.
2. If it were universally accepted as valid, such a right would hardly be the subject of debate and hence not even thought of as a right.

D. ✳Each generation must redefine and reestablish rights for itself:
   1. Rights are never permanent but must be won again and again and again.
   2. One of the ultimate interpreters of rights is the Supreme Court. Its membership turns over periodically and consequently so does its theory or theories of jurisprudence.

E. In a strange sort of way dissidents, criminals, malcontents, and the like serve the interests of ordinary law-abiding citizens. Why? Because they constantly force the political system to think about and reaffirm its commitment to freedoms. Hence, the "dregs" of society--the people we sometimes detest the most--are the very ones who do the most to help preserve liberty. After all, they force public authorities to play by the rules and these rules make us all safer.
   i. Want to know more? Read Anthony Lewis, *Gideon's Trumpet*.

2. ✔Suppose, for example, the campus police searched your room for drugs while you were on vacation, even though they had no specific reason to suspect you as a dealer or user. What would you think? Chances are that you’d feel your rights had been violated. And probably most courts would agree with you. But when I went to college the campus cops routinely search my room when I was away. They searched it, that is, without my permission or knowledge and “without probable cause.” (That is, they had no specific reason to believe I possessed anything illegal.) Now they probably couldn’t do that. Why? I think partly because criminals and malcontents have forced society and hence police departments to rethink and respect Fourth Amendment rights.

3. ✔Other examples come quickly to mind: flag burners, pornographers, performance artists,...People who don’t fit in the “mainstream” may actually be doing us (inadvertently) a service because they keep rights constantly on the public agenda.

4. The legislation called the USA Patriot Act raises many of these issues.
   i. Rights of alleged (not convicted terrorists!) may be abridged.
   ii. The Act’s critics wonder who will be next unless those currently affected by it can successfully challenge this law.
   iii. See the suggested readings attached to the notes for the last class.

F. ✳People in different social and economic strata are better able to assert and take advantage of rights than are those in different locations.
   1. This fact underlies a lot of criticism of the death penalty.
      i. Rich people who can afford competent attorneys usually escape the electric chair.
      ii. See Tucker’s *May God Have Mercy*.

IV. FILM - “SEARCH AND SEIZURE”:
   A. Some of these are the issues raised by the documentary, “Search and Seizure.”
   B. The Fourth Amendment: For a hypertext version go to:
C. Keep main terms in mind.
   i. What were the colonial merchants trying to hide?
   ii. What is a “writ of general assistance?”
   iii. Selective incorporation.
   iv. Probable cause
   v. *What is the “exclusionary rule?”
   vi. *‘The constable blundered”
   vii. Note the important court decisions, especially Mapp v. Ohio.
      1) www.fedworld.gov/supcourt/index.htm

D. What do you think about the exclusionary rule? Does it hinder the police too much? Should it be kept as it is or limited?
   1. More on the rule: “In Defense of the EXCLUSIONARY RULE,”
      http://www.findarticles.com/m1272/2650_128/55149339/p1/article.jhtml

V. NEXT TIME:
A. Reading:
      at http://caselaw.lp.findlaw.com/data/constitution/amendment04/ includes lots of history and explanation.

B. Required for the next topic:
   1. Print and the articles on the Cyber Reserve Room page under “Essays on ‘Who Governs.'”
   2. Print and read “Example of Pluralist Politics,” also in the Cyber Reserve Room.

C. Start Elizabeth Drew, The Corruption of American Politics, as indicated in the syllabus.
   1. See below