



DOCUMENTS

Colonization

Mayflower Compact (1620)

The story of the Mayflower Compact begins with a group of religious dissenters in England in the early 17th century who believed it necessary to separate from the Church of England. Persecuted in England, these so-called “Separatists” fled to Holland. Concerned by economic woes and the threat of losing their English identity by living in Holland, the “Separatists” planned with investors and began their move to form a colony “in the northern parts of Virginia” in 1620. Forty-one male Pilgrims (as the “Separatists” later came to be called) signed the Mayflower Compact on November 1, 1620, before they ever set foot upon land while their ship, the *Mayflower*, was anchored in Provincetown Harbor at the tip of Cape Cod. They spent several weeks considering Cape Cod for their settlement before they sailed across Cape Cod Bay and settled at Plymouth. They were, of course, not “in the northern parts of Virginia,” and thus, they had no legal right to settle in this New England area.

In the Mayflower Compact the men stated that they “covenant and combine ourselves together into a civil body politick for our better ordering and preservation.” They pledged to institute “just and equal Laws, Ordinances, Acts, Constitutions and Offices... as shall be thought most meet and convenient for the General good of the Colony unto which we promise all due submission and obedience.” While not a governing document, its significance is that it committed the men to the creation of a government based on the consent of the governed. In this way, the Mayflower Compact served as a precedent for the later creation of a government for the United States.

Fundamental Orders of Connecticut (1639)

In 1633, Thomas Hooker and some of his followers sailed to the Massachusetts Bay Colony. In 1636, Hooker and his followers relocated to Connecticut. Apparently inspired by a Hooker sermon in 1638 in which he stated that “the foundation of authority is laid in the free consent of the people,” residents of Hartford, Windsor, and Wethersfield adopted the Fundamental Orders of Connecticut in 1639. Hooker was one of the men influential in its writing, but Roger Ludlow, the only trained lawyer in the colony, probably drafted the document. It remained Connecticut’s law until 1662. Some historians claim that it was the first written constitution in North America, but others dispute this. It set up a detailed governmental structure in which sovereign power rested with the freemen of the colony. It did not even mention the king. It created a body called the “General Court” with authority to adopt and repeal laws, impose taxes, and apprehend and punish people for misdemeanors. In other words, this “General Court” had legislative, executive, and judicial authority. One very modern idea found in the document was term limits for the Governor as noted in this provision: “that no person be chosen governor above more than once in two years.” The Fundamental Orders of Connecticut served as a step in the direction of present-day democracy in that it set the example of a written constitution as the basis for government.

Massachusetts Body of Liberties (1641)

Nathaniel Ward, a Puritan minister and former lawyer in England, drafted and compiled the Massachusetts Body of Liberties in 1641. He drew heavily from a code of law proposed by John Cotton in 1636 based on English common law and the rules of conduct given Moses by God as described in the Old Testament (primarily the Ten Commandments). The Massachusetts Body of Liberties is considered to be the first modern bill of rights. It includes some rights which were ahead of its time. This lengthy document contained provisions devoted to the liberties of women, liberties of children, liberties of servants, and liberties of foreigners and strangers. Perhaps most remarkable of all, it contained provisions dealing with the rights of animals. One historian has noted that of the 26 specific rights found in the U. S. Bill of Rights, seven can be traced in their origin to the Massachusetts Body of Liberties. For example, to ensure a fair criminal trial, the document included the following: a bench or jury trial, a speedy trial, no double jeopardy, a prohibition on torture, no self-incrimination, no cruel and unusual punishment, and a right to counsel. At the same time, the document also contained a lengthy list of the offenses all biblically based for which an individual could receive the death penalty.

Albany Plan of Union (1754)

Delegates from seven of the English colonies in North America (Connecticut, Maryland, New Hampshire, New York, Massachusetts, Pennsylvania, and Rhode Island) met in what is called the Albany Congress at Albany, New York in 1754 during the early months of the French and Indian War. Here Benjamin Franklin presented the Albany Plan of Union, the first important formal proposal for unifying the thirteen English colonies under one centralized government. It was not viewed as a desire on the part of the colonies to seek independence from England. The confederation of the colonies envisioned by Franklin's Albany Plan was similar to the decentralized system of government that would later emerge under the United States' first national constitution, the Articles of Confederation. The Albany Congress adopted Franklin's plan on July 10, 1754. However, despite support from some colonial leaders, the Albany Plan was never adopted by colonial governments. Feeling that it would limit their own authority, the colonial governments either rejected it or never even acted on it.

Join or Die cartoon (1754)

This "Join or Die" political cartoon was the first political cartoon to appear in any newspaper in the thirteen English colonies which later became part of the United States. It was published in Benjamin Franklin's newspaper, the *Pennsylvania Gazette*, on May 9, 1754. Based on the superstitious notion of the time that a snake cut in two would come to life if the pieces were joined, the cartoon urged the colonies to unite and assist the British during the French and Indian War. It was one of the earliest examples of a call for colonial unity.

Revolution / Declaration of Independence

Letters from a Farmer in Pennsylvania (1767 – 1768)

Letters from a Farmer in Pennsylvania, a series of essays generally believed to have been written by John Dickinson, first appeared separately in newspapers from 1767 to 1768 and were later published as a single pamphlet. In response to English policies, including the Stamp Act, Dickinson's *Letters* urged resistance to England but also called on the colonists to seek reconciliation with the mother country. Dickinson argued that England's economic policy towards

the colonies was reducing Americans to slavery. He warned his readers: "My dear country men, rouse yourselves and behold the ruin hanging over your heads." However, he also urged prudence: "We cannot act with too much caution in our disputes." He hoped that a settlement with England could be achieved if Americans united in petitioning the Crown and Parliament for redress. The *Letters* were reprinted and read throughout the colonies. They were also read abroad when Benjamin Franklin, serving as a colonial agent in Britain, had them reprinted.

"Give Me Liberty or Give Me Death" (1775)

Patrick Henry delivered his famous "Give Me Liberty or Give Me Death" speech at St. John's Church in 1775 in Richmond, Virginia, where the Virginia colonial legislature was meeting. Henry called on the legislature to take up arms in resistance against England's tyranny. Henry spoke without notes, and no one immediately transcribed the speech. It was reconstructed by Henry's biographer years later. In response to the presence of English soldiers in Massachusetts, Henry urged his fellow citizens to fight. He argued that repeated violations of their rights would surely mean more violations in the future. He said, "I have but one lamp by which my feet are guided, and that is the lamp of experience." He proclaimed that they could not fail in their attempt as millions of people "armed in the holy cause of liberty would be invincible." He said that attempts to reconcile with the English would make the colonists into slaves. He famously concluded: "I know not what course others may take, but as for me, give me liberty or give me death!"

Lee Resolution (1776)

The Lee Resolution is the name given the proposal by Richard Henry Lee of Virginia that the colonies declare independence from England. Introduced in the Continental Congress on June 7, 1776, the Resolution began: "Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved...." The Resolution also called for creating foreign alliances, developing a plan for confederation, and distributing it to the colonies. Lee and the other delegates knew that this proposal would be considered treason in the eyes of the English. To allow debate and input from the colonies, the Continental Congress decided to put off the vote on the Lee Resolution until July 2, 1776. On that date, Congress voted to declare independence. The words of the Lee Resolution became part of the closing lines of the Declaration of Independence.

Declaration of Independence (1776)

After the introduction of the so-called Lee Resolution in June, 1776, the Continental Congress debated independence for several days and then appointed a committee made up of Thomas Jefferson (Virginia), John Adams (Massachusetts), Benjamin Franklin (Pennsylvania), Roger Sherman (Connecticut), and Robert R. Livingston (New York) to draft a formal declaration of independence. The committee assigned Jefferson the task of writing the first draft of what became the Declaration of Independence. After completing his first draft, Jefferson presented it to Franklin and Adams who made several verbal changes which Jefferson accepted. This new version of the document was then submitted to the Continental Congress which had the final word. The Congress made several changes which angered Jefferson who said that they ruined it. One of the most important changes the Congress made was eliminating Jefferson's 28th and final grievance in which he blamed the king for starting the slave trade in the American colonies.

The Declaration contains five different sections. The first section is a Preamble which begins with the words “when in the course of human events” and then proceeds to state that “a decent respect to the opinions of mankind” requires us to declare the causes which compel us to separate. The second section outlines what Jefferson calls four “self-evident truths”: (1) All men are created equal; (2) They are endowed by their Creator with certain unalienable natural rights among which are life, liberty, and the pursuit of happiness; (3) To secure these rights governments which derive their power from the consent of the governed are established; and (4) Whenever government fails to secure the peoples’ rights, it is their right to alter or abolish it and set up a new government. This second section is where the influence of John Locke’s *Second Treatise of Civil Government* and George Mason’s Virginia Declaration of Rights on Jefferson’s writing is most evident. The third and by far the longest section is a list of twenty-seven specific grievances against the King and Parliament but without using the word “Parliament.” Jefferson placed the most serious grievances, often called “war crimes,” at the end of the long list. The fourth section reminds the world that the colonists had tried to resolve their differences with England but with no success. The fifth and final section is the formal declaration of war which concludes with this famous line: “And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

On July 4, 1776, the Continental Congress adopted the Declaration of Independence. John Hancock, the President of the Continental Congress, was the first to sign.

Common Sense (1776)

Thomas Paine published his short pamphlet *Common Sense* in January, 1776, in support of the case for the American colonies seeking independence from England. Using clear, plain language, Paine rallied the colonists to support the break from England. He stated, “I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independence; I am clearly, positively, and conscientiously persuaded that it is the true interest of this continent to be so.” Arguing for American independence, Paine denounced monarchy when he wrote: “Of more worth to society and in the eyes of God is one honest man than all the crowned ruffians who ever lived.” Writing about the absurdity of the American colonies being subordinate to England, he stated: “There is something absurd in supposing a continent to be perpetually governed by an island.” The impact of *Common Sense* is revealed by this fact: it is estimated that it was read by one million persons. Its impact can also be seen by its effect on leaders such as George Washington who observed that *Common Sense* is working a powerful change in the minds of men” and stopped offering toasts to the king at formal occasions.

The American Crisis (1776-1783)

Thomas Paine began the sixteen essays which comprise *The American Crisis* in 1776 when he was serving in the Continental Army. The first essay was written on December 23, 1776 and famously began: “These are the times that try men’s souls; the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.” The essays bolstered the morale of Continental troops in their fight with the English. General George Washington liked the first essay so much that he had it read to the Continental troops at Valley

Forge. Inspired by Paine's Crisis No. 1, Washington's troops on Christmas night crossed the cold, icy Delaware River and defeated the Hessians and on January 2 defeated General Cornwallis at the Battle of Princeton. Paine's *American Crisis* essays also strengthened Americans' commitment to the break from England and to self-government. He argued that it was the responsibility of all to act. He wrote, "I call upon not a few, but all: not on this state or that state, but every state: up and help us."

Treaty of Paris (1783)

The Treaty of Paris in 1783 formally ended the Revolutionary War, and England recognized the independence of the United States. John Adams, Benjamin Franklin, and John Jay negotiated and signed the treaty on behalf of the United States. It recognized the thirteen colonies as free and independent, established the boundaries of the U. S. and British North America, gave the U. S. and Britain access to the Mississippi River, granted fishing rights to Americans in the Grand Banks and the Gulf of Saint Lawrence, and specified that the U. S. Congress would encourage the states to pay British subjects for confiscated property.

Creation of the Constitution

Magna Carta (1215)

Latin for "Great Charter," Magna Carta was written by a group of Barons at Runnymede, England in 1215 and forced on King John. Although the protections provided were for the Barons only, Magna Carta embodied the general principle that the King accepted limitations on his power. Included was the fundamental acknowledgement that the King was not above the law. Magna Carta is thus an early example of the principle of limited government.

Among specific guarantees, the "Great Charter" provided that the Church of England would be free, that no tax for military purposes would be imposed without legislative consent, that no man would be prosecuted for violating the law without credible witnesses, and that freedom of movement into and out of England would be secured. One of the most important, and often quoted, provisions stated that "no freeman shall be seized, imprisoned, dispossessed, outlawed, or exiled, or in any way destroyed; nor will we proceed against or prosecute him except by the lawful judgment of his peers, or by the law of the land." This provision resembles that part of the U. S. Constitution found in Amendments 5 and 14 which states that "no person shall be denied life, liberty, or property without due process of law." Another of the most important, and often quoted, provisions of Magna Carta asserts: "To none will we sell, to none will we deny, to none will we delay right or justice."

The men who later wrote and adopted the U. S. Constitution as well as its Bill of Rights were clearly influenced by some of the ideas found in the "Great Charter."

English Petition of Right (1628)

As some historians have noted, English kings of the seventeenth century either had poor memories or deliberately forgot past promises made in Magna Carta. Just a few years after the settlement of Jamestown in Virginia, conflict between the monarch and Parliament grew. King

Charles I disbanded Parliament and ruled England on his own. In response to the king's illegal taxes, quartering of troops in private homes, and arbitrary arrests and imprisonment of citizens, Parliament in 1628 drew up the Petition of Right which reminded Charles I that the law gave Englishmen their rights, not the king, and that the king himself was not above the law. The Petition focused on Charles's violations of the law which included denying Englishmen due process of law, unjust seizure of property or imprisonment, denial of the right to trial by jury, and unjust punishment. The king accepted the Petition of Right, but soon broke his word and resumed his violations. This struggle eventually resulted in a civil war which ended with the beheading of Charles I in 1649.

The framers of later 18th century American documents were familiar with English history and specifically with the English Petition of Right. It is not surprising, therefore, that they included several protections found in the Petition of Right in American documents: no taxation without consent of the legislature, right to petition, right to due process of law, and right to a fair trial by a jury.

Leviathan (1651)

The English philosopher Thomas Hobbes wrote *Leviathan* which was published in 1651. According to Hobbes, people naturally love liberty as well as power over others. He wrote that the life of man in a state of nature without government is one of "war of all against all" and thus "life is solitary, poor, nasty, brutish, and short." Hobbes is famous for his early development of what came to be known as "the social contract theory" of the origin of government, a theory later developed by other philosophers such as John Locke. The social contract theory argues that government comes into being as a result of the people agreeing among themselves to create it. Unlike other social contract theorists such as Locke, however, Hobbes is also famous for using the theory to arrive at the conclusion that the people should surrender their liberty and submit themselves to the authority of an absolute, unlimited sovereign ruler. He argued that government is created to bring peace and that an absolute ruler was a lesser evil than war because the ruler ensured social order and helped human beings free themselves from their miserable condition. When people are free from the constant threat of war and death, he asserted, they can take part in other pursuits. Also, unlike Locke, Hobbes did not acknowledge the right of the people to overthrow a government which failed to protect them.

The framers of American government in a later century were very familiar with Hobbes' philosophy, but do not appear to have been as influenced by Hobbes as much as they were by John Locke.

English Bill of Rights (1689)

In 1688-89, weary of the actions of King James II, the people of England removed him from the throne in what the English call "the Glorious Revolution." This event ended the old theory of the divine right of kings in England and established the supremacy of Parliament. The two chambers of Parliament meeting at Westminster adopted the English Bill of Rights in 1689 and invited William and Mary of Orange to rule the nation on their acceptance of this document limiting their power.

The document asserted that Englishmen had certain inalienable civil and political rights. It made clear that “the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal.” Unless Parliament consented, the monarch could not act as judges or raise or keep a standing army. The monarch could not impose fines or punishment without benefit of trial. English citizens had the right to petition the king and could not be punished for doing so. Freedom of speech in Parliament was guaranteed. Of interest for the framers of the U. S. Bill of Rights in the late 18th Century was a specific provision of the English Bill of Rights which stated: “that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” That language is almost identical to that found in the Eighth Amendment of the U. S. Bill of Rights of 1791.

Second Treatise of Civil Government (1690)

The English philosopher John Locke authored the *Second Treatise of Civil Government* which was published in 1690 following the “Glorious Revolution” in England. According to Locke: “Man being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate, and subject to the political power of another, without his own consent.” He thus argued that all men are created equal and that no man could be denied his free and equal condition without his consent. He also argued that all people are born with the same natural rights which, therefore, do not come from government, but rather from nature or God. Government, Locke insists, exists to protect these natural rights. Without government, people cannot preserve these natural rights, so they “unite into a community for their comfortable, safe, and peaceable living.” The desire to protect one’s property, Locke argues, is paramount in men’s decision to establish government. Property, for Locke, included life, liberty, and possessions. This is a form of the so-called social contract theory earlier advocated by the philosopher Thomas Hobbes. Unlike Hobbes however, it is the people’s right, Locke argues, to overthrow a government that fails to protect their rights. This revolutionary natural rights theory, as it is known, strongly influenced America’s Founding Fathers. George Mason’s Virginia Declaration of Rights of June, 1776, and Thomas Jefferson’s Declaration of Independence of July, 1776, especially were influenced by ideas found in the *Second Treatise of Civil Government*.

The Spirit of the Laws (1748)

Charles Louis Baron de Montesquieu was a French lawyer and philosopher who lived and wrote in the 18th Century known as the Age of Reason or the Age of Enlightenment. His most well-known and influential work was *The Spirit of the Laws* published in 1748. Montesquieu was particularly concerned with the liberty of citizens. For that reason, he argued, if government is to provide citizens with the most liberty, it must have certain characteristics. He notes, “since constant experience shows us that every man invested with power is apt to abuse it ... it is necessary from the very nature of things that power should be a check to power.” This is accomplished, Montesquieu asserted, by separating the legislative, executive, and judicial powers of government. In this way, he argued, if different persons or parts of government exercise these powers, each can check the other two if either tries to abuse its powers. This theory, which came to be called separation of powers and checks and balances, apparently had great influence on the framers of the 1787 U. S. Constitution.

Commentaries on the Laws of England (1765-1769)

Sir William Blackstone, an English jurist, wrote *Commentaries on the Laws of England*, a multi-volume treatise on English common law, from 1765 to 1769. His work was the first attempt to condense English common law into a clear system. The four volumes of the *Commentaries* were: *The Rights of Persons* (structure of the legal system), *The Rights of Things* (property rights), *Private Wrongs* (torts or civil actions), and *Public Wrongs* (criminal law). Blackstone believed that law existed to protect peoples' lives, liberty, and property. This belief greatly influenced America's Founding Fathers. For example, to learn the law, all lawyers in the American colonies primarily read Blackstone's *Commentaries*, and many the Founding Fathers were lawyers. One important piece of scholarly research has indicated that Blackstone was one of the three individuals most often quoted by America's Founding Fathers.

Virginia Declaration of Rights (1776)

George Mason wrote the Virginia Declaration of Rights in June, 1776. It was published three weeks before Thomas Jefferson's Declaration of Independence. Like Jefferson, Mason was clearly influenced by the English philosopher John Locke. The document begins with a declaration that "all men are by nature free and independent" and have certain natural rights including life, liberty, and "the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." That is followed with a declaration that government derives its power from the people and that whenever government is not serving the interests of the people, it is the right of the people to alter or abolish it. Insofar as the government itself was concerned, the document declares that the legislative, executive, and judicial powers should be separate and distinct and that there should be term limits for the legislative and executive parts of the government. Of course, a large part of the Virginia Declaration of Rights was devoted to spelling out the rights of the people of Virginia. Among the many rights guaranteed were: freedom of the press, property rights, a speedy trial by an impartial jury, right to know the cause and nature of any criminal prosecution, right to confront those accusing one of a criminal offense, no self-incrimination, no deprivation of liberty except by the law of the land or judgment of one's peers, no excessive fines or bail, no cruel and unusual punishment, no general warrants, and trial by jury in civil disputes between man and man. It also called for civilian control of the military, free elections, the right to vote, a well-regulated militia composed of the people trained to arms to defend the nation, no standing armies, and the duty of all citizens to practice justice, moderation, temperance, frugality, and virtue. One of the most significant, and often quoted, parts of the document was one of the strongest defenses ever written of the importance of freedom of religion for all persons: "That religion, or the duty which we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the duty of all to practice Christian forbearance, love and charity towards each other."

The influence of the Virginia Declaration of Rights on the authors of later significant American documents cannot be exaggerated. All one has to do is examine portions of the U. S. Declaration of Independence, the original U. S. Constitution, and, especially, the U. S. Bill of Rights, to understand how great was the impact of Mason's Virginia Declaration of Rights. Most, but not all, of the rights spelled out in the U. S. Bill of Rights can be traced to Mason's Virginia Declaration of Rights.

Articles of Confederation (1781)

The Articles of Confederation was the first of only two constitutions under which the nation known as the United States of America has been governed. It was adopted by the Second Continental Congress in November, 1777, and took effect in 1781 when ratified by the states. It was discarded when the new Constitution of the United States of America, written at the constitutional convention at Philadelphia in 1787, was finally ratified by the required number of states and thus took effect in 1789. The nature of the system of government which the document created is clearly indicated by Article 2 which provides: "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled." A portion of Article 3 also indicates clearly the nature of the system created: "The said states hereby severally enter into a firm league of friendship with each other ..." The national government consisted solely of a unicameral Congress in which each state had one vote. There was not separate and independent executive or judicial branches. This Congress' powers were very few and consisted only of those granted by the states. Congress, for example, had no power to tax and no power over interstate commerce. For Congress to pass any major law required the votes of nine of the thirteen states, thus making it difficult for Congress to pass any major legislation. Even if Congress managed to pass major legislation, this might mean little since the national government had no executive to enforce any law the Congress passed. Because Congress had no power to tax, anything the Congress did which required money to carry it out meant that it had to depend on the states to voluntarily send their fair share of the money needed. In the years the nation lived under the Articles, some of the states never sent any money to pay for anything with which the state might disagree. Because Congress had no control over interstate commerce, it could do nothing to prevent economic warfare between states. One of the most important weaknesses of the Articles was the requirement that any change (amendment) in the document required the unanimous approval of all thirteen states. As a result, it was impossible to amend the document. One of the interesting articles of the document was Article 11 in which Canada was invited to join the union of the United States of America.

Somehow the Congress of the Articles of Confederation did manage to adopt two major pieces of legislation: (1) the Land Ordinance of 1785 which provided for a systematic development of western lands and set aside lot No. 16 of every township for the support of public schools; and (2) the Northwest Ordinance of 1787.

The one event which did more than anything else to persuade leaders of the time that something had to be done about the Articles was Shays' Rebellion in western Massachusetts in late 1786 and early 1787.

Virginia Statute for Religious Freedom (1786)

Authored by Thomas Jefferson and steered through the state's legislature by James Madison in 1786, the Virginia Statute for Religious Freedom is still part of the state's constitution today. The law declared that religion mandated by the government was a violation of natural rights, and therefore "no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever..." Furthermore, it asserted that "all men shall be free to profess, and by argument to maintain, their opinion in matters of religion."

The law was partially motivated as a response to Patrick Henry's call to expand government support for teachers who at that time were mainly Episcopalian ministers. Passage of the law led to the end of forced government support for the Episcopalian church in the state. Virginia thus became the first state to disestablish its official religion. Other states soon followed suit, especially after the ratification in 1791 of the U. S. Constitution's First Amendment which included the no establishment of religion and free exercise of religion clauses.

Annapolis Convention Proceedings (1786)

By the mid-1780s, more and more leaders in the American states were aware of serious problems with the nation's government under the Articles of Confederation. A major concern was that the weak central government had no power to regulate interstate trade, and consequently, economic warfare between states was not uncommon. After representatives from Virginia and Maryland met at George Washington's Mt. Vernon home to discuss navigation on the Potomac River, James Madison of Virginia called for a convention to be held in Annapolis, Maryland to discuss issues concerning interstate trade and commerce. The Annapolis Convention was held in September, 1786. Twelve delegates from five of the thirteen states (Delaware, New Jersey, New York, Pennsylvania, and Virginia) attended. These delegates included James Madison, Alexander Hamilton, and John Dickinson. They discussed possible changes in the Articles of Confederation to better regulate interstate trade and commerce. The Convention's authority was limited, however, by the small number of states represented. Nevertheless, Alexander Hamilton introduced a resolution adopted unanimously calling for another convention to be held at Philadelphia beginning in May, 1787, for the purpose of revising the Articles of Confederation. All thirteen states were invited to send delegates to this convention.

Northwest Ordinance (1787)

Along with the Land Ordinance of 1785, the Northwest Ordinance was one of the two most important pieces of legislation adopted by Congress under the Articles of Confederation. As a result of the Treaty of Paris of 1783 ending the American Revolution, the United States acquired from England a large area of land west of Pennsylvania, northwest of the Ohio River, east of the Mississippi River, and south of the Great Lakes. The land included what is today the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Once the land came under the control of the United States government, a procedure for establishing governments in the region and setting rules for future statehood had to be established. For this purpose, Congress adopted the Northwest Ordinance of 1787. Speaking of the Northwest Ordinance, Daniel Webster said he doubted whether "any single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787."

According to the Ordinance, no less than three and not more than five states could be carved out of this Northwest Territory. When any of the states had 60,000 free inhabitants, it would be admitted to the Union of the United States "on an equal footing with the original states in all respects whatever." The Ordinance spelled out in some detail what the government of each state should look like. The Ordinance also addressed the rights of inhabitants of the territory. For example, it declared that "no person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory." It listed such fundamental rights as trial by jury, writ of habeas corpus, no cruel or

unusual punishment, and no deprivation of life or liberty except by judgment of one's peers or the law of the land. It declared that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." It also called for "the utmost good faith to always be observed toward the Indians and their lands and property shall never be taken from them without their consent."

Perhaps the most remarkable provision of the Ordinance, however, was Article 6 which stated that "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted."

One significant result of the Northwest Ordinance was that it greatly accelerated westward expansion.

Early Republic

George Washington's First Inaugural Address (1789)

After his unanimous election as the nation's first President, George Washington delivered his First Inaugural Address to a joint session of both houses of Congress on April 30, 1789 at Federal Hall in New York City, the nation's capital at that time. He acknowledged Providence as guiding the nation's steps: "No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States."

He explained that virtuous Americans would make the new nation a model for the world: "The foundation of our national policy will be laid in the pure and immutable principles of private morality, and the preeminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world."

Finally, he closed by putting the responsibility for the survival of the nation squarely in the hands of citizens. "The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people."

Judiciary Act (1789)

Article III of the new U. S. Constitution adopted in 1789 specifically created only one national court: The U. S. Supreme Court. However, it said nothing about the number of members of the Supreme Court and authorized Congress to "ordain and establish inferior courts." Congress took several important actions concerning the new judicial branch of the U. S. government in the Judiciary Act of 1789: (1) authorized only six Justices for the first U. S. Supreme Court; (2) established certain cases which the Supreme Court could hear; (3) created 13 lower courts below the Supreme Court; and (4) created the office of Attorney General of the U.S.

In 1803 in the landmark case *Marbury v. Madison* the Supreme Court established its power of judicial review when it declared unconstitutional Section 13 of the Judiciary Act which appeared to grant the Supreme Court original jurisdiction to hear certain cases outside of what the U.S. Constitution authorizes.

George Washington's Farewell Address (1796)

President George Washington's Farewell Address was not delivered as a speech but was instead first published in the *Philadelphia Daily American Advertiser* on September 19, 1796 and then later in other newspapers around the nation. The opening paragraphs were largely taken from an earlier version written by James Madison in 1792 when Washington briefly considered not running for a second term. In 1796, Alexander Hamilton assisted Washington in writing the rest of the Farewell Address.

In this Address, Washington announced that he would not seek a third term as President and outlined what he hoped would be "guiding principles" for the new nation. He urged citizens to cherish the Constitution as the best means of preserving their liberty and reminded them that the document contains within itself the means for future amendments. He asserted that religion and morality were the basis for justice and necessary for good government.

Finally, he discussed what he considered the two major threats to the young nation: one domestic and one foreign. First, he warned his fellow citizens about what he called "the baneful effects of the spirit of party." Political parties, he argued, were a threat to the nation because they allowed "a small but artful and enterprising minority" to "put in the place of the delegated will of the nation, the will of a party." Second, judged from the amount of the Address devoted to it, Washington felt the greatest threat to the nation was the dangerous influence of foreign powers. In foreign affairs, he called for the young nation "to steer clear of permanent alliances" with foreign powers.

The Sedition Act (1798)

The Federalist controlled U. S. Congress passed the Sedition Act, and Federalist President John Adams signed it into law on July 14, 1798. It was set to expire on March 3, 1801, which turned out to be John Adams' last day as President. The law made it a criminal offense "to write, print, utter or publish any false, scandalous, and malicious writing against the government of the U. S., or either house of Congress, or the President, with intent to defame or bring either into contempt or disrepute." Conviction for violation of the law was punishable by a fine not to exceed \$2,000 and imprisonment for no more than two years. Adams claimed that the law was needed for national security because he wished to avoid war with France and argued that the restriction on speech and press was necessary to quell growing support for the French in the U. S. after the French Revolution. However, the obvious political motivation of the law is illustrated by two important facts: (1) the Vice President of the U. S., at the time Thomas Jefferson who was a leader of the new political group called the Democratic-Republicans, was not covered by the law; and (2) the only people charged with violating the law were Democratic-Republicans. The first person charged, tried, and convicted of violating the law was Matthew Lyon, a Jeffersonian Republican member of the U. S. House of Representatives from Vermont. Lyon had written a letter to a Republican newspaper in which he criticized President Adams for "a continued grasp for power" and for his "unbounded thirst for ridiculous pomp, foolish adulation, and self-avarice."

Thomas Jefferson, James Madison, and others argued that the Sedition Act was a clear violation of the U. S. Constitution's First Amendment and its protection of freedom of speech and press, but the law was never challenged in the courts as to its constitutionality. However, historians

believe that Federalist adoption of the law was a factor in their overwhelming defeat in the elections of 1800. In one of his first official acts as the nation's third President, Thomas Jefferson pardoned all those who had been convicted of violating the Sedition Act.

Virginia and Kentucky Resolutions (1798)

The Virginia and Kentucky Resolutions were adopted by the Virginia and Kentucky legislatures in 1798 in response to the Federalist-controlled U. S. Congress' passage of the Sedition Act of 1798. Thomas Jefferson, the Vice President of the U. S. serving with President John Adams, authored the Kentucky Resolution, but he did not acknowledge this until years later out of fear that he himself might be charged with sedition. Both resolutions argued that Congress had no authority to exercise power not specifically delegated to it in the Constitution. Jefferson's Kentucky Resolution further argued that the states had the power to nullify unconstitutional national laws: "The several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those [states], of all unauthorized acts....is the rightful remedy."

James Madison authored the Virginia Resolution which said that by enacting the Sedition Act, Congress was exercising "a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power, which more than any other, ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right."

No other state acted in support of the Resolutions. However, in the 1830s, John C. Calhoun of South Carolina asserted that he was borrowing from the Virginia and Kentucky Resolutions when he argued for the states' power to nullify national laws. During this 1830's nullification controversy, Madison rejected the legitimacy of nullification and argued that it was not part of his Virginia Resolution of 1798.

Letter to Danbury Baptists (1802)

Thomas Jefferson wrote this letter to a Baptist Church in Danbury, Connecticut in 1802. In the letter, he explained his beliefs about federalism and the meaning of the no establishment of religion clause of the First Amendment to the U. S. Constitution. Jefferson did not address the subject of state-sponsored churches, but assured the congregation that the government of the U. S. could not interfere with their church or offer special favors to any specific sect. He wrote, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State."

Jefferson thus echoed the words of Rhode Island founder Roger Williams who in 1644 wrote about "a hedge or wall of separation between the garden of the church and the wilderness of the world." Several U. S. Supreme Court Justices through history have borrowed from Jefferson's "wall of separation" metaphor. For example, Justice Hugo Black in 1947 in *Everson v Board of Education of Ewing Township* wrote: "In the words of Thomas Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state."

Louisiana Purchase Treaty (1803)

Through the Louisiana Purchase Treaty in 1803, President Thomas Jefferson doubled the land size of the United States by purchasing the Louisiana Territory from France for \$15 million. The purchase opened several hundred thousand acres of land west of the Mississippi River to settlement but also resulted in the further displacement of Native Americans.

The Purchase eventually raised issues about the expansion of slavery. The Missouri Compromise of 1820 partially addressed this issue, but questions remained as to the power of Congress to regulate slavery in the new territory.

Age of Jackson

Indian Removal Act (1830)

Passed by Congress and signed by President Andrew Jackson in 1830, the Indian Removal Act gave the President the power to negotiate treaties with Native American tribes east of the Mississippi River for the purpose of moving the Native Americans west, thus opening land in Georgia, Alabama, and Mississippi to white settlement.

The Indian Removal Act and the subsequent forced removal of several thousand Native Americans from their native lands to Oklahoma Territory eventually resulted in the death of many Native Americans in what is known as the “Trail of Tears.”

Westward Expansion

Treaty of Guadalupe Hidalgo (1848)

In late 1847, U. S. forces defeated the Mexican army and occupied the Mexican capital of Mexico City. The Mexican government surrendered to the U. S. and began negotiations to end the Mexican-American War at Guadalupe-Hidalgo, a city north of Mexico City where the government had fled in advance of American troops. There the Treaty of Guadalupe Hidalgo was signed, ending the Mexican-American War. Mexico surrendered all claims to Texas and recognized the Rio Grande River as Texas’ and the U. S.’ southern border. In addition, Mexico turned over thousands of square miles of land to the United States in exchange for \$15 million dollars. The land included the present-day states of Arizona and New Mexico as well as Upper California and parts of the present-day states of Nevada, Utah, and Colorado. A long political debate in the U. S. then began over the issue of slavery in the newly acquired territory.

Reform Movements

Declaration of Sentiments and Resolutions (1848)

Lucretia Mott, Elizabeth Cady Stanton, and others organized the first women’s rights convention in the United States held in Seneca Falls, New York, in 1848. Among the participants was the African American abolitionist Frederick Douglass. The Declaration of Sentiments and Resolutions adopted by the convention was signed by 68 women and 32 men and was modeled after the U. S. Declaration of Independence of 1776.

The Declaration of Sentiments began by asserting that “all men and women are created equal” and that “the history of mankind is a history of repeated injuries and usurpations on the part of man toward woman...” The Declaration then presented a list of political grievances (using the same number of charges listed against the British King in the U. S. Declaration of Independence) and highlighted women’s inability to vote. Finally, it demanded that women receive “immediate admission to all the rights and privileges which belong to them as citizens of the United States.” The Resolutions that followed the list of grievances included references to Blackstone’s *Commentaries on the Laws of England* and asserted that laws that do not treat women equally are contrary to God’s law.

Sectionalism

Missouri Compromise (1820)

In 1819 the U. S. had an equal number of slave and free states. Since the beginning of the union, Congress had admitted new states more or less in pairs: one from the North and one from the South. When Missouri applied for admission to the union in 1819 slavery was well established there, and its admission alone as a slave state would thus have upset the delicate balance between North and South. At the same time Maine, formerly the northern part of Massachusetts, applied for admission to the union as a free state. Due in large part to the persuasive skills of Henry Clay of Kentucky, the Speaker of the House of Representatives at the time, Congress eventually adopted in 1820 what became known as the Missouri Compromise which had the following provisions: (1) Missouri admitted to the Union as a slave state; (2) Maine admitted to the Union as a free state; (3) except for Missouri itself, slavery was banned in the territory acquired in the Louisiana Purchase north of the southern boundary of Missouri – the 36°30’ parallel.

Chief Justice Roger Taney and the U. S. Supreme Court in *Dred Scott v Sandford* in 1857 declared the third provision of the Missouri Compromise unconstitutional because Congress had no power to pass a law which took slave property from their owners in this territory.

South Carolina Exposition and Protest (1828)

By the late 1820s, many citizens of South Carolina had become convinced that the Tariff of 1828 (“the Tariff of Abominations”) was responsible for the depressed state of the South Carolina economy. Some South Carolinians were even considering secession. John C. Calhoun understood that his political future might well depend on how he dealt with this situation. Elected Vice President of the U. S. on a ticket with President Andrew Jackson in 1828, Calhoun anonymously authored the South Carolina Exposition and Protest. The South Carolina Protest was adopted by the state’s legislature in 1828 to announce the state’s intention to nullify the Tariff of 1828. In the Exposition, Calhoun explained and defended the principles upon which the Protest and the argument for nullification rested. Borrowing from Thomas Jefferson and James Madison in the Kentucky and Virginia Resolutions and citing the U. S. Constitution’s Tenth Amendment, he argued that the national government was a creation of the states. Thus, he asserted, the states, not the courts or Congress, were the final judge of the constitutionality of national laws. He suggested that if a state decided Congress had passed an unconstitutional law, such as the Tariff of 1828, the state could declare the law null and void in that state.

James Madison, over eighty years old by this time, denied that nullification was what he argued for in the Virginia Resolution and disavowed Calhoun's arguments. Calhoun eventually resigned as Vice President in 1832 when the South Carolina legislature chose him to be a new U. S. Senator from South Carolina, and he assumed leadership of those in South Carolina supporting nullification.

Hayne-Webster Debate (1830)

For several days in January, 1830 in the U. S. Senate, Senator Robert Hayne of South Carolina and Senator Daniel Webster of Massachusetts engaged in an historic debate about the nature of the union created by the Constitution of the United States. Hayne took the position that the union was a result of a compact between sovereign states. He argued, for example, that "the very life of our system is the independence of the states" and further asserted: "As to the doctrine that the federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to be utterly subversive of the sovereignty and independence of the states." Webster argued that the union was a union of the people, not of the states. He asserted that "the union of the states is essential to the prosperity and safety of the states" and that "when the gentleman (Hayne) says the Constitution is a compact between the states, he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789." Hayne's view was known as the doctrine of state sovereignty, and Webster's view was known as unionism. Whereas Hayne believed that the states were the final judges of the constitutionality of national laws, Webster believed that role was properly filled by the U. S. Supreme Court.

Hayne attempted to use the Virginia and Kentucky Resolutions of 1798 to support his view. John C. Calhoun was Vice President of the United States, and thus President of the Senate, during the Hayne-Webster debate and supported Hayne's view. Webster's unionist view was supported by fellow U. S. Senator Henry Clay of Kentucky as well as by former President John Quincy Adams and President Andrew Jackson.

Compromise of 1850 (1850)

In 1849 President Zachary Taylor decided to support statehood for California and New Mexico, knowing that they would be admitted as free states. Southerners were upset and talk of secession grew. Various bills to address this issue were introduced in the U. S. Congress in January, 1850. One of these was a compromise plan put forth by Kentuckian Henry Clay who, at the age of 73, was back in the U. S. Senate. Clay visited with Senator Daniel Webster of Massachusetts and secured Webster's approval for his proposed compromise. Clay introduced eight resolutions each of which offered concessions to either northerners or southerners. Senator John C. Calhoun of South Carolina opposed Clay's plan but died three weeks after giving a speech opposing it. President Taylor died in July, 1850. The new President, Millard Fillmore, was a friend and ally of Daniel Webster and a strong supporter of Clay's plan. After Webster resigned his Senate seat to become Fillmore's Secretary of State, Senator Stephen Douglas of Illinois led the drive to get Clay's compromise plan adopted. Finally, by the latter part of 1850, five separate parts of the Compromise of 1850 were adopted: (1) California was to be admitted to the union as a free state; (2) territorial governments and boundaries for Utah and New Mexico were established, and their status as free or slave states was to be determined by popular sovereignty; (3) the slave trade in the District of Columbia was to be

abolished by 1851; (4) the 1793 Fugitive Slave Act was amended by removing cases from a state's jurisdiction and appointing federal commissioners to conduct hearings and issue arrest warrants, and slaves were prohibited from having jury trials or testifying on their own behalf; and (5) the Texas-New Mexico boundary was established, and Texas paid \$10 million for the loss of New Mexico land.

Fugitive Slave Act (1850)

The Fugitive Slave Act may have been the most controversial part of the Compromise of 1850. Henry Clay included it to satisfy southerners upset by other parts of the Compromise. There had been a Fugitive Slave law since 1793 based on Article IV, Section 2, Clause 3 of the U. S. Constitution. For that reason, fugitive slaves found it safer to flee to Canada where slavery was forbidden. As more in the North turned against slavery, free states gave slave owners less and less cooperation in apprehending their escaped slaves. The 1850 Fugitive Slave Act was an attempt to remedy Southern slave owners' problems with the 1793 law. The 1850 act set up a federal enforcement operation which consisted of U. S. commissioners with the power to issue warrants for fugitive slaves and to make judgment in fugitive cases without a hearing solely on the basis of an affidavit of ownership by the slave owner. The commissioners received a \$10 fee for each slave returned to slavery and only \$5 otherwise. The act did not set up a statute of limitations for runaway slaves which meant that runaways from years ago, could be captured and returned to slavery. The act also threatened local law enforcement officers and citizens with fines of up to \$1,000 and liability for civil suits if they harbored fugitive slaves or refused to cooperate with recapture efforts.

Northerners who had never been seriously anti-slavery now witnessed public capture and extradition of runaway slaves that revealed slavery in all its cruelty. This served to add to Northern opposition to slavery. The Act also resulted in the growth of the Underground Railroad, a network of people providing shelter and other assistance for escaped slaves traveling north.

Kansas-Nebraska Act (1854)

Senator Stephen Douglas of Illinois, a Democrat, introduced the legislation which became the Kansas-Nebraska Act in January, 1854. His intent was to open land west of the Mississippi to further settlement as well as to lay the groundwork for a transcontinental railroad from Chicago to the Pacific Coast. Debate over the Act quickly shifted to a bitter fight over the expansion of slavery into the remaining unorganized territory of the Louisiana Purchase. Douglas realized that he needed the support of southerners to pass the Act, and some Southern senators insisted that slavery must be permitted in the territory. He achieved some southern support by the adoption of the idea of "popular sovereignty" which meant that the people who settled the land would determine for themselves whether the area would be slave or free. This conflicted with the Missouri Compromise of 1820 which provided that, except for Missouri, the rest of the Louisiana Purchase territory above 36° 30' would be free of slavery. With the passage of the Kansas-Nebraska Act, this provision of the 1820 Missouri Compromise was thus inoperative and void. According to the Kansas-Nebraska Act, its intent was neither to legislate slavery for any territory or state nor to exclude it. Instead, the Act left the people in each territory free to decide the slavery issue as they saw fit.

Less than two days after congressional adoption of the Kansas-Nebraska Act, violence broke out in Kansas leading to bloodshed in what became called “Bleeding Kansas.” Threats of secession were again heard in some states. There were numerous political consequences: The Democratic Party suffered in the North; the Whig Party fell apart; the Know-Nothing movement surged for a while; and the new Republican Party emerged at Ripon, Wisconsin. Dismayed by the Kansas-Nebraska Act, Abraham Lincoln, a former one-term Congressman from Illinois, re-entered politics to lead this new Republican Party in Illinois and engaged in a series of historic debates with Senator Douglas. One of the nation’s most recognized scholars on the Civil War, Professor James McPherson, in his *Battle Cry of Freedom: The Civil War Era*, writes: “The Kansas-Nebraska Act may have been the most important single event pushing the nation toward civil war.”

Abraham Lincoln’s Cooper Union Address (1860)

Abraham Lincoln delivered his Cooper Union Address on February 27, 1860 in New York City at the Cooper Institute in Manhattan. The Young Men’s Republican Union sponsored the speech. Among the members of the Union’s board were Horace Greeley and William Cullen Bryant both of whom opposed William Seward’s becoming the Republican Party’s nominee for President in 1860. At the time, Lincoln was an unannounced candidate for the party’s presidential nomination and hoped that by this speech he might gain support for his nomination.

Lincoln defended the Republican Party’s view that Congress had the power under the U. S. Constitution to control slavery in new territory. He asserted that the party’s view on this issue was identical to that of a majority of the men who signed the new Constitution. He referred to the Northwest Ordinance’s prohibition of slavery in new territory adopted in 1787 and reauthorized by the First Congress in 1789 as further proof that Congress was understood to have the power to ban slavery.

Lincoln stated the Republican Party’s position should not alarm Southerners because he acknowledged that the national government did not have the power to free the slaves in the states where it already existed. But he urged his fellow Republicans not to surrender to southern demands to recognize slavery as being right. He concluded: “Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it.”

Lincoln’s speech excited his listeners and gained him political support for the Republican presidential nomination in New York, Seward’s home territory.

Civil War / Reconstruction

Constitution of the Confederate States of America (1861)

Ratified in March, 1861 the Constitution of the Confederate States of America (C. S. A.) included certain key principles of the U. S. Constitution such as separation of powers, checks and balances, and federalism. Many of its specific provisions were taken word for word from the U. S. Constitution. However, there were important differences.

Unlike the Preamble to the U. S. Constitution which speaks about “forming a more perfect union,” the Preamble to the Confederate Constitution acknowledged the “independent and sovereign character” of each state and declared its purpose to “form a permanent federal government.”

The Confederate Constitution's Preamble also omitted the words "common defense" and "general welfare," and invoked "the favor and guidance of Almighty God." The Confederate Constitution limited the executive to a single six-year term of office. Confederate courts were prevented from exercising significant control over state laws. The legislative branch of the Confederate government was checked by the President exercising a line-item veto. Laws could only be about a single subject, and the subject had to be in the title of the law. Laws pertaining to the most important powers of the government had to be passed by super-majority votes, a percentage that is greater than 50%, rather than by simple 50% majority. Unlike the U. S. Constitution which lists important rights of the people in a Bill of Rights at the end of the Constitution, those same rights were incorporated into the body of the C. S. A. Constitution.

The two documents also differed significantly with respect to the institution of slavery. While the U. S. Constitution did not specifically contain the words "slaves," "slavery," or "slave trade," it did allow slavery to continue, and three of its provisions did deal with slaves, slavery, or the slave trade without using those words. The C. S. A. Constitution specified that Congress could pass "no law.... denying or impairing the right of property in negro slaves." New states could be admitted, but the institution of slavery would have to be "recognized and protected" by territorial governments and Congress. The international slave trade was banned (as it had been in the U. S. since 1808), and the Confederate Congress could prevent slaves from being imported from states which were not part of the Confederacy. In fact, four clauses of the Confederate Constitution secured the legality of slavery in the Confederacy.

Homestead Act of 1862

The Homestead Act, which took effect on January 1, 1863, provided that individual homesteaders who paid a nominal fee and resided on the land for five years could claim 160 acres of non-occupied, surveyed public land. Eligible was any person who was head of a family or was 21 years old and a citizen of the U. S. or declared intention to become a citizen and had never borne arms against the United States. Historians credit several members of Congress with having proposed different versions of homestead legislation through the years, including Andrew Johnson who before the Civil War served as a Congressman from Tennessee. However, disposing of public land before the Civil War always faced the sectional differences so present at the time. The South generally opposed the sale of public land, while the North and West favored the sale. In the year of the 1860 election, President Buchanan vetoed a version of the Homestead Act to try and appease the South. Lincoln and the Republicans used this against the Democrats in the later campaign as a campaign issue. Historians have called the Homestead Act and the Morrill Land-Grant Act two of the most important pieces of legislation of the nineteenth century because it led to the US becoming a stronger nation. From the end of the Civil War to the end of the 19th century, the population of the Great Plains grew from less than a million to more than nine million. Often this was at the great expense of Native Americans, who were pushed off their lands onto reservations. In 1860, only nine U. S. cities had more than 100,000 residents. Five decades later, 50 large metropolises, including Denver, Detroit, and Cleveland, had sprung up along the new railroad routes. A total of 285 million acres, or 10 percent of the land mass of the United States, was claimed and settled under the Homestead Act.

Abraham Lincoln's Gettysburg Address (1863)

President Abraham Lincoln delivered his *Gettysburg Address* on November 19, 1863 in a short speech at the dedication of Soldiers' National Cemetery in Gettysburg, Pennsylvania a few months after Union forces defeated Confederate forces at the Battle of Gettysburg. Lincoln defined the Civil War as a way of securing the Declaration of Independence's promise of equality of all people. Victory for the Union, Lincoln said, was a way of making the country's founding ideals a reality. The speech transformed the meaning of the Civil War, which had previously been about preserving the Union, and compelled a rethinking of the meaning of America's Founding documents.

Lincoln began his address with these words: "Four score and seven years ago, our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." He concluded the Address by saying: "It is for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth."

Emancipation Proclamation (1863)

President Abraham Lincoln issued the Emancipation Proclamation in 1863. It declared slaves in all rebelling states to be "forever free." Of course, this would only occur if the Union won the Civil War. The Proclamation did not affect slaves in states like Kentucky, Missouri, or Maryland that had not seceded from the Union. It also exempted from its provisions some sections of rebelling states that were already under Union control.

Because Lincoln believed that he lacked the constitutional authority to free slaves, he issued this document as a war measure in his capacity as Commander-in-Chief. One important result of the Emancipation Proclamation was that freed slaves were now welcomed into the Union's armed forces. Further, the fact that some slaves were to be freed may have prevented Britain, where slavery was illegal, from entering the war on the side of the Confederacy. Historians argue that the Emancipation Proclamation added moral force to the Union cause and transformed the Civil War from a war to save the Union into a war for freedom and equality.

Abraham Lincoln's Second Inaugural Address (1865)

When President Abraham Lincoln delivered his Second Inaugural Address in 1865, it was clear that the Confederacy was going to lose the Civil War. In his address, Lincoln identified slavery as the cause of the Civil War and described the war as God's punishment to a people—both Northerners and Southerners alike—who would "wring their bread from other men's faces."

Lincoln's goal had always been to unify the country, and he sought to heal the nation's wounds when he said: "With malice 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, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Lincoln was assassinated one month after giving this speech.

Gilded Age

Chinese Exclusion Act (1882)

For many years in the nation's early history, few, if any, Asians immigrated to the United States. However, beginning in the 1840s, natural disasters, economic hardship, and political unrest in China, together with developments in the western United States, namely the California Gold Rush, caused a large number of Chinese males to immigrate to the United States. By 1850, there were over 20,000 Chinese in the U. S., most living in California. Construction of the Transcontinental Railroad in the late 1850s and early 1860s brought more Chinese who were used as cheap labor. By 1870, there were a little over 63,000 Chinese in the U. S., and by 1880, a little over 105,000. Over 90 percent were on the West Coast. By the early 1870s, the Chinese made up a large number of the individuals laboring in farming, fishing, factories, and businesses such as laundries. As the U. S. economy faltered after the Civil War, the national economic depression of the 1870s, along with other factors, led to growing resentment against the Chinese on the West Coast. Some California citizens began to resent the Chinese laborers whom, they felt, were "culturally and racially inferior" and, in addition, a threat to wage levels and working conditions. Some anti-Chinese critics began speaking of what they called "the yellow peril" because they were "taking jobs from American citizens." Anti-Chinese feeling in California was strong. In 1858, the California Legislature passed a law making it illegal for any person "of the Chinese or Mongolian races" to enter California. This law was later struck down by the California Supreme Court. As time passed, violence aimed at the Chinese broke out in several California cities. In 1878, the U. S. Congress passed a law excluding Chinese from entering the United States, but President Rutherford B. Hayes vetoed it. In 1879, California adopted a new state constitution which, among other provisions, authorized the state government to determine what persons could live in the state and banned corporations and state or local governments from hiring Chinese. Senator John F. Miller, a Republican serving his first term in the U. S. Senate introduced what eventually became the Chinese Exclusion Act of 1882. It quickly passed the Senate and then the House of Representatives and was signed into law by President Chester Alan Arthur. It provided an absolute 10-year moratorium on Chinese labor immigration and required the few non-laborers seeking entry to obtain certification from the Chinese government that they were qualified to immigrate. It also placed new requirements on those Chinese who were already in the U. S. by providing that if they left the U. S., they had to obtain certifications to re-enter. Finally, the law specifically denied state and federal courts the power to grant citizenship to Chinese resident aliens. When the law expired in 1892, Congress extended it for 10 more years in the form of the Geary Act. That extension was made permanent in 1902 with the additional restriction that each Chinese resident had to register and obtain a certificate of residence without which he or she could be deported. The law, of course, had long-term consequences for U. S. relations with China. In 1905, the Chinese government, in an unsuccessful effort to persuade the U. S. to alter its anti-Chinese immigration policy, placed a boycott on American goods. The Chinese Exclusion Act marked the end of free immigration in American history. It was the first major legislation restricting immigration. Never before had the U. S. restricted immigration by a specific ethnic group. It remained law until 1943 when Congress repealed it after the U. S. and China became allies in the World War II fight with Japan.

Pendleton Act (1883)

In the United States, “the spoils system” is a term used to describe the practice of awarding individuals with government positions based on their political loyalties rather than on their merit or ability. This system developed early in the political history of the U. S. under its new U. S. Constitution with the rise of two competing political groups: the Federalists and the Democratic-Republicans. While it was a practice followed to some extent at the national government level by all of the nation’s early Presidents, many historians associate the term most directly with the administration of President Andrew Jackson. In fact, the origin of the term itself is frequently attributed to New York Senator William Marcy who, referencing the victory by Andrew Jackson and his fellow Democrats in 1828, said “to the victor goes the spoils.” Jackson and his successors seem to have utilized “the spoils system” so much more than before, that by the late 1860s there was some talk about reforming the system. In 1871, Congress authorized the President to set regulations for admission to public service and to appoint members of a Civil Service Commission to oversee the process. However, the commission was rendered useless in 1875 when Congress failed to appropriate funds for its operation. After the assassination in 1881 of President James Garfield by a disappointed office-seeker, the movement for reform of “the spoils system” gained momentum. In the early part of 1882, Senator George Hunt Pendleton of Ohio drafted a bill to reform the government’s hiring system, which became known as the Pendleton Act. This act provides for the selection of federal government employees through performance on competitive exams. It also makes it illegal to fire or demote those covered by the law for political reasons and forbids requiring these employees to perform political services or to make political contributions. The Pendleton Act transformed the public service. Before the act, new officials inundated government offices after every election, bringing chaos and inexperience to federal service. With the new system, the government was better able to rely on the experience and skills of its workers and to ensure adequate preparation for their jobs.

Interstate Commerce Act (1887)

After the Civil War, railroads were privately owned and completely unregulated by the government. They had become increasingly important in the American economy. In areas of the country where only they operated they held a monopoly. They set prices and controlled the market. They discriminated by providing rebates or refunds to large shippers or buyers. These practices were especially harmful to farmers who lacked volume needed to receive more favorable rates. The U. S. Congress passed the Interstate Commerce Act in 1887 under the authority given it in Article I, Section 8 of the Constitution “to regulate commerce with foreign nations and among the states.” The Act created the Interstate Commerce Commission, the first of many regulatory agencies of the national government. Railroads thus became the first industry to be regulated by the U. S. government. The Interstate Commerce Act changed the laissez faire or hands-off philosophy which had previously dominated the American economy by establishing the government’s clear power to regulate private companies engaged in interstate commerce. The Act banned secret rebates and required that railroad rates be openly published. It required railroad rates to be “reasonable and just.” It prohibited special rates or rebates for individual shippers, preferential rates for certain localities, shippers, or products, and unfairly charging more for a short haul than a long haul.

The law was largely ineffective until later legislation provided the means for its enforcement, but the ICC did become the model for other government regulatory agencies.

Sherman Anti-Trust Act (1890)

In the decades following the Civil War, the American economy came to be characterized by the growth of large corporations and monopolistic business practices. The Sherman Anti-Trust Act passed by Congress in 1890, using the power given it in Article I, Section 8 of the Constitution “to regulate commerce with foreign nations and among the states,” was Congress’ first attempt to limit monopolies. It was named for Senator John Sherman of Ohio who was Chairman of the Senate Finance Committee and a former Secretary of the Treasury under President Rutherford B. Hayes. The law gave Congress the power to investigate and dissolve contracts or business combinations (mergers) that restrained interstate or foreign trade or commerce. Specifically, the law authorized the U. S. government to act against any “combination in the form of trusts or otherwise, or conspiracy, in restraint of trade.” For about the first ten years of the law’s existence, more actions were brought against labor unions for restraining trade than against large corporations which wasn’t the original intent of the law. Only rarely was the law employed against monopolies and then without success. Part of the reason was that the law did not carefully define key terms such as “combination,” “conspiracy,” “monopoly,” or “trust.” Also working against the law were narrow judicial interpretations as to what constituted trade or commerce among the states. For example, in 1895 the U. S. Supreme Court in *U. S. v E. C. Knight* struck a blow against the law. In that case, the American Sugar Refining Company had purchased four independent operations, thus giving it control of 98% of the nation’s sugar production. The Supreme Court ruled that acquiring refineries and businesses that manufactured sugar within a state had no direct relation to interstate commerce and thus was not a violation of the Sherman Anti-Trust Act.

The first major example of the law being used successfully to break up a trust occurred in 1904 during Theodore Roosevelt’s presidency when the law was used to break up the Northern Securities Corporation: a railroad trust formed in 1901 by E. H. Harriman, James P. Hill, J. P. Morgan, and John D. Rockefeller which controlled all the principal railroad lines from Chicago to the Pacific Northwest. The law was also later used in 1911 during the presidency of William Howard Taft against the Standard Oil trust and the American Tobacco Company.

Omaha Platform (1892)

The People’s Party (popularly known as the Populist Party) had its origins in the 1870s and 1880s among farmers in the South, Midwest, and West who were experiencing difficult times. One of the farmers’ problems was the high rates which railroads charged to transport the farmers’ products. Another was the high tariff in place at the time on certain imports to the United States which meant that these farmers had to pay large amounts of money for imported goods which they required while the items that they produced were undervalued. Banks and other loan institutions were also foreclosing on farmers who were struggling to meet their financial obligations. In general, the farmers felt that neither of the country’s two major political parties were concerned with the farmers’ interests or those of “the common man.”

The founding convention of the Populist party occurred in Omaha, Nebraska, in July, 1892. At this convention, the Populists adopted what came to be called the Omaha Platform.” The Preamble to this platform was written by Ignatius Donnelly, a Minnesota lawyer, farmer, and politician. In its Omaha Platform the Populists adopted a number of ideas which many Americans

at the time considered radical: (1) a graduated income tax; (2) a secret ballot; (3) the direct, popular election of U. S. Senators; (4) an eight-hour work day; (5) government ownership of the railroads, telegraph, and telephone; (6) free, unlimited coinage of gold and silver; (7) limiting state and national revenue to necessary expenses of government, to keep as much money as possible in the people's hands; and (8) government reclamation of land held by railroads and other corporations in excess of their actual needs and land held by aliens. Some of their proposals later became law in the Progressive and New Deal eras of American history.

William Jennings Bryan “Cross of Gold” (1896)

Article I, Section 8 of the U. S. Constitution gives Congress the power “to coin money and regulate the value thereof.” In 1791, Secretary of the Treasury Alexander Hamilton proposed bimetallism or in other words, that the nation's new currency would be equal to a given amount of gold or a larger amount of silver. During Abraham Lincoln's presidency, the Congress passed the Legal Tender Act which authorized the issuance of paper money called greenbacks to finance the Civil War. Greenbacks were unable to be converted into gold or silver. That ended longstanding U. S. policy of using only gold or silver in transactions. In 1873 however, the nation went exclusively on the gold standard by ending silver coinage and bimetallism. This limited the money supply but eased trade with other nations. For the next twenty years, the nation became divided over the nation's monetary standard. Many people once more had come to believe that bimetallism, making gold and silver legal tender, was necessary. Most Republicans wanted every dollar printed to be backed only by gold known as the gold standard. Many Democrats argued that silver, which was more plentiful, should also be used to back every dollar which would make it easier for Midwestern farmers to pay their debts.

William Jennings Bryan was a Democrat and a former two-term member of the U. S House of Representatives from Nebraska. He was an advocate for bimetallism or abandoning the gold standard and allowing the nation's currency to be backed by silver as well. Bryan spoke on this topic in 1896 at the Democratic Party's national convention in what came to be called his “Cross of Gold” speech. In a speech filled with religious imagery and righteous indignation, Bryan thundered, “having behind us the producing masses of this nation and the world, supported by the commercial interests, the laboring interests and the toilers everywhere, we will answer their demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns, you shall not crucify mankind upon a cross of gold.”

At the start of the 1896 Democratic National Convention, Bryan was a “dark horse” candidate with little support for the party's presidential nomination. This Cross of Gold speech is largely credited with winning him the party's nomination. He lost the election to Republican William McKinley, and in 1900, the U. S. formally adopted the gold standard. Bryan later also lost races for the presidency in 1900 and 1908.

US Becomes a World Power

Wilson's Fourteen Points (1918)

As World War I began winding down, Wilson and his advisors, began to formulate plans for peace. Wilson drew up a statement which came to be called the Fourteen Points that he delivered to Congress in January 1918. In the speech to the joint session of the United States

Congress, President Woodrow Wilson summarized three major goals in his Fourteen Points for ending the war and attempting to attain lasting peace for not only Europe, but the world. The goals were as follows:

A. Improved international relations — Remove international trade barriers, honor freedom of the seas, advocate open communication with no secret alliances in an international association of nations, and allow for self-rule of nationalities.

B. Restoration of territories — Return to pre-war boundaries and make fair adjustments of all colonial claims.

C. Restriction on military strength — Military reductions for all nations, especially Germany including demilitarization along the Rhine River.

The most controversial part of the proposal was the creation of a League of Nations described in the 14th Point. Both former President Teddy Roosevelt and Senator Henry Cabot Lodge led opposition in the U.S. Senate to ratification of the treaty which had been negotiated in France and included the League of Nations. Against the advice of his doctors, Wilson set out on a railroad tour to build up public support for ratification of the treaty. In October 1919, Wilson suffered a stroke which left him an invalid for the rest of his life. Wilson continued to refuse to compromise on his position, and as a result, the U. S. Senate failed to acquire the two-thirds vote needed to ratify the treaty and the proposed League.

Progressive Era

Pure Food and Drug Act (1906)

The Pure Food and Drug Act of 1906 was the first consumer protection law adopted by the U. S. Congress in the early 20th century in the so-called “Progressive Era” of American history. Its purpose was to protect the public against contamination of food and food products as well as from fraudulent claims without scientific support by those manufacturing drugs for public health purposes. Important scientific support for the law came from Dr. Harvey W. Wiley, Chief Chemist of the Department of Agriculture. Because of his leadership in the adoption of the law, he is often referred to as “Mr. Pure Food and Drug Act.” The Pure Food and Drug Act included the following provisions: (1) Creation of the Food and Drug Administration (FDA) charged with testing all foods and drugs destined for human consumption; (2) Requiring prescriptions from licensed physicians before a patient can purchase certain drugs; and (3) Requiring contents of canned food products to be clearly labeled. The law was later amended, and its scope expanded in 1933.

Meat Inspection Act (1906)

Within months of the publication of Upton Sinclair’s novel *The Jungle*, which described in gruesome detail very unhealthy practices in the Chicago meat-packing industry, public demand for reform grew. President Theodore Roosevelt sent Labor Commissioner Charles Neill to explore the industry. He learned that practices there were worse than Sinclair described. A short while later, Congress passed the Meat Inspection Act of 1906. The Act empowered the U. S. Department of Agriculture to inspect all types of cattle, sheep, goats, and horses before and

after they are slaughtered and then processed into products for human consumption. The law applied not only to products processed in the U. S. but also to imported products. The Act established standards for inspecting all meat processing plants that carry on business across state lines. Sanitary standards were set for slaughterhouses and meat processing plants. The law has been amended and strengthened by later acts including 1967's Wholesome Meat and Wholesome Poultry Products Acts.

Federal Reserve Act (1913)

The issue of the national government's involvement in banking has been around almost since the beginning of the nation and the new Constitution. At the urging of Alexander Hamilton, the nation's first Secretary of the Treasury, Congress in 1791 chartered the First Bank of the U. S. which was modeled after Great Britain's central bank. This bank served as the government's fiscal agent, receiving its revenues, holding its deposits, and making its payments. When the bank's charter came up for renewal in 1811, Congress declined to renew it. After the War of 1812, the nation found itself burdened with war debts and an ailing economy, and several influential individuals thought that a new national bank might help resolve these problems. In 1816, Congress chartered the Second Bank of the U. S. for twenty years. Its functions were the same as those of the First Bank of the U. S. When Maryland challenged Congress' constitutional power to create the Second Bank of the U. S., the Supreme Court in *McCulloch v Maryland* unanimously upheld Congress' constitutional power to do so. In 1832, four years before its charter was set to expire, Congress passed a bill to renew the Second Bank's charter, but President Andrew Jackson vetoed the bill. The following year, President Jackson ordered that all U. S. government deposits be removed from the Second Bank of the U. S. and deposited instead in state chartered banks. In 1836, when the Second Bank's charter expired, it ceased to exist, and the nation had no central bank. Following the demise of the Second Bank of the U. S., the financial system of the U. S. entered a period which economic historians call "the free banking era." The only banks in the U. S. were those chartered by the states. For the rest of the century, the nation experienced several financial panics in 1857, 1873, and 1893. In 1907 the U. S. experienced a crisis called "the Wall Street Panic" which, at that time in history, was the worst economic depression in U. S. history. Many banks collapsed; the nation's unemployment rate reached 20 percent; and millions lost their deposits. The final result of the Panic of 1907 was the Federal Reserve Act of 1913. The Federal Reserve System, created by this 1913 law was like its predecessors in several respects. It issued notes or currency, served as the government's fiscal agent, received revenue, issued notes, and made payments for the government. The Federal Reserve System has twelve Reserve Banks scattered throughout the country. The Federal Reserve System today is not quite the same as it was when created in 1913 as it has undergone some overhaul. Among other responsibilities, "the Fed," as it is often called, has been charged with controlling the money supply for the purpose of promoting economic stability. Supervising the Federal Reserve System today is a seven-member Board of Governors who are appointed by the President with Senate approval. Among the Federal Reserve's duties today are: (1) conducting the nation's monetary policy by influencing the monetary and credit conditions in the economy in pursuit of maximum employment, stable prices, and moderate long-term interest rates; and (2) supervising and regulating banking institutions to ensure the safety and soundness of the nation's banking and financial system and to protect the credit rights of consumers.

National Park Service Act (1916)

Theodore Roosevelt is regarded among historians as the nation's "conservation President." The conservation and preservation of the nation's natural resources had increasingly become of major concern to Roosevelt. During his presidency (1901-1908), Roosevelt used his authority to protect wildlife and public lands by creating the U. S. Forest Service and establishing bird reservations, game preserves, national forests, and national parks. In 1906, he persuaded Congress to pass the American Antiquities Act which Roosevelt used to create several national monuments. There was a growing recognition, however, in the early years of the 20th century that parks, battlefields, archeological sites, Indian ruins and artifacts, and other natural wonders needed to be protected as the population grew and the nation's treasures became accessible to more people. In the beginning, the parks, etc. were under the management of the state where they were located or the U. S. Army. The nation's natural treasures were poorly or ineffectively managed. For this reason, individuals and groups began to lobby for the U. S. to create a single national agency with the responsibility for managing and conserving them. Congress eventually passed the National Park Service Act of 1916. President Woodrow Wilson, a Democrat, signed the bill into law. The caption of the Act explains its purpose: "An Act to establish a National Park Service, and for other purposes." The law goes on to provide that the National Park Service was to be created "to regulate national parks, preserves, and monuments in order to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Today, the National Park Service has under its care 21 different types of units, 401 units in all, including national parks such as Yellowstone, historical parks, military parks, memorials, scenic trails, recreation areas, and sites such as the White House and the National Mall in Washington, D. C.

Great Depression / New Deal

Franklin Delano Roosevelt's First Inaugural Address (1933)

Following his election as President of the U. S. in November, 1932, Franklin D. Roosevelt, in his First Inaugural Address in 1933, famously urged his fellow Americans, millions of whom were out of work at the height of the Great Depression, to demonstrate courage. He proclaimed: "The only thing we have to fear is fear itself."

He explained that because of the nation's financial crisis, "the normal balance of power" in American government needed to be altered. He said that he would "ask the Congress for...broad executive power to wage a war against the emergency as great as the power that would be given to me if we were in fact invaded by a foreign foe."

In his so-called New Deal, Roosevelt thus argued for a shift in the balance of power between the national government and the states in our federal system of government. A substantial growth in the role and power of the national government resulted as a consequence of several major New Deal laws which FDR persuaded Congress to adopt.

Social Security Act (1935)

In the early 20th century the United States was the only developed nation in the Western world which did not have a national social insurance system aimed at assisting those in need. When difficult economic times occurred, workers and the elderly were largely on their own. Government at this point in history had little involvement with caring for the unemployed or the elderly. This was particularly true of the national government. Except for veterans' benefits, the national government did not provide pensions, social insurance, or other forms of assistance. Any relief provided to people was from the private sector or from state or local governments. Only one state, Wisconsin, had adopted an unemployment compensation program and only did so in 1932. Besides helping the unemployed, the other major concern was protection for the growing number of elderly Americans. By 1930, the number of elderly more than doubled. Many elderly lived on the edge of survival and feared that injury, sickness, or economic downturn would ruin them. Following the stock market crash of 1929, the nation and the world experienced what is called the Great Depression during which workers and the elderly found themselves in desperate situations.

One of Franklin D. Roosevelt's first appointments after he was elected President in 1932 was that of Frances Perkins as U. S. Secretary of Labor. She played a key role in what eventually became the Social Security Act of 1935. In 1931 she had gone to England to study that nation's old age pension and unemployment programs. On her return, she urged President Roosevelt to persuade Congress to adopt similar programs for the U. S. Both chambers of Congress adopted the Social Security Act by overwhelming margins, and FDR signed it into law in 1935. The law had four major components: (1) a federal-state unemployment insurance program administered by the states; (2) federal grants to states for welfare payments for needy children, the blind, and the elderly; (3) federal grants to the states for vocational rehabilitation, infant and maternal health, aid to crippled children, and public health programs; and (4) old-age insurance paid directly by the national government to individuals when they retired at age 65, financed by employer and employee taxes while employed. The law has been amended and added to several times since 1937.

In 1937 when the law was challenged as to its constitutionality, the U. S. Supreme Court ruled that Congress had the constitutional power to pass the law.

World War II

Executive Order 9066 (1942)

President Franklin D. Roosevelt issued Executive Order 9066 in 1942 in his capacity as Commander-in-Chief of the nation's armed forces. The order authorized the forced internment or imprisonment of 120,000 men, women, and children of Japanese ancestry including many who were American citizens living on the West Coast of the U. S. to "relocation centers" in the interior of the U. S. They lost their homes, their jobs, other property, and their freedom. None of the citizens or Japanese nationals were ever charged and convicted of any criminal offense. Many had never been to Japan and did not speak Japanese. The order stated that the detentions were necessary because "the successful prosecution of the war requires every possible protection against espionage and against sabotage of national-defense material, national-defense premises and national defense utilities." The fear among many citizens and government

officials on the West Coast was that these Japanese might become spies for the Japanese Empire since the U. S. was now at war following the Japanese attack on Pearl Harbor on December 7, 1941.

Some people argued that the Japanese Americans who were interned were denied their liberty and property without due process of law as required by the U. S. Constitution's Fifth Amendment. The Supreme Court however, in *Korematsu v United States* in 1944 upheld the constitutionality of the Japanese internment as a wartime measure. In 1988, Congress passed and President Ronald Reagan signed the Civil Liberties Act in which the nation officially apologized for the internment, and the U. S. paid each of sixty thousand Japanese American survivors \$20,000 to compensate them for their lost liberty and property.

Servicemen's Readjustment Act (GI Bill of Rights, 1944)

According to Department of Labor estimates, fifteen million men and women in the armed services would be out of work at the end of World War II. Recognizing that wide-spread unemployment could cause an economic depression, the National Resources Planning Board recommended a series of programs to address the needs of ex-servicemen and women and, at the same time, strengthen the economy. The American Legion designed the main features of what became the Servicemen's Readjustment Act. It became known as the GI Bill of Rights because it addressed basic needs of the returning servicemen and women. These included hospitalization, loans to purchase or improve homes and businesses, and grants to pay for education. The act not only benefited qualifying individuals but also stimulated the economy. The bill paid for itself in the form of taxes imposed on beneficiaries whose wages increased because of their education or training or whose profits grew from investments they made using government loans. The long-range, historical impact of the legislation is seen by looking at the statistics. By 1955, the Veterans Administration had granted 4.3 million home loans, totaling \$33 billion. By 1956, when the original law expired, it had disbursed \$14.5 billion to veterans for education and training programs. Congress has extended the GI Bill several times. Nearly 2.3 million Korean War-era veterans and more than 8 million Vietnam-era veterans have participated in the program.

The law contained four important components: (1) authorized up to 52 weeks of unemployment compensation at \$20 per week with adjusted compensation for self-employed veterans restoring themselves in business rather than seeking jobs from others; (2) guaranteed 50 percent of loans up to \$2,000 to veterans with interest not more than 4 percent to purchase a home or a business; (3) authorized \$500 million for construction of additional veterans' facilities, including hospitals; and (4) authorized allowances for four years of individual grants of \$500 a year for training and education, plus monthly subsistence of \$50 a month for single and \$75 a month for married veterans. As commemoration of the 60th anniversary of the legislation in 2004 was given: "Representative Christopher Smith (R-New Jersey), chairman of the House Committee on Veterans' Affairs, remarked ... that "the original GI Bill of Rights 'produced 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another one-million college-educated men and women.'" He noted that "another five million men and women received other schooling or training on the GI Bill, helping to create the modern middle class." Before the GI Bill, the great majority of Americans were renters. Now, most Americans live in their own homes. Half of the college students who used the GI Bill came from homes where neither of their parents had attended college, changing the face of higher education.

Cold War

Economic Cooperation Act (The Marshall Plan 1948)

Europe in the summer of 1945 has been described in the following way: "Much of Europe lay in ruins. In the hardest hit areas, cities were reduced to rubble, bridges destroyed and highways made impassable, crops could not be planted; factories were either crippled or demolished, and production fell to dangerously low levels. Everywhere in areas hit hardest by war, there were refugees and displaced people, many having lost everything but the clothes on their backs." ... "Then came the winter of 1946-1947, the worst in memory, hitting Britain and Western Europe particularly hard, blanketing much of the area with massive snow drifts, downed power lines, and disruption of transportation; an alarming number of people suffered from frostbite and many thousands were on the verge of starvation." As if all of this were not enough, historians point out that "these hardships were accompanied by political and social upheavals throughout the world. China was on the brink of civil war; the Middle East was in turmoil with the agitation for a new state of Israel; the government of Greece was challenged by insurrectionists; Iran and Turkey were threatened by the Soviet Union; communist parties were growing in strength and number in France and Italy; and France, Britain, and the United States were at odds with the Soviet Union over the division and destiny of Germany. Eastern European countries fell under the political and military control of the Soviet Union, and shortly the world was talking about an 'iron curtain' drawn between East and West in Europe and a 'cold war' between the Soviet Union and the West." The United States, like it or not, had been thrust into the role of a world leader, and, for an important moment in American history, the Republican-controlled Congress and the Democratic administration, bitterly scrapping against each other on many domestic fronts, came together to create a bipartisan foreign policy. In a short speech at Harvard University in June 1947, President Harry Truman's Secretary of State George Marshall outlined what became popularly known as the Marshall Plan. Marshall was highly respected by members of both parties in Congress and by world leaders as well and, perhaps most important, he was not a partisan politician. The legislation provided a little over \$6 billion in economic assistance (\$13.5 billion over a four-year period): sixteen nations in Western Europe plus West Germany received \$5.3 billion, and China, Greece, and Turkey received \$700 million in economic and military aid. The Act had to go through annual reauthorizations to fulfill its full \$13.5 billion in assistance. Great Britain, France, Italy, and West Germany were the greatest recipients. The Marshall Plan ended in June 1952. In 1955, former President Harry Truman wrote: "The Marshall Plan was one of America's greatest contributions to the peace of the world. I think the world now realizes that without the Marshall Plan it would have been difficult for Western Europe to remain free from the tyranny of Communism." Speaking in 1997, the former West German leader Helmut Schmidt said: "The United States should not forget that the emerging European Union is one of its own greatest achievements: it would never have happened without the Marshall Plan." The plan helped stabilize democratic governments, assisted European countries to begin the first steps toward economic and political integration, and demonstrated to both former ally and foe, that the United States was willing to provide much-needed assistance at critical times. The plan thrust the United States into the role of international leader.

Interstate Highway Act (Federal-Aid Highway Act of 1956)

Until just before World War I, road building was almost exclusively a county or state government enterprise. Since 1916, the federal government had provided financial assistance and technical support for state primary, secondary and urban highways, and in 1944, after many years of hesitation, Congress enacted legislation to develop an interstate highway system yet failed to appropriate funds for its construction. A few years later, President Dwight Eisenhower played a key role in the passage of the Interstate Highway Act of 1956. An experience which then Lt. Colonel Eisenhower had in the summer of 1919 had a lasting impression on the future President and led him later to become an enthusiastic advocate for an interstate highway system. Eisenhower was an officer in an expedition which the War Department undertook to demonstrate the need for better roads. A caravan of seventy-five trucks, cars, ambulances, and repair cars began a trip across the United States on July 7 at a location near the White House in Washington, D. C. and sixty-two days later ended in San Francisco on September 6. The other experience which left a lasting impression on Eisenhower, was his exposure in World War II to the Autobahn, the advanced highway system of Hitler's Germany. These experiences led Eisenhower to make improvement of the nation's highway system a major domestic priority of his years as President. The Interstate Highway Act provided \$31 billion (\$26 billion federal) for interstate highways with a funding formula of 90% federal and 10% state. A Highway Trust Fund was created to raise \$14.8 billion over a sixteen-year period from increases in taxes on gasoline, diesel, and special motor taxes. The interstate highway system was to be completed by 1969, and was to be at its inception the most complex and expensive public works project ever undertaken in the United States, meeting the burgeoning demand for safe, dependable limited access highway transportation for a growing, increasingly prosperous nation. The project took much longer than expected, cost far more than planned, and was twenty years behind the original schedule. However, it must be noted the interstate highway system has proven to be a remarkably efficient means of transportation and a catalyst for economic growth and prosperity. It comprises less than 1 percent of all highway mileage in the United States, yet transports nearly a quarter of all road traffic. It has spurred lower freight transportation costs, has permitted productivity gains through just-in-time shipping methods, and has been a critical boost to businesses dependent on safe, reliable, highway transportation. Suburban economic growth has been greatly assisted by the interstate system and urban nodes, created around interstate beltways and corridors, have blossomed miles away from downtown. Hundreds of thousands of lives have been spared major injury or death because motorists use the far safer interstate system. It is difficult to imagine what America's transportation network would look like, or how it would function, without the limited-access multi-lane highway system established by Congress in 1956.

John F. Kennedy's Inaugural Address (1961)

After John F. Kennedy became the nation's youngest elected President in the 1960 election, he delivered his Inaugural Address in January, 1961. This was during what is called the Cold War between the U. S. and the Soviet Union when the American public's fears of a nuclear attack were high. Kennedy spoke of "the dark powers of destruction unleashed by science [that could] engulf all humanity in planned or accidental self-destruction." He urged his fellow Americans to feel honored in having the opportunity to courageously defend freedom and work for peace. He said: "Let us never negotiate out of fear. But let us never fear to negotiate...." He concluded his Inaugural Address by referring to the responsibilities of citizenship. In doing so, he uttered the

following, one of the most memorable and often quoted sentences from any presidential inaugural address: “And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.”

Douglas MacArthur’s “Duty, Honor, Country” Speech (1962)

General Douglas MacArthur delivered this “Duty, Honor, Country” speech in 1962 to West Point graduates when he received the Thayer Award which is given to a citizen whose service and accomplishments in the national interest exemplify personal devotion to the ideals expressed in the West Point motto. In his address, MacArthur described the West Point motto, “Duty, Honor, Country,” and the code of perseverance and responsibility and “conduct and chivalry” of the American soldier. He said, “Duty, Honor, Country – those three hallowed words reverently dictate what you want to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.”

Gulf of Tonkin Resolution (1964)

On August 4, 1964, President Lyndon Johnson announced that he had been informed by American armed forces personnel that North Vietnam had fired on American ships in the Gulf of Tonkin near Vietnam. He ordered retaliatory bombing of targets in North Vietnam and asked the U. S. Congress for a resolution supporting his actions. On August 7, 1964, with very little debate, Congress responded by adopting the Gulf of Tonkin Resolution of 1964 by a unanimous vote in the House of Representatives and by an 88-2 vote in the Senate. It contained the following key language which expanded the war power of President Johnson, and later President Richard Nixon, and was used to legally justify their actions leading to greater American involvement in Vietnam: “To promote the maintenance of international peace and security in Southeast Asia, Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attacks against the forces of the U. S. and to prevent any further aggression.” In the undeclared war that followed, the Resolution became the subject of much controversy. At the peak of U. S. involvement in Vietnam in 1969, more than 500,000 U. S. military personnel were involved, and opposition to American involvement grew. The Resolution was finally repealed in January, 1971, and American involvement in Vietnam ended in 1973 even though the war continued until 1975. It is estimated that from 1965-1973, the U. S. spent more than \$120 billion on the conflict. Over 50,000 Americans and over 2,000,000 Vietnamese died. In 1975, the Communists seized control of Saigon, ending the Vietnam War, and the country was unified as the Socialist Republic of Vietnam.

The nation’s involvement in Vietnam drew attention away from Johnson’s Great Society programs for social reform and civil rights. The unpopularity of the war with many Americans also took a toll on Johnson personally, so much so that he eventually decided not to seek re-election as President in 1968. As time passed, doubts arose as to whether or not the North Vietnamese had launched an attack on American ships in the Gulf of Tonkin or at least whether the Johnson administration had exaggerated or inflated what had happened.

American Civil Rights Movement

American Indian Citizenship Act (1924)

The first sentence of Section One of the Fourteenth Amendment added to the U. S. Constitution in 1868 provides that “all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.” This granted African Americans U. S. citizenship. However, Native Americans (American Indians) on their tribal reservations were thought to be excluded. It would be over one-half a century until passage of the American Indian Citizenship Act of 1924 before a large number of Native Americans would be granted U. S. citizenship. Prior to passage of the 1924 law, earlier laws such as the Dawes Act of 1887 had granted land to Native Americans under the belief that if they were landowners, they would pay taxes on the land and thus become productive members of society. In the 20th century, this idea that land ownership was directly tied to the grant of citizenship would be abandoned in favor of a more direct path to citizenship for Native Americans. Before 1924, some Native Americans were already citizens of their states by virtue of state government action. In addition, some had already acquired U. S. citizenship by marrying white men or through military service or special treaties or statutes. However when the American Indian Citizenship Act was passed in 1924, it is estimated almost one-third of Native Americans in the U. S. were not considered citizens. President Calvin Coolidge signed the act into law. The law’s supporters acknowledged that it was passed partially in recognition of the service of thousands of Native Americans in World War I. The caption of the law read: “That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.” The law did not include those Native Americans born before the law’s effective date nor did it include those born outside the U. S. It was not until later years that all those Native Americans born on U. S. soil were declared to be citizens. Some Native Americans given citizenship by the law did not acquire full citizenship rights until later because some states, which still controlled voting rights to a large extent, denied them voting rights. It is important to note that the Native Americans granted citizenship by the law did not surrender their tribal citizenship. Such dual citizenship for Native Americans was allowed. Native Americans themselves did not do much lobbying for the law. Rather, the law was largely shaped by Anglo individuals and groups. Some of the law’s supporters did so because of the “guardianship” status they felt the U. S. government should take to protect Native Americans whom they believed were being taken advantage of by non-indigenous Americans who wanted Native American land. They argued that the U. S. had an obligation to supervise and protect Native Americans. Some Native Americans who opposed the 1924 law were concerned about tribal sovereignty and citizenship, and simply did not trust the U. S. government. They argued that “U. S. citizenship was just another way of absorbing us and destroying our customs and our government. How could these Europeans come over and tell us we were citizens in our own country? We had our own citizenship.” By its {the American Indian Citizenship Act of 1924} provisions all Indians were automatically made U. S. citizens whether they wanted to be or not. Native Americans felt this was a violation of their sovereignty.

Executive Order 10730 (1957)

In 1954 the U. S. Supreme Court ruled in *Brown v Board of Education of Topeka, Kansas* that racial segregation by law in public schools violated the equal protection of the law clause of the U. S. Constitution's Fourteenth Amendment. Public schools were thus under court order to admit African American students to formerly all-white public schools. Orval Faubus, the Governor of Arkansas at the time, opposed racial integration of the state's public schools and called out the state's National Guard to prevent nine African American students from entering Little Rock Central High School.

In his capacity as Commander-in-Chief, President Dwight D. Eisenhower issued Executive Order 10730 in September, 1957, bringing the Arkansas National Guard under federal control to assist in the racial integration of Little Rock Central High School. At the same time, Eisenhower also directed U. S. Army troops from Ft. Leavenworth, Kansas, to go to Little Rock to protect the young African Americans and guarantee that court orders would be executed.

Civil Rights Act (1957)

When President Dwight D. Eisenhower signed the Civil Rights Act of 1957 into law in September of that year, it was the first federal civil rights legislation since Reconstruction. President Truman laid the foundation for this law when he established the President's Committee on Civil Rights in 1946 – a response to growing pressure from the African American community following World War II. Newly returned African American veterans were demanding the most basic of rights – the right to vote – that was being denied them in southern states. The Committee's assignment was to assess whether government at all levels in the U. S. was adequately safeguarding the civil rights of all Americans and to recommend remedial measures to correct any problems detected. In 1947, the Committee issued a report to the President with the title, *To Secure These Rights*. The Committee concluded that African Americans were not the only minorities being denied civil rights in the U. S. and made several recommendations: (1) the creation of a permanent Commission on Civil Rights in the executive branch; (2) the creation of a Civil Rights Division in the Department of Justice headed by an Assistant Attorney General; and (3) the creation of a congressional Joint Standing Committee on Civil Rights. Because of roadblocks it took ten years to secure these modest recommendations with the passage of the Civil Rights Act of 1957. Truman proposed legislation to abolish the poll tax, protect the right to vote for all citizens in federal elections, desegregate the armed forces, withhold federal funds from those who discriminate, outlaw discrimination in interstate transportation, make lynching a federal criminal offense, and eliminate segregation in the nation's capital. He also recommended creation of a Civil Rights Commission in the executive branch, a Joint Congressional Committee on Civil Rights, and a Fair Employment Practices Commission, but Congress did not pass any of Truman's proposals. Not to be completely outdone by Congress' inaction, Truman accomplished some of the Committee's recommendations through Executive Orders: (1) in 1948, an Executive Order desegregating the armed forces; and (2) in 1951, an Executive Order creating a Committee on Government Contract Compliance to make certain that those entering into contracts with the U. S. government comply with nondiscrimination requirements. Most observers at the time did not expect the election of Republican Dwight Eisenhower as President in 1952 to result in vigorous engagement in civil rights issues. However, events in the nation as a whole soon left the President, and eventually Congress, no choice but to engage themselves with civil rights issues. One such event was the National Association for the Advancement of

Colored People (NAACP) gradually chipping away at racial segregation in higher education through victories before the Supreme Court in cases such as *Sweatt v Painter*. In 1954 the Supreme Court ruled that segregation in public schools was unconstitutional in the famous case, *Brown v Board of Education*. Rosa Parks and the Alabama Bus Boycott in 1955 was still another crucial event in the growing civil rights movement. In 1956, in his State of the Union message, Eisenhower asked Congress to create a Civil Rights Commission to investigate charges that African Americans were being denied the right to vote. Later that year, he submitted proposed legislation to implement several recommendations made by Truman's Committee on Civil Rights. Eisenhower's proposal passed the House but died in the Senate. After he was re-elected in 1956, he resubmitted his proposals to Congress. Just as Congress was considering what became the Civil Rights Act of 1957, Arkansas Governor Orval Faubus used the Arkansas National Guard to block the entrance of nine young African Americans into Little Rock Central High School. Eisenhower sent U. S. Army troops to Little Rock to enforce the law. The House of Representatives passed Eisenhower's proposed legislation, but in the Senate, Strom Thurmond of South Carolina spoke non-stop for over 24 hours in a filibuster to prevent passage of the Civil Rights Act. His effort finally failed, and the legislation passed with most southern senators voting "No." At the time the Civil Rights Act of 1957 did not in reality do all that much in ending racial discrimination in the nation other than creating a Civil Rights Division in the Department of Justice.

"Letter from Birmingham Jail" (1963)

Dr. Martin Luther King, Jr. wrote "Letter from Birmingham Jail" in April, 1963 after he was arrested for participating in a civil rights march. It was an open letter meant to be read by all but was written to specifically address eight clergymen who had opposed his protests against racial segregation and his views on civil rights. King defended his exercise of First Amendment freedoms and explained what motivated his actions.

He wrote: "I am in Birmingham because injustice is here. Injustice anywhere is a threat to justice everywhere." He explained his struggle for natural rights, including those protected by the U. S. Constitution: "We have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily...We have waited for more than 340 years for our constitutional and God-given rights."

Finally, he urged nonviolent civil disobedience as a means of securing justice. He wrote: "One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws... Thus it is that I can urge men to obey the *Brown v Board of Education* (1954) decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong."

King's letter was published in newspapers across the country and helped to gain broader support for the civil rights movement.

Martin Luther King, Jr.'s "I Have a Dream" Speech" (1963)

Dr. Martin Luther King, Jr. delivered his "I Have a Dream" speech on the steps of the Lincoln Memorial during the March on Washington in August, 1963, when a quarter of a million people exercised their constitutional right of peaceable assembly to protest racial segregation and discrimination. King discussed the liberty and equality guaranteed in the Founding documents of the U. S. and how America was committed to the principle of extending those promises to all Americans, including African Americans. He said he and his fellow Americans stood in the "symbolic shadow" of Abraham Lincoln and referenced the Emancipation Proclamation, issued a century earlier, and its promise of freedom for slaves. "But," he noted, "one hundred years later, the Negro still is not free." He continued: "When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence they were signing a promissory note to which every American was to fall heir." But, he pointed out, the country had defaulted on the promissory note, and freedom and equality were not yet a reality. Again referencing the Declaration of Independence, King proclaimed: "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal.'"

Civil Rights Act (1964)

In the early 1960s, several important events involving civil rights, and particularly racial discrimination, persuaded many citizens and political leaders that the time had come to act. In June, 1963, President John F. Kennedy sent Congress a major civil rights bill, the heart of which was a proposal to forbid racial discrimination in public accommodations such as hotels and restaurants and end employer discrimination. In August, 1963, Dr. Martin Luther King, Jr. and over 200,000 others participated in the March on Washington where King delivered his "I Have a Dream" speech. In the fall of 1963, two events occurred which finally led to the passage of civil rights legislation. First, a bomb exploded in a Baptist church in Birmingham, Alabama, killing four young African American girls. Later in November in Dallas, Texas, President Kennedy was assassinated, and Vice President Lyndon Johnson of Texas became President. Two days after Kennedy's burial, Johnson addressed a joint session of Congress in which he said that the greatest way to honor Kennedy's memory would be to pass what became the Civil Rights Act of 1964. In the U. S. Senate, the key to the success of the legislation was the Republican Minority Leader Everett McKinley Dirksen of Illinois, and some other moderate Republicans, since it was known that many Democratic senators from the South would oppose the legislation. Congress based its constitutional authority to pass the law not on the Fourteenth Amendment's equal protection of the laws clause but rather on the power given Congress by Article I, Section 8 of the Constitution to regulate commerce with foreign nations and among the states.

The Civil Rights Act of 1964 has several major provisions: (1) a ban on racial discrimination because of race, color, religion, or national origin in public accommodations such as restaurants, hotels, etc.; (2) a declaration that any government agency receiving federal funds could lose those funds if engaged in unlawful discrimination; and (3) a declaration making it unlawful for employers, employment agencies, labor unions, or training programs to discriminate because of race, color, religion, sex, or national origin in hiring, discharging, or conditions of employment.

When the law's constitutionality was challenged before the U. S. Supreme Court in 1964 in *Heart of Atlanta Motel v U. S.* and *Katzenbach v McClung*, the Court unanimously upheld its constitutionality. As one historian has written, "it remains the broadest, most effective, and most important civil rights bill passed since Reconstruction."

Voting Rights Act (1965)

By the early 20th Century, denial of African Americans' right to vote throughout the South was extensive and remained almost unchanged for the next sixty years. In December, 1964, returning from Europe after receiving the Nobel Peace Prize, Martin Luther King, Jr. met with President Lyndon Johnson and urged him to propose a voting rights bill to Congress. In early 1965, Johnson met several times with King and other leaders of the civil rights movement. In March, 1965, "Bloody Sunday" occurred in Selma, Alabama. To the horror of Americans watching on television, civil rights marchers were brutally attacked by Alabama law enforcement officers. On March 15, 1965, Johnson appeared before a joint session of Congress to propose a voting rights bill. Johnson began his address with these words: "I speak tonight for the dignity of man and the destiny of democracy." He continued: "It is wrong – deadly wrong – to deny any of your fellow Americans the right to vote in this country." Finally, he concluded: "What happened in Selma is part of a far larger movement which reaches into every section and state of America. It is the effort of American Negroes to secure for themselves the full blessings of American life. Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome."

Using the enforcement clause of the Constitution's Fifteenth Amendment, both chambers of Congress passed the Voting Rights Act by overwhelming votes, and Johnson signed it into law on August 6, 1965. Among the law's major provisions are the following: (1) prohibits nationwide denial of the right to vote based on literacy tests; (2) certain state and local areas where less than 50% of eligible voters had voted in 1964 came under federal supervision and could only escape from such by demonstrating to the U. S. Attorney General that the area had not used any test or device that interfered with voting in the past five years; (3) state or local governments covered by the law considering any change in their voting or election procedures had to submit the proposed change for "pre-clearance" by the U. S. Department of Justice or the U. S. District Court in the District of Columbia; and (4) the U. S. Attorney General could send poll watchers and federal examiners to any of the covered areas to register voters and supervise elections. In 1966, in *South Carolina v Katzenbach*, the U. S. Supreme Court upheld the constitutionality of the Voting Rights Act. Congress reauthorized and extended the legislation several times in later years, including extending it to "language minorities" and requiring bilingual ballots. The law resulted in dramatic increases in the number of African American voters. However, the usefulness of the law has been called into question by a 2013 U. S. Supreme Court decision in *Shelby County, Alabama v Holder* where the Court declared the "coverage formula" of the law unconstitutional.

Contemporary America

Medicare and Medicaid Act (1965)

Before passage of the Medicare and Medicaid Act of 1965, Americans had been required to fend for themselves when they became ill or aged. But in the 20th century, thinking about society's responsibility to the ill and aged began to change as the nation became more industrialized, as more and more people were moving to cities (and away from families in the country), as the role of the extended family in people's lives diminished, and as life expectancy rose. Then the Great Depression of the 1930s hit, leaving large segments of the population destitute. In response, the administration of President Franklin D. Roosevelt passed the Social Security Act of 1935 which

would provide at least a minimal income, financed by a payroll tax, for persons aged sixty-five and older as well as for widows and those with disabilities. However, health care was not included. According to the 1950 census, the number of senior citizens in the U. S. had grown from 3 million in 1900 to 12 million in 1950. Two-thirds of older Americans had incomes of less than \$1,000 annually, and only one in eight had health insurance. From 1950-1963, the number of older Americans went from 12 million to 17.5 million. During the same period, the cost of hospital care rose at a rate of nearly seven percent per year. As the nation entered the 1950s, those concerned with national health care decided that the best strategy to achieve such might be to concentrate on health care for the elderly rather than for the entire population and to do so through amendments to the existing Social Security law. Every time legislation to provide health care for older Americans, the American Medical Association vigorously fought against it. With the 1964 presidential election, the two candidates were poles apart on federal health care. President Johnson urged Medicare's passage; Arizona Senator Barry Goldwater, the Republican nominee, was adamantly against it. Lyndon Johnson won an extraordinary victory in November, 1964, and progressive-minded Democrats swept into Congress, giving Johnson overwhelming majorities in both chambers. Surprisingly, a long-time opponent of previous attempts to pass Medicare, Wilbur Mills, now saw the wisdom of medical care reform. In a brilliant stroke, he cobbled together the administration's bill (hospital coverage), with a Republican substitute (doctors' fees), and joined them with medical assistance for the poor (Medicaid). Mills characterized it as a 'three-layer cake,' and it soon became the law of the land." Mills introduced the measure in the House where it passed by a vote of 313 to 115. After a lively debate in the Senate, the legislation passed by a vote of 68-21. In order to honor former President Truman for his long-time support of this kind of legislation, President Johnson chose the Truman Presidential Library in Independence, Missouri, as the site for the signing ceremony. With Truman at Johnson's side, the former President was enrolled as Medicare's first beneficiary. The Social Security Act Amendments of 1965 contained two key parts: Title XVIII, Medicare and Title XIX, Medicaid. Title XVIII, Medicare had two basic components. Part A provided Hospital Insurance which covered hospital, skilled nursing, and home health care services. Part A was to be funded by payroll taxes under Social Security, and beneficiaries were to be those 65 and older who are eligible for Social Security. Part B provided Supplemental Medical Insurance to cover the health care services not covered by Part A, generally those provided on an outpatient basis. These include X-rays, diagnostic tests, chemotherapy and dialysis, as well as such necessities as canes, walkers, prosthetic devices, and eyeglasses. It covers those eligible for Social Security and is funded by general revenues and patient deductibles. Title XIX, Medicaid provides health insurance with benefits similar to those provided for Medicare for persons of low income, regardless of age. Medicaid is funded jointly by federal and state governments with the federal government's portion coming from general revenue funds rather than from payroll taxes. President George W. Bush signed into law the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, creating the first major benefit expansion since the program was established in 1965.

Immigration and Nationality Act Amendments (Hart-Celler Act 1965)

Previous attempts by Congress to adopt immigration laws had relied on complex quota systems that usually favored Western Europe immigrants or limiting the number of immigrants based on a percentage of the number that were currently living in the U.S. By the early 1960s, there was talk of reforming the nation's immigration policy. This was in part due to the growing strength of

the civil rights movement in the U. S. and in part to the feeling of some U. S. leaders that such reform would help the nation's appeal to the rest of the world in our "Cold War" competition with the Soviet Union. President John F. Kennedy spoke out in favor of reform in June, 1963, when he referred to the old quota system as "intolerable." After Kennedy's assassination, Congress began debating a bill co-sponsored by Representative Emanuel Celler (Democrat-New York) and Senator Philip Hart (Democrat-Michigan) and strongly supported by Senator Ted Kennedy (Democrat-Massachusetts). The law abolished the long-time quota system based on national origin which favored immigrants from Northern and Western Europe and marked a dramatic break with past immigration policy. It placed a much heavier emphasis on family reunification. It set an annual ceiling of 170,000 immigrants from nations of the Eastern Hemisphere and a limit of 20,000 per nation. Unlike the quota laws of previous years, it set an annual ceiling of 120,000 immigrants from nations of the Western Hemisphere but with no per-nation limits. It created an ordering of preferences in the distribution of visas with seven desirable qualifications including: family reunification, refugee status, professionals, artists, scientists, and skilled and unskilled laborers in occupations with insufficient labor supply in the U. S. According to some observers, the law had at least one unintended effect: massive illegal immigration across the southern border of the U. S. This was because the 120,000 annual ceiling on immigration from nations of the Western Hemisphere did not provide enough slots for the rapidly growing population of Mexico, many of whose residents decided to flee to the U. S. In the first five years after the 1965 Act's adoption, immigration to the U. S. from Asian countries – especially those fleeing from war-torn Southeast Asia (Vietnam, Cambodia) – would more than quadruple. Under past U. S. immigration policy, Asian immigration had been largely barred. Other Cold War conflicts of the 60s and 70s saw many people fleeing poverty or the hardships of Communist regimes in Cuba, Eastern Europe, and elsewhere coming to the U. S. All told, in the three decades following passage of the 1965 law, more than 18 million legal immigrants entered the U. S., more than three times the number admitted over the preceding 30 years. By the end of the 20th century, the policy placed into effect by the Immigration and Nationality Act Amendments of 1965 had greatly changed the face of the nation's population.

Clean Air Act (1970)

Congress outlined the purpose of the Clean Air Act of 1970 in Title I of the law: "to encourage or otherwise promote reasonable Federal, State, and local governmental actions ... for pollution prevention." The law states that "air pollution prevention ... and air pollution control at its source is the primary responsibility of state and local governments," However, in the law, Congress pledges to provide financial aid for "the development of cooperative federal, state, regional, and local programs to prevent and control air pollution." Observers point out: "The law was passed at a time of growing environmental awareness in the U. S. On April 2, 1970, the first Earth Day took place as a grassroots movement to call the public's attention to all forms of environmental degradation, and throughout the 1970s, numerous laws were passed to protect the nation's environment." Dense, visible smog surrounding several of the nation's largest urban areas also prompted passage of the law as more and more Americans became concerned about health problems caused by air pollution. Congress had passed earlier laws in 1955, 1963, and 1967 dealing with air pollution, but the Clean Air Act of 1970, in reality a series of amendments to the 1963 law, expanded the federal government's role. At about the same time that Congress was passing the Clean Air Act of 1970, the Nixon administration created the Environmental Protection Agency (E.P.A.) and directed it to oversee the Clean Air Act. The law authorized the

development of federal and state regulations to limit air pollution from stationary sources such as factories and from mobile sources such as cars and airplanes. The law established four plans aimed at stationary sources of pollution: (1) the National Ambient Air Quality Standards which targeted major chemical pollutants such as sulfur dioxide and nitrogen oxide; (2) the State Implementation Plans which required the states to develop methods to reduce air pollutants and to meet air quality standards and provided that if a state failed, or refused, to form such a plan, the federal government could administer the law in that state; (3) the New Source Performance Standards the purpose of which was to determine how much pollution should be allowed by industries in different regions of the nation, particularly at newly constructed industries; and (4) the National Emission Standards for Hazardous Air Pollutants which specified a list of almost 200 pollutants and directed the EPA to develop standards for controlling them.

Title IX of the Education Amendments (1972)

Renamed in 2002 as the Patsy Mink Equal Opportunity in Education Act in honor of Representative Patsy Mink (D-Hawaii), the person recognized as its major author and sponsor, Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964 begins with these words: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." The law has been used to promote equity in education by making sure that girls and women receive equal resources and treatment in the classroom from the elementary to the university level and to lead the way in establishing women's athletic programs. It also includes provisions that hold schools liable for sex discrimination and harassment which is defined as unwelcome conduct of a sexual nature. The law applies to every aspect of education programs such as admissions, recruitment, academics, employment, athletics, and student services. The Office for Civil Rights of the Department of Education is the primary federal agency responsible for overseeing the law. "Before Title IX, few opportunities existed for female athletes. The National Collegiate Athletic Association (NCAA) which was created in 1906 to format and enforce rules in men's football but had become the ruling body of college athletics, offered no athletic scholarships for women and held no championships for women's teams. Furthermore, supplies and funding were lacking. As a result, in 1972, there were just 30,000 women participating in NCAA sports, as opposed to 170,000 men. As to the significance or effect of Title IX, "since the enactment of Title IX, women's participation in sports has grown exponentially. In high school, the number of girl athletes has increased from just 295,000 in 1972 to more than 2.6 million. In college, the number has grown from 30,000 to more than 150,000. In addition, Title IX is credited with decreasing the dropout rate of girls from high school and increasing the number of women who pursue higher education and complete college degrees.

War Powers Resolution (1973)

Article I, Section 8 of the U. S. Constitution gives Congress the power to declare war, but Article II, Section 2 makes the President the Commander-in-Chief of the armed forces of the U. S. The last time Congress formally declared war was in World War II. Meanwhile, since World War II, the nation had been involved in undeclared wars in Korea and Vietnam. Some American citizens and governmental figures had grown concerned by Presidents of the U. S. involving the nation in such wars without a formal congressional declaration of war.

Congress finally adopted the War Powers Resolution of 1973 over President Richard Nixon's veto as a response to executive interpretation of, and action under, the 1964 Gulf of Tonkin Resolution. Even though Congress had repealed the Gulf of Tonkin Resolution in 1971, some members felt that Congress needed to act to prevent future presidential action committing American armed forces abroad without congressional involvement. The War Powers Resolution provides that the President can only commit American forces abroad if Congress has declared war or has specifically authorized the President to do so or a national emergency exists because of an attack on the U. S., its territory, or its armed forces. Whenever possible, the law provides, the President shall consult with Congress before committing troops into hostilities. In the absence of a congressional declaration of war when American troops have been introduced abroad, the law states, the President within 48 hours must submit to the presiding officers of the Senate and the House a written report explaining the circumstances necessitating the commitment abroad and an estimate of the duration and scope of the involvement. Furthermore, the law provides, within 60 days after the President submits the written report, he must terminate the commitment abroad unless Congress has declared war or specifically authorized their continuation abroad or extended the 60-day period. However, the law states, the extension may only be for 30 days unless the President determines and certifies to Congress in writing that the safety of the armed forces requires their continued presence abroad.

The consensus has been that the War Powers Resolution has been largely ineffective in limiting presidential ability to commit troops abroad and has, in fact, authorized the President to commit troops abroad for 60 or 90 days.

Endangered Species Act (1973)

President Richard Nixon in December, 1973, signed into law "An Act to Provide for the Conservation of Endangered and Threatened Species of Fish, Wildlife, and Plants, and for Other Purposes," also known as the Endangered Species Act. For many years, individuals and groups in the United States had become concerned about the possibility of species such as the bison, the whooping crane, the bald eagle, as well as other species, becoming extinct. Although earlier efforts to protect certain specific species had been undertaken, there was a growing feeling among many of those concerned with the issue that a more comprehensive law aimed at protecting endangered species and their habitats was essential. The law makes it clear that a species cannot be listed as "endangered or threatened" just because an individual or group says it is. Rather, it spells out in some detail how this is done and by whom. It provides for gathering data, conducting public hearings, notifying the public, and reviewing findings and past actions. Two agencies – the U. S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration – have been given the responsibility of enforcing the law. A portion of the law enumerates the main factors which determine if a species is listed as endangered: (1) whether the species is losing its habitat; (2) whether the species is being overused for commercial, scientific, or recreational purposes; and (3) whether the species' numbers have been diminished because of disease or predators. As a general rule, either the Fish and Wildlife Service or a private individual or group can propose that a certain species be listed. However, the law provides that, "after the best scientific data available" is consulted, the U. S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration determine if the species should be placed on the endangered list. The law dictates that a "recovery plan" for that species be implemented and that every five years whether the species should continue to be listed must

be reviewed. Of great significance, and the cause of some controversy, the law not only protects the species but also its habitat. The law thus gives the government authority to determine that public or private land is habitat which must be preserved to protect an endangered species. This means, for instance, that a landowner can be restricted as to how he or she uses the land if that land is habitat for a species on the endangered list. The act was amended in 1978 to include the words “after taking into consideration the economic impact.” Accordingly, “the Secretary of the Interior may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat – with the caveat that he cannot do so if failure to designate such area as critical habitat will result in the extinction of the species concerned.” Results published by the U. S. Fish and Wildlife Service in 2009 has listed about 1,200 animals and 750 plants as endangered or threatened. Some species have made remarkable recoveries since being listed, including the peregrine falcon, the bald eagle, the whooping crane, the grizzly bear, the red wolf, the gray wolf, and the gray whale. Overall, about fifty species have been delisted, twenty-two of those because they have recovered and are no longer threatened or endangered.

Community Reinvestment Act (1977)

Passed by Congress and signed into law by President Jimmy Carter in 1977, the Community Reinvestment Act requires financial institutions to help meet the credit needs of the communities in which they operate, including low and moderate income neighborhoods, consistent with safe and sound operations. The law provides that a bank’s record in meeting the credit needs of its entire community be evaluated by the appropriate federal financial supervisory agency periodically, that the public can submit comments on a bank’s performance, and that the bank’s CRA performance record is considered when making decisions relative to that bank. Apparently, one of the main concerns of those who crafted the legislation, including its chief sponsor and principal proponent Senator William Proxmire (D-Wisconsin), was “redlining,” the alleged practice of banks refusing to grant loans in certain neighborhoods involving significant risks such as a decline in the market value of property because of problems such as gangs, crime, and vandalism. It appeared also that many unsuccessful applicants were African Americans and Hispanics. Critics of the law argue that it forces banks to lend to people even if such loans cannot be justified on the basis of profitability. Some critics argue, for example, that the CRA, by encouraging banks to make risky loans, was responsible for the so-called “housing bubble” that contributed to the economic recession of 2008.

Ronald Reagan’s First Inaugural Address (1981)

With the U. S. in a deep recession, Republican presidential nominee Ronald Reagan in 1980 ran against incumbent Democratic President Jimmy Carter who was seeking a second term. Reagan ran a campaign based on promises of lower taxes, a strong national defense, and less government involvement in individuals’ lives. After Reagan was elected President, in his First Inaugural Address in January, 1981, he stressed the importance of courage and perseverance and elaborated on his belief that liberty thrived under limited government. He said: “We are a nation that has a government — not the other way around. And this makes us special among the nations of the earth. Our government has no power except that granted it by the people. It is time to check and reverse the growth of government...”

He carried out his plan by threatening to veto any tax increase Congress passed. He successfully proposed tax cuts and reductions in funding for some domestic programs, while proposing increased spending on defense. Some historians credit Reagan's policies for helping boost the U. S. economy by the mid-1980s. Critics, on the other hand, assert that Reagan's tax plan unfairly benefited the wealthy and blamed "trickle-down economics" for producing large deficits that increased the national debt.

Reagan was re-elected to a second term in 1984 by one of the largest landslides in American political history.

Immigration Reform and Control Act (The Simpson-Mazzoli Act, 1986)

Signed into law by President Ronald Reagan in November, 1986, the Immigration Reform and Control Act is also known as the Simpson-Mazzoli Act in honor of its Senate and House sponsors, Senator Alan Simpson (R-Wyoming) and Representative Romano Mazzoli (D-Kentucky). The two major restrictive provisions in this 1986 law were: (1) sanctions in the form of fines for employers knowingly hiring, recruiting, or referring for a fee aliens not legally authorized to work in the U. S.; and (2) enhanced enforcement of U. S. borders by increased expenditures for equipment and personnel in order to regain control of the nation's borders. A separate section of the act made it much easier to enter the United States. Against the advice of the INS, Congress created an experimental Visa Waiver pilot program allowing certain tourists and certain other nonimmigrant aliens to enter the U. S. without applying for a nonimmigrant visa. The program caught on, and, fifteen years later, became notorious when it became known that some of the terrorists who executed the mass murder on September 11, 2011, had entered under this program, which, in the meantime, had become greatly expanded. Another provision authorized legalization for immigrants who either entered the country illegally or entered legally on tourist or other visas and overstayed their authorized stay and had resided in the U. S. since January 1, 1982. This created a so-called amnesty program.

Americans with Disabilities Act (1990)

In 1988, the National Council on Disability, a council established by Congress to advise the President and the Congress on issues impacting persons with disabilities, drafted the original version of what became the Americans with Disabilities Act of 1990. The Senate adopted the ADA by a vote of 91-6 and the House of Representatives did so by a vote of 377-28, and President George H. W. Bush signed it into law on July 26, 1990. The Equal Employment Opportunity Commission (EEOC) is the federal agency with the job of enforcing the various provisions of the ADA. Section 2 of the law spells out Congress' Findings: "The Congress finds that some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older." Historically, society has tended to isolate, segregate, and discriminate individuals with disabilities. The same Section 2 spells out the purpose of the law: "It is the purpose of this Act to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." It also establishes the nation's goals relative to persons with disabilities: "The nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals."

Since the ADA was signed into law in 1990, its provisions, enforcement measures, and effectiveness have all come under scrutiny. Supporters have credited the ADA with improving the quality of life of millions of disabled citizens and opening new economic opportunities for disabled workers across the nation. In addition, historians have noted “the landmark civil rights law changed the way U. S. businesses and institutions understand the rights and abilities of disabled citizens.”

Sections of the U. S. A. PATRIOT Act (2001)

Following the terrorist attacks on September 11, 2001, in New York City, Washington, D. C., and Pennsylvania, the U. S. Congress by overwhelming votes in both chambers and little debate passed the U. S. A. PATRIOT Act (an acronym standing for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). President George W. Bush signed it into law. Its purpose was “to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.” The law greatly increased the authority and power of the executive branch of U. S. government. Specifically, the law expands the authority of law enforcement and intelligence agencies to gather information. Prior to passage of this law, the U. S. Code narrowly defined the circumstances under which authorities could engage in electronic eavesdropping. Telephone wiretaps, for example, had to be authorized by a court and could be used only to investigate serious criminal offenses. Under the PATRIOT Act, authorities can monitor both Internet and telephone activity without having to convince a judge that there was probable cause that the search would provide evidence of criminal activity. Also, before the PATRIOT Act, court approved wiretapping and other forms of electronic surveillance were limited to certain individuals and circumstances. Other provisions of the law expanded government’s authority to examine financial transactions, especially those involving foreign individuals and entities. The U. S. Department of Justice reported that less than three years after the law was enacted, it had allowed authorities to snag more than 300 terrorist suspects.

Some portions of the law have been criticized as violations of the U. S. Constitution’s First, Fourth, or Fifth Amendments as well as the right to privacy. Without question, the PATRIOT Act has had an impact in several areas of American life. Congress has reauthorized the law more than once since 2001.

American Recovery and Reinvestment Act (2009)

President Barack Obama signed the American Recovery and Reinvestment Act into law in February, 2009. The legislation’s longer title reveals much about its content: “An Act making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.” The impetus for the proposed legislation was the fact that by the latter part of 2007 and the early part of 2008, there was growing evidence of serious problems with the nation’s economy. As proposed by the Obama administration and introduced in Congress, the legislation had three immediate goals: (1) create new jobs and save existing ones; (2) spur economic activity and invest in long-term growth; and (3) foster accountability and transparency in government spending. The Recovery Act intended to achieve these goals by providing \$787 billion (increased to \$840 billion in 2011) in: (1) tax cuts and benefits for millions of working families and businesses; (2) funding for

entitlement programs such as unemployment benefits; and (3) funding for federal contracts, grants, and loans. Here are two examples of how money has been spent: (1) “The General Services Administration has used \$5.5 billion in Recovery Act funds to convert federal buildings to high performance green buildings and to build new, energy-efficient federal offices, courthouses, and land ports of entry.” (www.gsa.gov/portal/category/100000) (2) “As of September 30, 2010, the Department of Education’s entire \$97.4 billion in Recovery Act appropriations has been awarded. Grant recipients reported that approximately 275,000 education jobs, such as teachers, principals, librarians, and counselors, were served or created with this funding during the most recent quarter.” The stimulus included about \$90 billion for clean energy, including wind, solar, and other renewables; energy efficiency in every form; advanced biofuels; electric vehicles; a smarter grid; and cleaner coal. While the stimulus isn’t the New Deal, it is similar in that it was a massive exercise in response to an economic collapse.