TEXAS CITIZEN BEE STUDY GUIDE FOR STUDENTS

2027 Regional and State Edition

PEOPLE

Foundation of the Nation

William Blackstone (1723-1780)
William Blackstone was an English Jurist, the first Vinerian professor of law at Oxford, and Solicitor General to the Queen. Before Blackstone joined the faculty, English universities had focused exclusively on the study of Roman law. Blackstone authored *Commentaries on the Laws of England* widely regarded as the most complete and readable commentary on English law. The Supreme Court often references Blackstone's writing as a source for determining the intent of the Founders when interpreting the Constitution.

Abigail Adams (1744-1818}
Abigail Adams was born in Massachusetts, a descendant of the distinguished Quincy family. She married young lawyer John Adams in 1764. They settled on a farm in Braintree, Massachusetts. The couple had four surviving children, including son John Quincy Adams. Abigail raised the children and ran the farm while John traveled as a circuit judge and later while he served overseas. She and John corresponded through their long separations and her letters tell of her loneliness, but she persevered with courage and industry.

Abigail often shared her views with John on political matters. She famously requested of the members of the Continental Congress: "I long to hear that you have declared an independency. And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation." Later, while John was president, she also told him that she believed there was a need for the Alien and Sedition Acts.

John Adams (1735-1826)
John Adams was born in Massachusetts, the second cousin of Samuel Adams. He began his law practice after graduating from Harvard. A defining moment in his young life was watching James Otis's courtroom challenge of British writs of assistance, which was based on natural rights theory. The speech filled Adams with zeal for liberty, and Adams would remember it into his old age. Willing to take unpopular stands, Adams courageously defended the British soldiers accused in the Boston Massacre. Advising the courtroom to avoid relying on passion as a guide, he emphasized that "Facts are stubborn things."

Adams drafted the Massachusetts Constitution and Declaration of Rights and served in the Continental Congress where he was a leading advocate of independence. He seconded the Lee Resolution and served on the committee to draft the Declaration of Independence (though the

writing was done by Thomas Jefferson). He signed the Treaty of Paris with Benjamin Franklin and John Jay and completed diplomatic missions in Europe. He was serving overseas as the Constitution was being drafted. He and his friend Jefferson wrote to James Madison urging the addition of a bill of rights.

Adams served as the country's first Vice President under George Washington from 1789-1797. He was elected the second President of the United States in 1796. As President, he kept the United States out of war with France but signed the controversial and probably unconstitutional Alien and Sedition Acts. He also signed the Judiciary Act of 1801. Six months before he died, Adams' son John Quincy Adams became the sixth president of the United States. Adams died fifty years to the day after the adoption of the Declaration of Independence.

Samuel Adams (1722-1803)
Samuel Adams was born in Massachusetts, the second cousin of John Adams. He worked at various businesses after graduating from Harvard. During the 1760s, Adams became a leader of Patriot resistance to the British government's attempts to tax the colonies. Adams organized the Sons of Liberty with James Otis and John Hancock. This group took the lead in resisting the Stamp Act and Townshend Duties. Adams was soon famous throughout the colonies.

In 1772 Adams authored The Rights of the Colonists, which appealed to the concepts of the rights of Englishmen and natural rights theory. When Parliament passed the Tea Act, Adams organized the Boston Tea Party. In this nighttime raid, 150 Sons of Liberty members dumped 342 chests of British Tea into Boston Harbor. The governor of Massachusetts pardoned all the members of the Boston resistance except for Adams and Hancock. The shots in Lexington that began the Revolutionary War were fired on British troops with orders to arrest the two men, but they escaped capture.

Adams signed the Declaration of Independence and helped write the Massachusetts Constitution and the Articles of Confederation. Suspicious of strong governmental power, Adams rejected the purpose of the Constitutional Convention—to strengthen the central government—and did not attend. He eventually supported the Constitution after the Bill of Rights was added.

James Armistead (1748-1830)
In the Revolutionary War, one of General George Washington's most effective weapons against the British was an African American slave named James Armistead. Armistead was enlisted as a patriotic spy who worked as a "double-agent" on behalf of the United States. Pretending to be a runaway slave, Armistead was able to infiltrate the British defenses and acquire countless important British war secrets which helped turn the tide of the Revolution in favor of the Americans. Marquis de Lafayette helped him by writing a letter of recommendation for his freedom, which was granted in 1787. In gratitude, Armistead adopted Lafayette's surname and lived as a farmer in Virginia until his death in 1830.

Crispus Attucks (1723-1770)
In 1770, Crispus Attucks, an African American former slave, was the first of five unarmed American civilians to be shot and killed by British soldiers in a riot known as the Boston Massacre. Attucks was credited as the leader and instigator of the heroic upheaval against the

British army. The events of that fateful day eventually led to the American Revolution and the fight for ultimate freedom. A “Crispus Attucks Day” was inaugurated by African American abolitionists in 1858. In 1888 the Crispus Attucks Monument was built on Boston Common. And in 1998 a commemorative Silver Dollar was minted honoring Crispus Attucks and the overall efforts of black patriots in the Revolutionary War. His death has forever linked his name with the cause of freedom.

Charles Carroll (1737-1832)
Charles Carroll was born in Maryland in 1737. Educated in Europe, he quickly became involved with the revolutionary spirit when he returned to America. When Maryland decided to send delegates to the Continental Congress, Carroll was one of those chosen. He wasn’t in time to vote for the Declaration of Independence, but he was there to sign the document. He served on the Board of War during the Revolution. After the war, he was involved in setting up the state government of Maryland and served a brief time as the only Catholic in the U.S. Senate once the U.S. Constitution was ratified. He was the last surviving signer of the Declaration when he died in 1832 at the age of 95.

Wentworth Cheswell (1746-1817)
Wentworth Cheswell was a beloved and respected patriot. He was a grandson of the first African American land owner in New Hampshire. Cheswell’s life revolved around freedom, justice and the betterment of American citizens. At an early age, Cheswell became an influential town leader, judge, historian, schoolmaster, archeologist and soldier in the American Revolution. After his studies at Dummer Academy, he became a schoolteacher and was then elected town messenger for the regional Committee of Safety, one of the many groups established in Colonial America to monitor events pertaining to public welfare. As an enlisted man in the American Revolution, he served under Colonel John Langdon in the Company of Light Horse Volunteers at the Saratoga campaign. Cheswell and his wife had 13 children. He was very active in public life in New Hampshire.

John Dickinson (1732-1808)
John Dickinson was born in Maryland, and his family soon moved to Delaware. He practiced law in Philadelphia and served in both the Delaware and Pennsylvania assemblies. Historians believe him to be the author of *Letters from a Farmer in Pennsylvania* (1767-1768) which called for resistance to British policies while urging reconciliation. Dickinson also wrote America’s first patriotic song, “The Liberty Song.”

In 1775, Dickinson and Thomas Jefferson wrote Declaration of the Causes of Taking Up Arms. In this document, Dickinson reassured the British King that the colonists were not raising an army with the intent of establishing independence. When Congress debated the Declaration of Independence the next year, Dickinson objected to its strong wording. In what many saw as a sign of integrity, he left Philadelphia when it became clear that Congress would approve the Lee Resolution. Once independence was declared, Dickinson dropped his objections and helped draft the Articles of Confederation. He served as governor of Delaware before being elected governor of Pennsylvania. In 1783, he lent his name to Dickinson College in Pennsylvania.

In 1786, Dickinson chaired the Annapolis Convention and later headed Delaware's delegation to the Constitutional Convention. During the ratification debates, Dickinson authored the *Letters of Fabius* in support of the Constitution. Because of Dickinson's articulate defense of American liberty, he is known as the "Penman of the Revolution.

Benjamin Franklin (1706-1790)
Benjamin Franklin, born in Boston, took initiative as a publisher, inventor, entrepreneur, and statesman. Working as an apprentice at his brother's Boston newspaper, he began writing social commentaries under the pseudonym Silence Dogood.

Wishing to work independently, Franklin left Boston and finally settled in Philadelphia where he purchased the *Pennsylvania Gazette* in 1729. In 1732 he published the first edition of *Poor Richard's Almanack*.
In 1754 the prospect of war with France led several colonial governors to call a convention to create a plan to unify the colonies. Franklin's Gazette ran a "Join or Die" political cartoon urging governors to send delegates. Franklin wrote the Albany Plan of Union at the convention.

Franklin lived in England from 1757 to 1775 serving as an agent of the colonies. He became famous there as a defender of American rights. The British branded him a traitor, but he escaped imprisonment in 1775 by returning to Philadelphia. He served on the committee that drafted the Declaration of Independence. He acted as commissioner to France from 1779-1785, and along with John Adams and John Jay, negotiated the 1783 Treaty of Paris.

Franklin returned to the United States in 1785. He believed the Articles of Confederation to be too weak and joined the call for a Constitutional Convention. Because of some of his proposals at the Convention, a cabinet was established to advise the president, and Congress was given the power to override presidential vetoes. Franklin called for slaves to be counted as citizens hoping to encourage abolition, but this proposal was rejected.

In 1787, Franklin was elected president of the Pennsylvania Society for Promoting the Abolition of Slavery. His last public act was signing a petition to Congress recommending the end of the slave system. He died at age 84. Franklin's Autobiography was published the year after his death, and covers the years of his life only to the 1760s.

Bernardo de Gálvez (1746-1786)
During the American Revolution, England was not only at odds with the colonists, but also with European superpower Spain. In 1776, Bernardo de Gálvez, a descendant of ancient Spanish nobility, became the acting Governor of the Louisiana Territory. Due to the "bad blood" between his home country of Spain and England, Gálvez naturally sided with the Americans throughout the war. He was instrumental in buying Spanish weapons, gunpowder, clothing and many other vital supplies that were essential to the colonial army. Galveston, Texas is named in his honor.

King George III (1738-1820)
King George III was born on June 4, 1738. He became heir to the throne upon the death of his father in 1751 and succeeded his grandfather George II in 1760. During his reign, there were many conflicts involving his kingdom. After the French and Indian War, the British Parliament angered the American colonists by taxing them to pay for military protection. In 1776 the American colonists declared their independence and listed their grievances against the king. The Treaty of Paris of 1783 ended the Revolutionary War and confirmed the independence of the United States. After 1784, George III largely retired from an active role in government. He suffered a nervous breakdown in 1789. After he was declared insane in 1810, his son was appointed to rule for him.

John Hancock (1737-1793)
Forever famous for his outsized signature on the Declaration of Independence, John Hancock was a larger than life figure in other ways as well. Born in 1737, in Braintree, Massachusetts, Hancock was part of the Boston Sons of Liberty that included Samuel Adams and James Otis. Hancock was a wealthy merchant whose bank account helped to finance the group's radical activities resisting British tyranny. After the violence that came to be known as the Boston Massacre, Hancock courageously took the lead in raising further opposition to the British. Not long after that, Hancock and Adams organized the Boston Tea Party. The British were seeking Hancock and Adams when the Minutemen fired on the British troops thus beginning the Revolutionary War. Hancock served as president of the Continental Congress. He signed the Declaration on July 4, 1776, and presided over Congress's signing of the document on August 2, 1776. Disappointed at being passed over for command of the Continental Army in 1777, he returned to Massachusetts, where he had a hand in writing the state constitution of 1780. He signed the Articles of Confederation. Despite his reservations about centralized government power, Hancock eventually agreed to support ratification of the Constitution.

Patrick Henry (1736-1799)
Patrick Henry was born in Virginia where he was educated by his father and expected to become a farmer. After failing at farming and storekeeping, he studied law and was admitted to the bar in 1760.

As a member of the Virginia legislature in the 1760s, Henry opposed the Stamp Act. By the 1770s he had emerged as one of the most radical leaders of the opposition to British tyranny. He served in the Continental Congress and urged his fellow Virginians to take up arms against the British, famously uttering in 1775 as the British militia advanced in Massachusetts, "Gentlemen may cry 'peace!' but there is no peace…the war is actually begun!…I know not what course others may take, but as for me, give me liberty, or give me death!" Henry later led 150 colonists to Williamsburg demanding the return of gunpowder seized by the royal governor.

After helping craft the Virginia Declaration of Rights, Henry was elected the first governor of Virginia. He would serve a total of five terms. In later years, he helped found Hampden-Sydney College, and attempted to expand government support of teachers—who were mainly ministers of the state's official church. His proposal was defeated and two years later Virginia adopted the Virginia Statute for Religious Freedom bringing an end to the state church.

Wary of federal power and suspicious of the motives of the assembly, Henry declined to attend the Constitutional Convention. He became a leading Anti-Federalist critic of the Constitution. When it was sent to the states for ratification, he engaged in heated debates with James Madison at the Virginia ratifying convention. When the Bill of Rights was sent to the states, Henry believed the amendments were not enough and instead called in vain for a new constitutional convention.

Henry retired from politics in 1791 and resumed his law practice. He turned down offers from President George Washington to serve as Secretary of State and then as Chief Justice of the Supreme Court. Washington convinced Henry to run for the state legislature. He was elected, but he died before he could take office.

Thomas Hobbes (1588-1679)
Thomas Hobbes was an English philosopher, considered to be among the founders of modern political philosophy. His landmark work of political philosophy is *Leviathan*. His political philosophy influenced later thinkers including Jean Jacques Rousseau and John Locke. He asserted that the natural state of humanity is war, and that people must enter into a compact for their safety and betterment.

The Founders, including James Madison, accepted Hobbes's premise that individuals must unite into a society for their own protection. However, they disagreed with Hobbes on many important matters. Hobbes advocated a strong monarch as the enforcer of the law. Hobbes rejected the ideas of freedom of religion and separation of powers in government, which are fundamental parts of the Constitution.

John Paul Jones (1747-1792)
John Paul Jones was born in 1747 in Scotland. After being accused of a crime he fled to America. In 1776 with his ship the *Bonhomme Richard*, he defeated the British warship *Serapis*, which raised American spirits. Jones' success against the best navy in the world angered the British and inspired the Americans. Jones' famous words during this battle were "I have not yet begun to fight!" which became a slogan for the U.S. Navy. Some consider him the "Father of the U.S. Navy."

Thomas Jefferson (1743-1826)
Thomas Jefferson was born in Virginia. He studied law, was elected to the Virginia legislature, and became known for his writing. Many of his writings reveal the influence of John Locke as well as Jefferson's belief in natural rights theory. In *Notes on the State of Virginia* and *Summary View of the Rights of British America*, he expressed his ideas about religious freedom, education, and property rights, among other things.

While the Continental Congress debated the Lee Resolution in 1776, Jefferson was selected to draft the Declaration of Independence. He authored the Virginia Statute for Religious Freedom in 1786. Jefferson did not take part in the Constitutional Convention as he was serving as minister to France at the time, but he wrote to James Madison expressing his view that the document should include a bill of rights.

In 1789 George Washington appointed Jefferson the first Secretary of State. He and Secretary of the Treasury Alexander Hamilton soon became bitter rivals. The nation's first political parties formed around the two men. Jefferson resigned his post after three years and ran for president in 1796 but lost to John Adams by three electoral votes. Under the system in place at the time, he became Adams' Vice President. He disagreed sharply with many of Adams' policies. He and James Madison wrote the Virginia and Kentucky Resolutions in 1798 in opposition to the Alien and Sedition Acts.

Two years later, Jefferson was elected president. He purchased the Louisiana Territory from France in 1803. His second term as President was beset by foreign and domestic troubles. After two terms as president, he retired to Monticello. In 1819, he founded the University of Virginia, which he noted as one of his proudest achievements. He died fifty years to the day after the adoption of the Declaration of Independence.

Marquis de Lafayette (1757-1834)
Marquis de Lafayette was a French officer who came to help the Americans fight the Revolution against Great Britain. When he learned of the struggle of the Americans in their endeavor to secure independence, he resolved to come to the colonies to aid them in their efforts. He was given the rank of major general, since he represented the highest rank of French nobility. He developed a friendship with George Washington which lasted as long as Washington lived. His influence helped to secure support from France for the patriots' cause. Lafayette was also able to obtain troops and supplies from France. He was the first foreigner to be granted honorary United States citizenship. When he died on May 20, 1834 at the age of seventy-six, the United States government sent American soil to his gravesite.

Richard Henry Lee (1732-1794)
Richard Henry Lee was born to one of the wealthiest families in Virginia. He studied law and was elected to the Virginia legislature at age 25. There he was an outspoken opponent of slavery. He asserted that Africans, with the same natural rights as Europeans, were "equally entitled to liberty and freedom by the great law of nature." Nevertheless, Lee owned slaves and did not free them.

In response to British policies, Lee condemned the Stamp Act and Townshend Acts, organized committees, and kept in contact with Samuel Adams, a Patriot leader in Boston. He served in the Continental Congress, and on June 7, 1776, introduced the Lee Resolution calling for independence from England. His resolution led to the writing and adoption of the Declaration of Independence.

Lee signed the Articles of Confederation in 1781 and served in the Confederation Congress, serving as the body's first president. He helped guide the Northwest Ordinance through Congress in 1787. Lee was alarmed at the call for a stronger central government and refused to attend the Constitutional Convention in 1787. He attempted to persuade the delegates not to alter the Articles and became a leading opponent of ratification of the Constitution in Virginia. In 1787 and 1788, an anonymous series of Anti-Federalist essays called *Letters from a Federal Farmer* appeared, which closely mirrored Lee's arguments against the Constitution. Some historians believe that Lee and Mercy Otis Warren were the authors of these essays.

When the Constitution was adopted, Lee accepted a seat in the Senate where he was a leading advocate of laws and amendments limiting the power of the federal government. He was pleased when the Bill of Rights was ratified in 1791.

John Locke (1632-1704)
John Locke was an English philosopher and Oxford scholar. In one of his most important works, *Second Treatise of Civil Government*, Locke asserts that individuals unite into a society for the better protection of their natural rights, including life, liberty, and property. This work was of great influence on the Founders, including Thomas Jefferson, James Madison, and George Mason.

After William and Mary of Orange assumed the throne and the *English Bill of Rights* denied freedom of worship to Catholics and Protestants outside the Church of England, Locke wrote "A Letter Concerning Toleration." This essay argued for a new relationship between civil government and religion. Though Locke asserted that atheists and Catholics could not be tolerated, his ideas formed one basis of the First Amendment, which prevents the establishment of a national religion and protects an absolute freedom of belief.

Robert Morris (1734-1806)
Robert Morris was born in England and came to Maryland in his youth. After apprenticing at a Philadelphia shipping and banking firm, he became a partner of the company at age 23. The firm was successful, trading in a variety of products, including tobacco, rum, wheat, and, for a brief time, African slaves.

Morris became a prominent Philadelphia citizen, leading merchants to close the port of Philadelphia to British goods. He served in the state legislature and in the Continental Congress. Initially opposed to independence, he voted against the Lee Resolution, but he changed his mind and signed the Declaration of Independence. He also signed the Articles of Confederation.

As chairman of Congress' Finance Committee, Morris persuaded reluctant states to contribute to the continental system and army. He obtained war supplies and risked his own ships in bringing these supplies past the British Navy. Morris' company received a commission on each shipment, though some criticized him for profiting at the country's expense. Some accused him of stealing money, but a committee of Congress found that he was not guilty of any wrongdoing and acted with "fidelity and integrity." Robert Morris is known as the "Financier of the American Revolution" in part because he risked and spent so much of his own money for the Patriot cause, putting up more than $1 million to finance the decisive Battle of Yorktown alone.

Morris supported revising the Articles and attended the Constitutional Convention, though he rarely spoke during the proceedings. He was pleased with the Constitution and signed it. He turned down President George Washington's offer to be Secretary of the Treasury, instead accepting a Senate seat in the first Congress.

John Peter Muhlenberg (1746-1807)
John Peter Muhlenberg was born in Pennsylvania. John was the son of a Lutheran minister. Eventually, he followed in his father's footsteps becoming a minister himself. While in Virginia, he became a follower of Patrick Henry. He is said to have supported the American cause in a

sermon in which he cited the verse from Ecclesiastes which begins with the words, “To everything there is a season…a time of peace and a time of war. And this is a time of war.” He later served in the Continental Army fighting at Charleston, Brandywine, Stony Point, and Yorktown. He was also present during the winter at Valley Forge. After the war, he served in the Pennsylvania state government before being elected to the U.S. Congress. Even though he didn’t serve as a Lutheran minister again, he was active as a Lutheran layman until he died in 1807.

James Otis (1725-1783)
James Otis was born in Massachusetts, the brother of Mercy Otis Warren. Otis went to Harvard and opened a law practice in Boston in 1750. Six years later, the royal governor appointed him an advocate general in the Vice Admiralty Court.

Decisions in Vice Admiralty Courts were rendered by royal judges, not by citizen juries. Many cases involved smuggling, and Otis was troubled by British writs of assistance. (These general warrants gave broad authority to inspectors to search ships, warehouses, and even private homes for evidence of crimes.) In 1761, Otis resigned his post and took the case of Boston merchants who challenged the legality of the writs. In a five-hour long speech, Otis cited the traditional rights of Englishmen to “the freedom of one’s house.” He also based his argument on natural rights theory, asserting that the right to private property was inalienable. John Adams, who observed the speech, would later remark that it marked the start of the American Revolution. Indeed, many of the principles he championed were later enshrined in the Fourth Amendment.

Otis soon became a Patriot leader, joining Samuel Adams and John Hancock in opposing British tyranny. In 1764 he published *The Rights of the Colonists Asserted and Proved*. This pamphlet criticized British taxation without representation, and denounced slavery: “The colonists are by the law of nature freeborn, as indeed all men are, white or black.”

In 1769, Otis was physically attacked in a Boston coffeehouse by a customs official whom Otis had criticized in the newspaper. The official beat Otis’s head with a cane, fracturing his skull and causing permanent brain damage severe enough to force his retirement from public life. In 1783 he died after being struck by lightning.

Thomas Paine (1737-1809)
Paine was born in England and had little formal education. After working various jobs, he met Benjamin Franklin who convinced him to come to America in 1774. In January 1776, Paine published the best-selling pamphlet of the revolutionary era, *Common Sense*, which encouraged colonial independence. While serving with George Washington’s troops in the Continental Army, Paine wrote a series of essays called *The American Crisis*. These essays helped improve morale among the troops during the Revolutionary War.

Paine continued his defense of the American Revolution and natural rights theory in *The Rights of Man* when he returned to England in 1787. England charged him with seditious libel because of his critique of monarchy. He fled to France, where he became involved in the revolutionary assembly. He was imprisoned and sentenced to death for voting against the King’s execution.

While in prison he wrote *The Age of Reason*, a controversial work criticizing organized religion while insisting on religious freedom for all.

He was freed in 1794 due to the efforts of James Madison, the new American minister to France. Paine had blamed the previous minister, Gouverneur Morris, for what he saw as Morris' failure to secure his release. In 1796 Paine wrote an insulting open letter to George Washington. This letter won him many enemies. President Thomas Jefferson invited Paine to return to America in 1802, but he soon found he was unwelcome. His New York funeral was attended only by a few. His body was later stolen and taken to England, which denied its entry as Paine was still an outlaw. His remains were later lost.

Benjamin Rush (1745-1813)
Benjamin Rush was born near Philadelphia. He studied medicine in Pennsylvania, Scotland, England, and France. When he returned to Pennsylvania in 1769 he was named the first professor of chemistry at the College of Philadelphia. He gained a good reputation in the city, treating the poor and then expanding his practice. During the yellow fever epidemics of the 1790s, John and Abigail Adams were among his patients. He supported innovative techniques but was criticized for continuing to practice bloodletting even when it was shown to be ineffective.

Rush encouraged Thomas Paine to write on behalf of independence, and even suggested the title for *Common Sense*. He signed the Declaration of Independence. He served as Surgeon General of the Continental Army during the Revolutionary War. He was appalled by the dreadful conditions of the military hospitals, and even questioned General George Washington, telling Congress that officers should be chosen annually. He resigned his post when Congress rejected his plea. Rush attended the Constitutional Convention and, along with James Wilson, helped secure ratification of the Constitution in Pennsylvania.

Rush was also concerned with social reform. He courageously expressed views he knew would be controversial. He supported the new technique of vaccinations against smallpox. He helped establish the first abolitionist society in America. In his view, slavery was inconsistent with the principles of natural rights theory and the Declaration of Independence. His belief in equality also led him to urge public education for all, including women. President John Adams appointed Rush as Treasurer of the US Mint in 1799, a post he held until 1813.

Rush's influence on the lives of two prominent Founders is also noteworthy. When the divisive political issues of the 1790s took their toll on the friendship of John Adams and Thomas Jefferson. Rush was instrumental in their reconciliation. Rush corresponded with the two men for 20 years. Upon hearing of his death in 1813, John Adams reflected, "I know of no character living or dead who has done more real good for his country."

Haym Salomon (1740-1785)
Haym Salomon was a Polish-born Jewish immigrant who played an important role in financing the American Revolution. He became a patriot and joined the New York Sons of Liberty. He was a member of the American espionage ring and helped convince many Hessians to desert the British military. He was arrested as a spy by the British but escaped before he could be hung. Salomon became a financial broker in Philadelphia. Using his own personal money, he went on

to help finance the Continental Congress and the overall patriot cause. Together with Robert Morris, Salomon is sometimes called the "financier of the American Revolution." Salomon died penniless in 1785.

Jonathan Trumbull, Sr. (1710-1785)
Jonathan Trumbull Sr. was born in Connecticut. He studied theology at Harvard and later served as a colonial governor of Connecticut. During the American Revolution, he became the only colonial governor to support the American cause. He was a strong supporter of General Washington and spent the war doing what he could to recruit troops and raise supplies for the cause. General Washington is said to have depended on him for these things during the trying times of the Revolution. Since he supported the cause, he was the only colonial governor to remain in power after independence was declared. Governor Trumbull died in 1785 and is buried in Lebanon, Connecticut.

Mercy Otis Warren (1728-1814)
Mercy Otis Warren was born in Massachusetts, the sister of James Otis. She was an early supporter of independence and anonymously published satirical plays designed to criticize the Massachusetts royal governor in 1772 and 1773.

She corresponded with many Patriot leaders, exchanging hundreds of letters with Abigail Adams, John Adams, Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton. Believing in the natural rights theory expressed in the Declaration of Independence, she argued that women should have equal rights under the law.

Warren opposed ratification of the Constitution. She authored an anonymous criticism of the document in 1788 called *Observations on the New Constitution … by a Columbian Patriot*. Other than the lack of equal rights for women, her chief complaints were later addressed in the Bill of Rights. Some historians believe she was also the author of at least one Anti-Federalist paper attributed to Elbridge Gerry, and that she co-authored *Letters from a Federal Farmer* with Richard Henry Lee.

In later years she argued for equality in education for girls and boys. She also published a volume of poetry and, in 1805, published a three-volume work, *History of the Rise, Progress and Termination of the American Revolution*. She is sometimes called "The Conscience of the American Revolution."

George Washington (1732-1797)
George Washington is known as the "Father of his Country." Born in Virginia, Washington ran his family's 8000-acre farm, Mount Vernon. He studied ancient republics and read independently.

Washington served as commander of the Virginia militia, the Virginia colonial legislature, and the Continental Congress. In 1775, Congress selected him to be Commander-in-Chief of the Continental Army. He accepted Cornwallis' surrender at Yorktown in 1781, ending the Revolutionary War. Washington then resigned his commission and returned to Mount Vernon, intending no return to public life.

However, Washington soon grew concerned that the Articles of Confederation were inadequate for the new nation. Washington was selected to lead the Constitutional Convention in Philadelphia in 1787. Once the Constitution was complete, Washington was unanimously elected to be the first president, with John Adams as Vice President. Washington's First Inaugural Address inspired the nation. Washington appointed Thomas Jefferson and Alexander Hamilton to his cabinet, and James Madison served as a chief advisor.

He served two terms as president, discouraging political parties and working to keep the new nation out of foreign wars. He refused a third term. In his Farewell Address, Washington urged his fellow citizens to cherish the Constitution. Washington served his country with courage and responsibility, believing that liberty would endure.

John Witherspoon (1723-1794)
John Witherspoon was born in Scotland and came in 1768 to the colonies to assume the presidency of Princeton University in New Jersey. He was also a prominent Presbyterian minister. While serving as the president of Princeton University, he strongly influenced the course of study. He believed that morality was crucial to all those holding public positions of leadership. Therefore, he instituted a required course called Moral Philosophy for the students. One of his most famous students was James Madison. Witherspoon was elected to the Continental Congress and was present to vote for and sign the Declaration of Independence. He served in the Congress all through the war and helped in the drafting of the Articles of Confederation. John Witherspoon, was a delegate from New Jersey at the Constitutional Convention, voting for its adoption, and advocating its ratification in New Jersey.

Alexander Hamilton (1757-1804)
Alexander Hamilton was born in the West Indies, the illegitimate son of a poor Scottish merchant and a woman of French descent. After being sent to America by a local businessman, he became active in New York's Patriot movement. General George Washington asked Hamilton to join his personal staff and made him a lieutenant colonel. He was admitted to the bar in 1782. In 1783 he served in the Confederation Congress, where he and James Madison both desired a stronger central government.

At the 1787 Constitution Convention, Hamilton's nationalist views were not received well by the other delegates. He called for a strong executive branch with a president who would serve for life. Though it did not strengthen the national government as much as he had hoped, Hamilton took the lead in promoting ratification of the Constitution in New York. He teamed with Madison and John Jay to write *The Federalist Papers*, writing 51 of the 85 essays. In Federalist No. 70, he made the case that "the vigor of government is essential to the security of liberty." In Federalist No. 84, he argued that a bill of rights was not needed, because the government had only those powers listed: "why declare that things shall not be done which there is no power to do?"

Hamilton served as Secretary of the Treasury under President Washington. He pressed for the establishment of a national bank—something not in Congress' enumerated powers. This plan was opposed by Thomas Jefferson and others who feared growing federal power. The first party system in America formed around these two men. After leaving the Washington administration

in 1795, Hamilton acted as the defense lawyer in *People v. Croswell* (1803), in which he made the argument that truth could be used as a defense for libel. Though he lost the case, his arguments led New York to change its law, protecting freedom of the press.

Fifteen years after Hamilton's death in a duel with Aaron Burr Chief Justice John Marshall held in *McCulloch v. Maryland* (1819) that the creation of a national bank was an implied power of the federal legislature and was therefore constitutional.

John Jay (1745-1829)
John Jay was born in New York City to a prominent family and gained notoriety as a lawyer throughout the state. He served in the First Continental Congress and published *Address to the People of Great Britain* in which he argued that the colonists had the same rights as the British, including rights to private property, jury trials, due process, and religious liberty. Though he opposed many British policies, he favored a moderate approach to Britain. In what many believed to be a sign of integrity, he resigned from Congress rather than sign the Declaration of Independence. He joined his fellow Patriots once the rest of the colonists rallied behind the action.

In 1777 Jay helped draft the New York constitution, served as state supreme court Chief Justice, and in the Continental Congress. He was elected President of the Assembly, the highest office under the Articles of Confederation. Together with Benjamin Franklin and John Adams, he traveled to Europe to negotiate the Treaty of Paris. While he was away, Congress appointed him Secretary of Foreign Affairs. He found the job difficult to execute because under the Articles each state could act alone, and he had no power to negotiate meaningful treaties. This experience strengthened his resolve for a stronger central government. He teamed with Alexander Hamilton and James Madison to write five essays of The Federalist Papers encouraging ratification of the Constitution.

President George Washington appointed Jay the first Chief Justice of the Supreme Court in 1789. In 1794 he negotiated "Jay's Treaty" which was successful at avoiding war with Britain, but which received a negative reception in the United States because of the belief that Jay had made too many concessions to the British. The next year Jay resigned from the Supreme Court as he had been elected governor of New York—an office he neither requested nor sought. As governor, he signed an emancipation bill and continued to work for the abolition of slavery.

James Madison (1751-1836)
Madison was born in Virginia to a wealthy family. After graduating from Princeton, he served in the Virginia legislature. He worked closely with Thomas Jefferson and helped draft and win support for the Virginia Statue for Religious Freedom. In 1780 he joined the Continental Congress and became concerned that the Articles of Confederation were inadequate.

In 1787, he was a leader at the Constitutional Convention. The author of the Virginia Plan, he suggested a system of checks and balances. He also worked to balance the reserved and concurrent powers of the states and federal government. He also took detailed notes through the convention. Because of his efforts, Madison is known as the "Father of the Constitution.

When the Constitution was sent to the states for ratification, Madison teamed with Alexander Hamilton and John Jay to write the Federalist Papers in support of ratification. He led the debate to approve the Constitution in Virginia, taking on Anti-Federalist leader Patrick Henry. When it became clear that the Constitution would not pass without the promise of a listing of rights, he proposed seventeen amendments, twelve of which were sent to the states for approval. Of those twelve, the states approved ten which became known as the Bill of Rights. Madison was elected to the US House of Representatives in 1789, where he became George Washington's chief supporter. Madison eventually split from Washington politically as Washington aligned himself with Alexander Hamilton and his plan for a Bank of the United States. Madison moved away from the Federalists and closer to Jefferson's Democratic-Republican Party.

After leaving Congress in 1797, Madison and Jefferson wrote the Virginia and Kentucky Resolutions in response to the Alien and Sedition Acts. Madison became Jefferson's Secretary of State and later succeeded him as President in 1809. As President, he allowed the nation to enter the War of 1812—called "Mr. Madison's War" by many at the time—a decision that many historians count as a historic failure. However, the war won respect for the new republic overseas and Madison emerged from the war with great popular support.

George Mason (1725-1792)

George Mason was born in Virginia. He was George Washington's supply officer in the French and Indian War, and served in the Virginia colonial legislature. Mason supported independence and was the primary author of the Virginia Constitution and Virginia Declaration of Rights. Both documents were adopted in June of 1776. Mason's words in the Virginia Declaration, which were based on the ideas of John Locke and natural rights theory, influenced Thomas Jefferson's writing in the Declaration of Independence.

During the 1780s, Mason was among the many statesmen who believed the Articles of Confederation to be an inadequate form of government. Mason was called on to serve at the Constitutional Convention during the summer of 1787. There, he opposed the Constitution because he believed the central government was too strong. He argued that the document needed a bill of rights to protect the people from government abuses. He also called for an end to the importation of slaves. All these calls were rejected. Acting with integrity, Mason refused to sign the Constitution. He argued against its ratification, making enemies of James Madison and George Washington.

Mason became a leading Anti-Federalist after the Convention, writing a pamphlet called *Objections to this Constitution of Government*. He argued that the Constitution gave "no security" to the "Declarations of rights in the separate States." At the Virginia Ratifying Convention, he joined Patrick Henry in opposing adoption. Madison promised that a bill of rights would be added, and Virginia voted to ratify. Three years later, many of the protections in the U.S. Bill of Rights would be based on Mason's Virginia Declaration of Rights. For this reason, Mason is known as the "Grandfather of the Bill of Rights."

Baron de Montesquieu (1689-1755)
Baron Charles de Montesquieu was a famous French nobleman who lived from 1689 to 1755. His ideas about government and law were recorded in several books. The most influential of these was *The Spirit of the Laws* written in 1748. In this work, he proposed separating the powers of government so that power would not be concentrated in the hands of one person or one group of people. His ideas inspired James Madison and were echoed in Federalist 47 in which Madison defended the division of power detailed in Articles I, II, and III of the U.S. Constitution. Madison went on in Federalist 51 to defend the checks and balances system as a way to further define the powers of the three branches. Montesquieu is thought to be the most quoted political philosopher by the men at the Constitutional Convention in 1787.

Gouverneur Morris (1752-1816)
Gouverneur Morris was born in New York. During a visit home from King's College (now Columbia University), Morris's right arm was crippled when he was burned by an overturned pot of hot water. After being admitted to the New York bar, Morris became interested in politics and after initial resistance, took up the Patriot cause. He helped write New York's new constitution and served in the Continental Congress. He signed the Articles of Confederation in 1778 and soon after, lost his left leg in a carriage accident. He had to use a wooden leg for the rest of his life.

In 1781 as Assistant United States Superintendent of Finance, Morris struggled to finance the Continental Army. He hinted that the Continental Army might employ force if Congress did not act. The officers assembled at a barn in Newburgh, New York to discuss marching on Philadelphia, but George Washington quelled the Newburgh Conspiracy by appearing at the gathering.

Morris was a delegate to the Constitutional Convention. He was appointed, along with Alexander Hamilton, to the Committee of Style and was responsible for the final language of the Constitution. Some believe he glossed the wording to enhance the power of the federal government, including beginning the Preamble with the words "We the people" rather than "We the states," signifying that the Constitution was not the creature of the states, but the work of the nation as a whole.

Morris turned down an offer from Alexander Hamilton to co-author a defense of the Constitution which became known as *The Federalist Papers*. He succeeded Thomas Jefferson as ambassador to France and courageously remained at his post during the bloody Reign of Terror—the only foreign diplomat to do so. In 1812 he became distressed by the war with Great Britain and called for the secession of New York and New England from the Union. This attempt was discredited, and Morris died four years later at the age of 64.

Edmund Randolph (1753-1813)
Virginian Edmund Randolph, born in 1753, is sometimes called a “Forgotten Founder” because his name is not familiar to many Americans despite his many contributions to the United States. During the Revolutionary War, he served as an aide-de-camp to General George Washington. He also served in several public offices including delegate to the Continental Congress, delegate to the Annapolis Convention, as well as the Constitutional Convention.

At the Constitutional Convention, Randolph introduced the Virginia Plan. By the Convention’s end, though, Randolph refused to sign the Constitution. He believed his integrity required him to refuse. He thought the final version had strayed too far from what he called the “republican propositions” of the Virginia Plan. He also feared that a single President would lead to tyranny. Instead he supported a three-person executive council. James Madison later persuaded Randolph to support ratification at the Virginia Ratifying Convention. The compromise was made easier for Randolph because eight states had already ratified by the time of Virginia’s Convention.

Randolph was appointed to serve as the nation’s first Attorney General by President George Washington.

Jean-Jacques Rousseau (1712-1778)
Jean-Jacques Rousseau was born in Geneva, Switzerland. His political and philosophical writings, including *The Social Contract* (1762), were both influential and controversial. Banned in France and Geneva for criticizing religion, *The Social Contract* nonetheless had an influence on governments in Europe and on the Founders.

Rousseau held that human nature was essentially good—that man was naturally a “noble savage”—but degrades into cruelty without a system of laws. Rousseau held that in a natural state, individuals must compete with each other, but they are also increasingly interdependent on each other. This contradiction was to blame for man’s degradation. By uniting under a social contract, individuals surrender their natural freedom and agree to submit to the general will of the people, who are sovereign.

While the Founders accepted some of Rousseau’s philosophy, such as supporting freedom of religion, they rejected others. Rousseau criticized private property and asserted that the general will of the people was sovereign over the individual’s body and property. This argument put him knowingly in opposition to other enlightenment philosophers including John Locke, Rousseau also advocated restraints on free speech in order to protect people from bad ideas. For this and other reasons, he is considered an intellectual ancestor of socialist systems.

Roger Sherman (1721-1793)
Roger Sherman was born in Massachusetts and moved to Connecticut in 1743. He owned a cobbler shop, published a series of almanacs, and studied the law independently.

In the 1760's Sherman became a leader in the resistance to British tyranny. Dedicated to moderation, he urged peaceful forms of protest, including boycotts and petitions. In 1774 he was elected to the Continental Congress. He served on the committee in charge of drafting the

Declaration of Independence, including Benjamin Franklin, John Adams, Robert Livingston and Thomas Jefferson; it was the committee that chose Jefferson to draft the document. In 1776, Sherman helped frame the Articles of Confederation, and he later signed it. After leaving national politics to return to public service in Connecticut, Sherman returned to Congress in 1783 to approve the Treaty of Paris.

Sherman was a delegate to the Constitutional Convention, where he worked to guard the power of states against the national government. He argued that the legislature should be the strongest branch of government, suggesting Congress should have the power to select the President. He suggested the Connecticut Compromise, or Great Compromise, which determined the method of representation in Congress. He initially opposed adding a bill of rights to the Constitution, but eventually supported James Madison's effort to add amendments. In 1791, the 70-year old Sherman was appointed to the US Senate, where he served until he died in 1793.

James Wilson (1742-1798)
James Wilson was born in Scotland and came to Pennsylvania in 1765. He joined John Dickinson's law firm before opening his own practice. He became involved in Patriot activities and published pamphlets criticizing British policies. He served in the Second Continental Congress and signed the Declaration of Independence.

As a delegate to the Constitutional Convention, Wilson advocated direct election of the president. This would have constituted a radical change from the system under the Articles of Confederation (which had no national executive) and from that supported by advocates of republican government. It also put him at odds with major figures from the Founding period, such as Patrick Henry and Thomas Jefferson, who believed that substantial power should be reserved to the individual states, and that a popularly-elected executive–among other changes–would concentrate power too heavily at the national level. Wilson is credited with the compromise that resulted in the formation of the Electoral College. Once the Constitution was sent to the states, Wilson joined with Benjamin Rush to secure ratification in Pennsylvania.

In 1789, President George Washington appointed Wilson to the Supreme Court. His most important opinion, establishing that a citizen of one state could sue the government of another state, was overturned by the Eleventh Amendment. During his time on the Court, Wilson also served as the University of Pennsylvania's first professor of law. He lectured on the place of law in society, and cruel and unusual punishment as prohibited by the Eighth Amendment, and he urged moderation, swiftness, and certainty in punishment as a means of ensuring justice.

Foundation of a Nation Events

Stamp Act Congress
The Stamp Act Congress met in New York City in October 1765, to voice colonists' concerns about British taxes being imposed on the colonies. Nine of the colonies sent delegates to the Congress which drew up a petition to the King protesting the Stamp Act. They argued that taxation could only be carried out by colonial assemblies, and not by the British Parliament in

which the colonists had no representation ("No taxation without representation!"). This marked the first time the colonies united to discuss growing tensions between Britain and her colonies.

Meeting of First Continental Congress
In September 1774, fifty-five delegates from twelve of the colonies met in Philadelphia, Pennsylvania, to discuss rising concerns over the Intolerable Acts and the colonists' continuing frustration over "taxation without representation." This meeting was called the First Continental Congress. This Congress did not advocate independence. The delegates decided to boycott all trade with Great Britain if the Intolerable Acts were not repealed.

Meeting of Second Continental Congress
Delegates from the colonies met in May 1775, after the first shots had already been fired at Lexington and Concord. This meeting was called the Second Continental Congress. The delegates adopted the Olive Branch Petition expressing their loyalty to the king, but disapproving Parliament's actions. The Congress elected George Washington Commander of the Continental Army. A year later the Congress organized a committee to write the Declaration of Independence since the problems with Great Britain could not be resolved. Eventually, delegates adopted and signed the Declaration of Independence in 1776.

American Revolution
The American Revolution (1775-1783) was a war for independence between the American colonies and Great Britain. The colonists were unhappy with Great Britain's mercantilist policies and being taxed without representation. The colonists had become accustomed to governing themselves during their early history due to Britain's "salutary neglect." After the French and Indian War, the sudden increase in taxation and unwanted attention from Great Britain (such as the Proclamation of 1763, the Stamp Act, and the Intolerable Acts) surprised and angered the colonists. This war ended with the Treaty of Paris in 1783 and resulted in American independence from Great Britain.

Shays' Rebellion
In 1786, about 700 debt-ridden farmers led by Daniel Shays took part in a violent uprising in western Massachusetts. They attacked courthouses to stop officials from foreclosing on farms. The farmers rebelled against state taxes that were difficult to pay due to the economic depression. The Massachusetts militia was called to end the mob violence. Many Americans saw Shays' Rebellion as a sign that the Articles of Confederation was not working. Fearing a future crisis, leaders called for a convention to discuss how to solve the problems with the Articles. This led to the Constitutional Convention of 1787 in Philadelphia and the creation of a stronger national government.

Constitutional Convention
The Congress of the Articles of Confederation in February,1787, adopted a resolution calling for a convention of delegates from the thirteen states to be held in Philadelphia beginning in May "for the sole purpose of revising the Articles of Confederation." Twelve of the states chose convention delegates. Only Rhode Island declined to do so. Fifty-five men attended some or all of the convention. The convention was supposed to begin on May 14 but did not do so because not enough delegates had arrived to constitute a quorum. James Madison arrived early on May

3, and he and other delegates from Virginia and Pennsylvania then met informally and prepared a new plan of government to present to the convention once it began. Finally, on May 25, enough delegates had arrived to constitute a quorum, and the convention began. The delegates unanimously elected General George Washington to preside as the President of the Convention. The delegates soon decided that instead of simply "revising the Articles of Confederation," they would write a completely new constitution with a very different system of government from that which the nation had under the Articles.

After spending the entire summer behind closed doors in secrecy dealing with several difficult issues, on September 17, 1787, the new Constitution of the United States was completed. Thirty-nine delegates present at the end of the convention signed the Constitution. Three delegates – Edmund Randolph of Virginia, Elbridge Gerry of Massachusetts, and George Mason of Virginia—refused to sign it. The new Constitution was then sent to the states for ratification.

The Virgina Plan (1787)

The Virginia Plan was prepared by James Madison of Virginia, but Edmund Randolph of Virginia introduced this proposal for a new government at an early meeting of the 1787 Constitutional Convention. The Virginia Plan illustrates Baron de Montesquieu's influence on Madison since, like Montesquieu in 1748, it called for three separate, independent branches of government: legislative, executive, and judicial. It also provided for a bicameral legislative branch with members of one chamber chosen by the people and members of the other chamber elected by the first chamber. Representation for each state in both chambers would be in proportion to the number of free inhabitants in the state: the larger the number of free inhabitants in a state, the greater the number of members of both chambers that state would receive. The national legislature would have the power to overrule any state law that conflicted with "the articles of union" and to use force against states that resisted. The national legislature would choose a national executive as well as a national judiciary consisting of one or more supreme courts and lower courts. Finally, the executive and "a convenient number of the national judiciary" would comprise a Council of Revision with the authority to examine every act of the national legislature before it takes effect and every act of a state legislature before a veto thereof would be final. The Virginia Plan was supported by delegates from the more populous states. The U. S. Constitution as written and adopted at Philadelphia included several provisions of the Virginia Plan.

The New Jersey Plan (1787)

William Patterson of New Jersey introduced the New Jersey Plan at the 1787 Constitutional Convention. It was in large part a response to the Virginia Plan introduced earlier at the convention. According to the New Jersey Plan, in addition to the powers Congress had under the Articles of Confederation, Congress would have the power to raise revenue by taxing imported goods, "by stamps on paper, vellum or parchment," and by postage on all letters passing through the post office. Unlike the Congress of the Articles, Congress would now also have the power to regulate trade and commerce. In addition, Congress would elect an executive to enforce all national acts and to direct military operations. The New Jersey Plan said nothing about changing the structure of Congress or the representation of states therein, and thus, Congress would remain a unicameral body in which each state would have one vote as it was under the Articles of Confederation. A national judiciary would be established consisting of a supreme court whose judges would be appointed by the executive and who would hold their

offices during good behavior. Finally, the New Jersey Plan provided that acts of Congress and treaties would be the supreme law, and state judicial rulings and state laws to the contrary would be void. The New Jersey Plan was supported by delegates from the less populous states. The U. S. Constitution as written and adopted at Philadelphia included several provisions of the New Jersey Plan.

Connecticut Compromise OR The Great Compromise (1787)
Roger Sherman of Connecticut introduced the so-called Connecticut Compromise using ideas found in both the Virginia Plan and New Jersey Plan at the 1787 Constitutional Convention. Because there was general agreement among the delegates that Congress would be the more powerful of the three separate branches of the new government, representation for each state in this new Congress proved to be the most hotly disputed issue. For that reason, the Connecticut Compromise which eventually settled the issue is also called "the Great Compromise." It called for a bicameral U. S. Congress establishing a Senate and a House of Representatives. Each state would be equally represented in the Senate by two senators from each state regardless of the state's population. Each state's representation in the House of Representatives would be determined in proportion to the state's population as determined by the census to be conducted every ten years. The greater a state's population, the more members of the House of Representatives the state would be entitled to send. However, each state would be guaranteed a minimum of one member of the House regardless of the state's population. Historians agree that adoption of the Great Compromise was crucial to the success of the convention and the new Constitution.

Growth of a Nation

Alexis de Tocqueville (1805-1859)
Alexis de Tocqueville was a French historian and political scientist. As French foreign minister, he traveled to the United States in 1831. It was the experiences during this visit that led him to write to his most famous work, *Democracy in America*. In this book, he details his observations of society and culture in the United States. He predicted that democratic institutions like those of the United States would eventually replace the aristocratic governments in Europe.

Tocqueville criticized individualism and believed that associations among people would lead to the greatest happiness for society. He emphasized responsibilities of citizenship and the value of compromise. Further, he analyzed the American attempt to foster equality among citizens through the promotion of liberty, while contrasting that approach to more socialistic systems that attempt to foster equality through government control.

John Marshall (1755-1835)
John Marshall was the fourth Chief Justice of the Supreme Court, serving from 1801 until his death. Born in Virginia, he served in the Virginia legislature and at the Virginia Ratifying Convention where he fought for ratification of the Constitution with James Madison. He also served in the US House of Representatives. Marshall was appointed to the Supreme Court by President John Adams.

Marshall's most important decision was *Marbury v. Madison* (1803) which established the doctrine of judicial review. He also decided *Dartmouth College v. Woodward* (1819), which clarified the Contracts Clause; *McCulloch v. Maryland* (1819), which examined implied powers of Congress under Article I, section 8 and affirmed the supremacy of the Constitution over state law; and *Gibbons v. Ogden* (1824) which affirmed that Congress had control of interstate waterways under the Commerce Clause. He also presided over the treason trial of Aaron Burr.

Marshall's interpretations of the Constitution, including his understanding of federalism, proved definitive and laid the groundwork for much of current constitutional theory and a strong national government.

James Monroe (1758-1831)
Born in Virginia in 1758, Monroe was the 5th President of the United States. He attended the College of William and Mary, fought in the Continental Army, was a lawyer, and a politician. Monroe joined the Anti-Federalists in Virginia and opposed ratification of the new U.S. Constitution. He was an advocate of Jefferson's policies and was elected a U.S. Senator from Virginia. Monroe helped negotiate the Louisiana Purchase. During the War of 1812 he served as Secretary of War and Secretary of State under President Madison. His presidency was called the "Era of Good Feelings." He is known for the Monroe Doctrine in 1823 which provided that the Western Hemisphere should be free from future European colonization and that the U.S. should be neutral in European wars. This was the basis of American foreign policy for many years.

Andrew Jackson (1767-1845)
Andrew Jackson was born on the border between North and South Carolina but always considered himself to be a South Carolinian. His success as a self-taught lawyer allowed him to build a home in Tennessee and buy slaves. He was that state's first Congressman and also served in the Senate. Jackson was a general in the War of 1812, and he befriended Sam Houston. His defeat of the British at New Orleans made him a national hero.

General Jackson also oversaw the military removal of many Indian Tribes in Georgia, Alabama, and Spanish Florida, and negotiated several treaties securing Indian land for the US. He was elected President in 1828 and two years later proposed the Indian Removal Act. As a result of the legislation, 46,000 American Indians were removed from their homes. Many died on the Trail of Tears heading west, and 25 million acres of land were opened to settlement by the US.

Jackson saw himself as a populist—having been elected with a greater portion of the popular vote than any previous candidate—and proposed eliminating the Electoral College in his first address to Congress. Jackson frequently exercised his veto power over Congress' legislation, which resulted in a split within Jackson's political party. Those who opposed his policies included John C. Calhoun, Daniel Webster and Henry Clay, who ran against him for president in 1832. Jackson was reelected in 1832 with five times more electoral votes than Clay.

Growth of the Nation Events

Origin of the Federalist Political Party (1790's)
During the debate over ratification of the new U. S. Constitution in 1788, differences began to appear among some of the nation's political leaders. In the 1790's, Alexander Hamilton as Secretary of the Treasury and Thomas Jefferson as Secretary of State were both members of President George Washington's Cabinet and had very different visions of how the new government should function. These differences led to the development of the nation's first political parties. Hamilton preferred a strong federal government and a loose interpretation of the Constitution. He believed that Congress should have the power to make laws that were "necessary and proper" to carry out its duties. Many of Hamilton's supporters were large landowners, bankers, and businessmen in New England and the middle states. They also supported England and opposed France with regards to foreign affairs. Hamilton and his supporters became known as Federalists. John Adams was the last Federalist President and the party largely disappeared after 1800.

Origin of the Democratic-Republican Party (1790's)
During the debate over ratification of the U.S. Constitution, differences began to appear among some of the nation's political leaders. In the 1790's, Alexander Hamilton, Secretary of the Treasury, and Thomas Jefferson, Secretary of State were both members of President Washington's Cabinet and had different visions of how the new government should function. These differences led to the development of the nation's first parties. Jefferson believed that the federal government's power should be limited to protect the powers of the states. He believed in strict interpretation of the Constitution, meaning that Congress and the President were restricted to doing only what the Constitution specifically said they could do. Jefferson and James Madison, another leader of the Democratic-Republicans, were strong supporters of agriculture and farming, and much of their support was in the South. They also supported France and opposed England with regards to foreign affairs. Jefferson, Madison, and their supporters became known as Democratic-Republicans.

Election of 1800
The Election of 1800 is considered a revolution due to the change in control of the American government for the first time from one political party to another political party. In the Election of 1800, President John Adams ran for a second term as the candidate of the Federalist Party. He was defeated by Thomas Jefferson, the candidate of the Democratic-Republican Party. The election actually had to be decided in the House of Representatives since Jefferson and his Vice-Presidential candidate Aaron Burr tied with the same number of electoral votes. Jefferson finally won when Alexander Hamilton threw his support to him because he didn't trust Burr. This later led Burr to challenge Hamilton to a duel in which Hamilton was killed. This election marked the first time the Federalists lost control of both houses of Congress. The United States had experienced a change in control of its government without a single drop of blood being spilled.

Midnight Appointments (1801)
The Election of 1800 signaled a loss of power for the Federalist Party. However, in the time between Thomas Jefferson's victory over John Adams in November 1800, and Jefferson's actual inauguration as the third President of the U.S. in March 1801, the outgoing Federalist controlled

Congress passed laws increasing the number of judges in the federal court system. President Adams appointed as many Federalist judges as he could before leaving office, thus securing a legacy for the Federalists in government since they had lost power in the other two branches. Adams was busy signing appointment papers for these positions, including several as Justices of the Peace for the District of Columbia, right up until midnight. Some of the Federalist appointees had their appointment papers delivered to them by the outgoing Secretary of State John Marshall, but a few did not get their papers. When Jefferson took office the next day, he forbade his new Secretary of State, James Madison, to deliver these midnight appointments, sparking the landmark Supreme Court case, *Marbury v. Madison*.

Louisiana Purchase (1803)
In 1803, President Thomas Jefferson purchased over 800,000 square miles from Napoleon of France for $15 million. This very large section of land stretched from the Mississippi River to the Rocky Mountains and doubled the size of the United States. Jefferson then sent Lewis and Clark on a military expedition to explore the new territory.

Civil War / Reconstruction

Abraham Lincoln (1809-1865)
Abraham Lincoln taught himself the law by reading Blackstone's *Commentaries on the Laws of England*. He served in the Illinois House of Representatives and in 1846 was elected to US Congress. He served one term in the US House of Representatives before returning to his law practice.

Lincoln's concerns about the Kansas-Nebraska Act lured him back into politics. Lincoln challenged its sponsor, Stephen Douglas, in the 1858 race for the Senate. Lincoln lost the election but his performance in debates with Douglas gained him national attention. In 1860 he was elected President of the United States. Upon his election, seven southern states seceded from the Union, and others followed suit. In his First Inaugural Address, he argued that secession was not proper under the Constitution. He cited the Articles of Confederation as creating a "perpetual Union," furthered by the Preamble's goal of a "more perfect Union."

After the fighting began, Lincoln called for the suspension of writs of habeas corpus. This meant rebel fighters could be arrested and held without trial. The case of *ex parte Milligan* addressed the constitutionality of the suspension of habeas corpus.

As the war continued, Lincoln consulted with Frederick Douglass about conditions faced by Army soldiers. He issued the Emancipation Proclamation in 1863 announcing that slaves in rebelling states were free and that the Union Army would enforce their freedom. Later that year Lincoln delivered the *Gettysburg Address*, invoking the spirit of the Declaration of Independence and its promise of equality. At his Second Inaugural Address in March of 1865, the war was coming to an end. Lincoln urged his countrymen to "bind up the nation's wounds" and called the war God's punishment to a country that tolerated the evil of slavery. When the Confederate capital of Richmond was captured, Lincoln made the symbolic gesture of sitting at Jefferson Davis' desk.

Five days after General Robert E. Lee's surrender in April of 1865, Lincoln was assassinated. His Vice President Andrew Johnson assumed the presidency. Later that year, the Thirteenth Amendment was ratified, abolishing slavery throughout the nation.

Civil War / Reconstruction Events

Election of 1860
In the presidential election of 1860, there were four candidates: Abraham Lincoln of Illinois, Republican Party; Stephen Douglas of Illinois, Northern Democrats; John C. Breckinridge of Kentucky, Southern Democrats; and John Bell of Tennessee, Constitutional Union Party. Lincoln won a majority of the electoral vote, and thus became President even though he won only about 40 percent of the popular vote. His election prompted South Carolina immediately to secede from the Union on December 20, 1860. By the time Lincoln was inaugurated on March 4, 1861, seven states had seceded from the Union and formed the Confederate States of America.

Impeachment of Andrew Johnson (1868)
During Reconstruction, President Andrew Johnson and the Radical Republicans in Congress differed strongly on how to treat the South. Among other things, in opposition to President Johnson, Congress passed the Tenure of Office Act. This law required the President to consult with Congress before firing a cabinet member. When President Johnson fired his Secretary of War without consulting Congress, he violated the Tenure of Office Act. In 1868, the Radical Republicans in the House of Representatives impeached (voted charges against) President Johnson. Johnson was the first president to be impeached. In accordance with the Constitution, the Senate tried President Johnson on the charges voted by the House. The final vote in the Senate was one short of the two-thirds majority needed for conviction and removal from office, and thus, Johnson remained President.

Gilded Age

William Jennings Bryan (1860-1925)
William Jennings Bryan was born in Illinois and moved to Nebraska in 1887 where he practiced law. Running on a populist platform, he was the first Democrat elected from Nebraska to the House of Representatives. He lost his bid for the Senate in 1894 and became editor of the Democratic newspaper, the *Omaha World-Herald*.

Bryan became an advocate of "Free Silver" policy, delivering his "Cross of Gold" speech at the 1896 Democratic National Convention. His charisma impressed many of the delegates. He ran unsuccessfully for president 3 times, taking progressive and anti-imperialist stances. He supported President Woodrow Wilson, who appointed Bryan Secretary of State. He served for 2 years but resigned in protest when Wilson led the country into World War I.

In his later life, Bryan worked to secure prohibition and women's suffrage. He became concerned about the teaching of evolution, calling it "consummately dangerous." He argued for a literal interpretation of the Bible and in opposition to the teaching of evolution against Clarence Darrow in what became known as the Scopes Monkey Trial. He died five days after that trial ended.

Andrew Carnegie (1835-1919)
Andrew Carnegie's rags-to-riches story is one of perseverance, initiative, and resourcefulness. Born in 1835 to a working-class Scottish family, Carnegie came to the US with his family when he was thirteen years old. In 1853 he took a job at a railroad corporation. He quickly advanced at the company. In 1889, he founded the Carnegie Steel Company. This business combined with others to create US Steel. US Steel helped meet the country's great demand for steel—used in railroads, skyscrapers, and other examples of great technological achievements.

Concerned with the growing power of monopolies and their impact on economic rights, the federal government tried to break up the US Steel Company under the Sherman Anti-Trust Act. At the time, US Steel provided two-thirds of all steel produced in the country. However, the government was unable to show any misconduct on the part of the company and the case was dismissed.

Later in life, Andrew Carnegie dedicated his life to philanthropy, and he advocated an idea he called the Gospel of Wealth in which he encouraged the wealthy to give away their fortunes to worthy causes. He used his fortune to found the Carnegie Corporation of New York, Carnegie Endowment for International Peace, and Carnegie Mellon University in Pittsburgh.

Thomas Edison (1847 – 1931)
Born in Ohio in 1847, Edison had little schooling, and was completely deaf in one ear from a young age. Despite these circumstances, he saw every obstacle as an opportunity. He pursued his interests with industry and passion. He loved science and mechanics and was driven to invent. By 1868, Edison had improved the telegraph and the typewriter. He made an electric vote recorder and a stock ticker. Two years later at the age of twenty-three, he had enough money to open his first "invention factory."

He and his team of engineers and scientists prided themselves on their perseverance, thinking of every failed experiment as one that would bring them closer to success. They also cherished their economic rights, protecting their hard work by registering patents with the federal government. Within five years, he and his team had perfected the telephone and created the phonograph. Next, they became famous for the incandescent light bulb. Later, they worked on the motion picture camera, "talking" movies, a car battery, and an x-ray machine. In his lifetime, Edison registered 1,093 patents.

Henry Ford (1863-1947)
Even though he was born on a farm, Henry Ford showed more interest in mechanical things than in agricultural work. Early on, he alternated from working as an apprentice on steam engines to working on his father's farm tools to occasionally working in the fields. By 1891, he decided to become an engineer full time. Even though he was not the first to build a self-propelled vehicle with a gasoline engine, he became the most significant person in the development of the U.S.

automobile industry, creating Ford Motor Company in 1903. In 1908 the Model-T was introduced as an affordable, reliable, and efficient auto for everyone. By 1918, half of the cars in the United States were Model-T's. To meet the demand, Ford installed a mass production system using standardized and interchangeable parts, a division of labor, and assembly lines. This totally revolutionized the industry and made his company the largest automobile manufacturer in the world during his lifetime. In 1918 he lost a bid for a seat in the U.S. Senate.

Frances Willard (1839-1898)
Frances Willard, born in 1839, was an influential reformer in the early part of the 20th century. She was the founder of the Women's Christian Temperance Union, a group concerned about the destructive effects of alcohol. During this time, women would meet in churches and then march to saloons to try to get owners to close their establishments. In 1882, she was instrumental in organizing the Prohibition Party. This party advocated the passage of the 18th amendment which prohibited the manufacture and sale of alcohol. As a writer, she would become the first woman dean at Northwestern University and the first woman to be represented in Statuary Hall in the U.S. Capitol.

The Wright Brothers
Wilbur and Orville Wright's industry and perseverance changed a nation—and the world. Many had tried but no one had been able to perfect a machine that could be controlled in flight. The Wright brothers observed birds, studied wings and engines, physics and dynamics. They conducted wind tunnel tests on more than 200 kinds of wings. They continued in their research and experiments over several years, during which time they suffered some disappointing failures. In 1900, they traveled to Kitty Hawk, North Carolina, a location they selected after extensive study of weather data. Its ocean breezes and soft landing sites would be perfect. On December 17, 1903, they succeeded. Their engine-powered airplane flew 120 feet, landing twelve seconds after takeoff. The Wright brothers knew that citizens had the ability to protect their inventions through patents. They patented their invention as a "flying machine," and almost immediately had to begin defending their work from rival inventors. Wilbur spent much of the last years of his life in this endeavor, traveling to consult with lawyers and testifying in court. He saw it as his responsibility to defend not only his own economic rights, but those of other citizens. Orville persevered in the legal battle until the case was decided in the Wrights' favor in 1914.

Gilded Age Events

Transcontinental Railroad
The federal government subsidized the growth of the railroad industry by providing land grants to railroad companies between 1850 and 1870. Among others, Chinese immigrants and Irish Civil War vets worked on the railroads, which at times led to tension among the laborers. Although the Civil War slowed construction of the first transcontinental railroad, the race to complete it ended in 1869 when the Union Pacific and Central Pacific railroads met in Utah, completing the route from Nebraska to California. This provided faster transportation between the east and west coasts. The ability to move goods, resources, and people had a significant

effect on the economy. Demand for goods spurred the growth of factories and businesses, creating jobs and putting more people to work. By 1883, refrigerated railroad cars carried meat and farm products to eastern urban markets, while manufactured goods headed west. Mass-produced factory items were available in urban department stores or through mail-order catalogs such as Sears and Roebuck for those living in rural areas. Western settlement and business-friendly government policies like land grants to railroads, protective tariffs, low corporate taxes and the lack of industry regulation helped create a national economy.

Grange Movement
Farmers organized under the Grange Movement to demand help from state and the federal government over high railroad rates and unfair practices by grain elevator operators that limited farmers' profits. They established farmer-owned co-ops where they graded, packed, shipped and sold their own crops, sharing the profits among themselves. In addition to organizing to fight unfair treatment as a result of having less power or influence than bigger industries, the Grange created opportunities for farmers to learn about new agricultural methods and the latest political events that might affect them. It also provided a place for wives and families to gather and socialize.

Invention of the Telephone
In 1876, Alexander Graham Bell invented the telephone, providing an opportunity for individuals to communicate with one another across long distances. This invention brought people closer together and led to innovative technological developments in communication. As individuals sought new ways to communicate, the free-enterprise system allowed the telecommunications industry to develop innovations to meet consumers' needs. The first cordless phones were introduced in the 1970s. By 1983, the first cell phone small enough to carry entered the market. Developments like the 2007 iPhone revolutionized access to information by providing the power of a computer in a hand-held device. Satellite technology enables GPS to operate in our phones as well.

Invention of Electricity The development of electric power by Thomas Edison in 1879 changed the way people lived and worked. The light bulb led to longer workdays because laborers were no longer limited to working during daylight hours. By 1900, industries began to use electricity to run machines. This led to an increase in the number of factories and the growth of cities as people left their farms seeking factory work. Electric streetlights made the streets safer and were much more efficient than lamplighters lighting individual gas lamps nightly. Electric streetcars made travel easier in cities. Electricity powered appliances such as washing machines, toasters, electric irons, and vacuum cleaners, making life easier for women who did most of the domestic work.

Tammany Hall
Political Machines consisted of small groups of insiders who controlled the affairs of the local government without actually being elected to public office. Political bosses led the political machines. Although they often made infrastructure repairs and provided much needed services for immigrants and the economically disadvantaged, machines traded these services for votes in the local elections. Boss Tweed controlled Tammany Hall, the most infamous political

machine in New York City. While Boss Tweed controlled the local NYC government, over $200 million taxpayer dollars were funneled to Tweed and his friends. The graft—political corruption that misdirects public funds—was finally exposed by *Harper's Weekly* cartoonist, Thomas Nast. Although the Tammany Hall machine continued after Boss Tweed was arrested, tried, and sent to prison, it slowly began to lose power and influence over New York politics.

American Federation of Labor

With the rise of big business in steel and railroads, workers joined together into labor unions to protect their interests regarding pay and working conditions. The major weapon the Union used to make their protests known was to "strike" by refusing to work until negotiations took place between the employer and the employees. The largest labor union was the American Federation of Labor founded in 1881. It began as a federation of skilled workers from various trades, rather than an organization of workers in the same trade. The founder of the American Federation of Labor hoped to secure higher pay, an 8-hour workday, and improved working conditions for all members of the union. Opposition to labor unions intensified because many people believed that demands for higher wages would increase the price of goods. The most notable strikes included the Great Railroad Strike of 1877, Haymarket Riot in 1886, the Homestead Strike in 1892, and the Pullman Strike of 1894. Sometimes labor strikes ended in violence. Following the death of workers during the Pullman Strike, President Cleveland attempted to improve relations with the labor unions. One of the outcomes of this effort was the creation of a federal holiday known as Labor Day to celebrate the contributions and achievements of American workers. Labor Day is traditionally observed on the first Monday in September.

Brooklyn Bridge

Manufacturing steel using the Bessemer process was much more efficient than previous methods. Steel played a critical step in the industrialization of the United States as steel was used to manufacture equipment, tools, and railroads. In 1883 workers completed the Brooklyn Bridge across the East River, connecting Manhattan to Brooklyn. At the time, it was the longest steel-wire suspension bridge in the world. Skyscrapers built with a steel frame soon followed. Both changed the landscape of the nation.

Battle of Wounded Knee

The Indian Wars began at the end of the Civil War as more people moved west looking for opportunities to mine, farm, and ranch. There they encountered indigenous tribes who had lived on the Great Plains since they were removed from the eastern United States in the 1830s by President Andrew Jackson. Prior to the final conflict at Wounded Knee in 1890, the Lakota put up one final effort to halt expansion of the Americans moving west, known as the Ghost Dance. The Battle of Wounded Knee in 1890, in which more than 250 Lakota people on the Pine Ridge Indian Reservation were massacred, marked the end of the Indian Wars and the defeat of the Lakota Sioux tribe.

Klondike Gold Rush

Between 1896 and 1899 approximately 100,000 prospectors rushed to the Klondike region of northwestern Canada after hearing reports by local miners of gold being discovered. A few of these prospectors did find gold and became wealthy, but most were unsuccessful. However, the economies of Seattle and San Francisco flourished because both cities were located where

prospectors began their trips to the Yukon territory. The Klondike gold rush came to an end for several reasons. First, most prospectors did not find gold and lost their savings. Second, the Spanish-American War broke out in 1898. Eventually, gold and silver were discovered in the United States, including Colorado, the Black Hills of North Dakota, and the territory of Alaska.

Reservation System

By the 1890s, most Indian Wars were over, and a majority of Native Americans were forced to live on reservations. The government designed the reservation system to keep the peace by isolating Native Americans from the settlers who were moving west. However, since the land set aside for the reservations was often the least desirable and far away from their Native American homeland, this system created problems for the Native Americans in maintaining their customs and way of life. Native American reservations were under the authority of the U.S. government, not the state in which the reservation existed. Therefore, Native Americans living on the reservations depended on the federal government for food, shelter, and clothing. The government attempted to change the reservation system to help Native Americans assimilate into the American way of life, but these attempts often produced mixed results and resentment.

Native American Boarding Schools

From the 17th century to the early 20th century, missionaries established Native American boarding schools in an attempt to assimilate Native American youth into American culture. One of the most prominent schools was the Carlisle School founded in 1879 by a former army officer, Richard Pratt. Mr. Pratt believed that education was the way to help Native American children become accustomed to the way of life in American culture. The belief behind the school was “Kill the Indian, Save the Man.”

Hundreds of private and government sponsored schools were modeled on the Carlisle school. At the schools, the children were required to change their Native American names, cut their hair, give up their tribal languages, religious beliefs, and customs while experiencing harsh discipline, corporal punishment, and isolation if they resisted. These schools were mostly unsuccessful because many Native American children resisted adopting American culture if it required them to also give up their identities, culture, and traditions. For those that did stay, the negative impact of losing their connection to their tribal culture was far-reaching.

Cattle Industry Boom

The cattle industry boomed in the late 1800s. After the Civil War, people moved to the Plains and found much of this land adaptable to raising cattle. Wild cattle roamed the area in abundance. Men called cowboys found work rounding up these cattle, driving them to market for sale, where they were transported to the meat packing plants in the East for processing. Rapid urbanization and increased immigration led to a rise in the demand for beef.

With the cattle boom came issues and conflicts, especially with the farmers in the area. Farmers didn't like the cowboys driving cattle to market through their land because it often destroyed their crops. Ranchers much preferred access to an "open range." because it allowed their cattle to graze freely. To protect their crops and land, farmers began to use barbed wire

fences. Ranchers and cowboys resented the use of barbed wire to keep their cattle off the land, especially if it meant that a significant water source might also be behind the barbed wire fence. Barbed wire also damaged the cattle's skin if they got entangled in the wire. These issues caused continued tension between the rancher and farmer in the settlement of the Plains.

Exoduster Movement
The Exoduster Movement was a name given to the movement of African Americans migrating from states in the South after the Civil War. Beginning in 1879, many newly freed African Americans left to seek economic opportunities in Kansas, Oklahoma, and Colorado as well as to escape discrimination and racial violence at the hands of the KKK. The land available to them was not the best for farming and many who moved remained destitute and forced to find work in factories. The exodus helped cause a slight labor shortage in the South, prompting some employers to improve conditions for their workers.

US Becomes a World Power

Sanford Dole (1844-1926)
Sanford Dole was born in Honolulu to missionary parents. After completing his education and receiving an honorary law degree, he returned to Hawaii as a businessman and public official when Hawaii was an independent kingdom, a republic, a protectorate and later a territory of the United States. At first, he was able to work with both the Hawaiian royalty and the immigrants who lived in the islands. Dole was named President of the Provisional Government of the Republic of Hawaii after Queen Liliuokalani was overthrown. When Grover Cleveland was elected president, Cleveland attempted to restore the monarchy, and plans for the annexation of Hawaii by the United States were delayed. When annexation finally occurred in 1898, Dole led negotiations requiring the U.S. government to pay off the accumulated national debt of both the Kingdom of Hawaii and the Republic of Hawaii. He successfully demanded that public lands be held as a public trust for the residents of Hawaii. He became Hawaii's first territorial governor and then a presiding judge for the U.S. District Court for Hawaii. His cousin John founded the famous Hawaiian Pineapple Company which later became Dole Pineapple Company.

Henry Cabot Lodge, Sr. (1850-1924)
Born in Massachusetts, Henry Cabot Lodge, Sr. later earned his law degree from Harvard. He began his political career as a member of the state legislature and then moved to the U.S. House of Representatives. In 1893, he became a U.S. Senator where he served until his death. As a conservative Republican, he supported expansion for the United States as a way to establish the country as a world power. Forming a close alliance with Teddy Roosevelt, he endorsed the building of the Panama Canal, war with Spain in 1898, and acquisition of the Philippines as well as other territories in the Pacific. He believed for the United States to be a factor in international trade and diplomacy, it must have a strong army and navy. This would require the building of military bases to protect the merchant marines as they sailed to the Far East and points in between. He clashed often with President Wilson and later led the charge to reject the Treaty of Versailles and its League of Nations at the conclusion of WWI. Lodge feared joining the international League of Nations as it might force the U.S. into war without Congressional approval. Lodge also worked for immigration restrictions during this time as he was worried that

the growing number of immigrants would not be able to become what he called, “100 % American.”

Alfred Thayer Mahan (1840-1914)
Born in West Point, New York, Alfred Thayer Mahan went on to become one of the most important military strategists of the 19th and early 20th centuries. He fought in the American Civil War as a Union naval officer and later served in the 1880s as President of the Naval War College at Newport, Rhode Island. Educated at the U.S. Naval Academy, he became an admiral and noted naval historian. His book, *The Influence of Sea Power on History*, published in 1890, detailed the important relationship between a strong navy and successful world commerce. Mahan asserted that the nation with the strongest navy would control the globe. His books were widely read in the U.S., Britain, Japan, and Germany and influenced the buildup of navies before World War I. Both Teddy Roosevelt and Senator Henry Cabot Lodge, Sr. were strongly influenced by Mahan’s theory with regards to United States foreign policy.

General John J. Pershing (1860-1948)
Born in Missouri, Pershing began his career as a school teacher. In 1882, he took a competitive exam for an appointment to West Point and won the appointment. There he made a name for himself as a person with excellent leadership qualities. His early military career included guarding the frontier against the Sioux and Apaches in the last days of the Indian wars, fighting in Cuba during the Spanish-American War, and fighting in the Philippines in 1903. In 1895, he took command of a troop of the 10th Cavalry Regiment, one of the original Buffalo Soldier regiments composed of African Americans. It was then that he got his nickname, “Black Jack.” In 1915, he was sent to the Mexican border to capture the revolutionary Mexican leader, Pancho Villa. With America’s entry into World War I in 1917, Pershing was named Commander-in-Chief of the American Expeditionary Forces. Upon arriving in Europe, he demanded that his troops fight as an independent American army rather than being blended in with the British and French. His troops were instrumental in the defeat of the Germans in the critical battle of Argonne Forest.

Theodore Roosevelt (1858-1919)
Theodore Roosevelt, born in New York in 1858, was serving as Vice President when President William McKinley was assassinated. With this event, Roosevelt became the youngest person ever to become President. His views on foreign affairs were summed up with the proverb he often called his motto, “Speak softly and carry a big stick.” Roosevelt was willing to interfere in the affairs of other nations when it benefited the United States.

At home, Roosevelt expanded the federal government’s power of eminent domain. He signed laws establishing five national parks. Explaining his fight for a “square deal” for Americans, he used authority under the Sherman Anti-Trust Act to take on consolidated companies that took away consumers’ choices. He worked to protect companies from extreme demands from labor unions. He urged federal lawmakers to enact legislation protecting workers, including child labor laws and a bill providing workmen’s compensation for all federal employees. He proposed laws regulating the nation’s food supply. In response, Congress passed the Pure Food and Drug Act of 1906, paving the way for the Food and Drug Administration (FDA). Roosevelt became famous for using the “bully pulpit” to advance his ideas.

Roosevelt had his critics. While the Founders believed that powers not granted to the federal government were forbidden, Roosevelt claimed that powers not forbidden were granted. Many charged that the many regulatory agencies he proposed threatened liberty. President William Howard Taft, who succeeded Theodore Roosevelt as President in 1908, said that Roosevelt's view of "ascribing an undefined … power to the President" was "an unsafe doctrine" that could do "injustice to private right." Some later historians have called Roosevelt an activist president, because of the way his actions increased the power of the federal government over states and individuals' lives.

Woodrow Wilson (1856-1924)
Woodrow Wilson was born in Virginia. He earned law and doctoral degrees at prestigious universities before becoming a political science professor and later president of Princeton University. He served as Governor of New Jersey, and in 1912 was elected President of the United States. Alice Paul organized a women's suffrage parade for the day before his inauguration.

A number of Progressive reforms took place during his administration, in the form of legislation and amendments to the Constitution. The Sixteenth Amendment was ratified a month before he took office; President Wilson gained Congress's approval for a graduated federal income tax. The Seventeenth and Eighteenth Amendments followed. Congress heeded Wilson's call to amend the Sherman Anti-Trust Act. Finally, Wilson lent his support to women's suffrage, and in 1920 the Nineteenth Amendment was ratified.

Though he initially attempted to keep the United States out of World War I, he asked Congress to declare war on Germany in 1917. He acted as Commander in Chief of the military and two years later negotiated the Treaty of Versailles, which included his plan for the League of Nations. The Senate did not approve the treaty, however, so the League of Nations began without the United States as a member. President Wilson won the Nobel Peace Prize in 1920.

Alvin York (1887-1964)
Alvin York, born in 1887, was a Congressional Medal of Honor winner who fought in World War I. He grew up learning to shoot and developed into an expert marksman. Although he was originally a pacifist, a friend convinced him that the Bible said it was okay to serve in the military. As a soldier in World War I, he gained notoriety by his performance in the Battle of Argonne Forest where he attacked the Germans. When members of his group were unable to proceed, he went after the Germans by himself. He killed 17 through sniper fire and then 7 by pistol. He was successful in taking 132 prisoners on his own. He died in 1964.

US Becomes a World Power Events

The Spanish American War
The war between Spain and the United States, known as the Spanish-American War, began in 1898. The two nations fought over economic and humanitarian concerns in the Spanish colonies of Puerto Rico and Cuba in the Caribbean and the Philippines in the Pacific. The United States sent the *U.S.S. Maine* to Cuba to protect the lives and economic interests of Americans on the

island. When the *Maine* was attacked and sunk, sensationalistic reporting called yellow journalism in newspapers owned by William Randolph Hearst and Joseph Pulitzer fueled American outrage against Spain who was blamed for the attack. When President William McKinley proposed war to Congress, he had support from the American citizens. The brief conflict resulted in a U.S. victory and marked an end to Spain's colonial empire. As a result of the Spanish American War, the U.S. began to emerge as a world power as a result of the decisive victory. As evidence of this new status in the world, President Theodore Roosevelt, one of the heroes of the Spanish-American War, invoked the principles of the Monroe Doctrine in his 1904 Roosevelt Corollary. The Corollary declared the United States to be the international policeman of the Western Hemisphere.

Territorial Acquisitions of Guam, Hawaii, the Philippines, and Puerto Rico
Spanish and U.S. officials signed the Treaty of Paris (June, 1919) that officially ended the Spanish-American War. This treaty granted Cuba independence under the protection of the United States. The former Spanish colonial possessions of Puerto Rico, Guam, and the Philippines were ceded to the United States. The acquisitions required the U.S. to make difficult decisions about the rights of people living in the newly acquired territories, as well as how to govern from a distance. Philippine nationalists fully expected that they would be able to govern themselves, which led to another war with the Philippines and resistance for several years. The territorial acquisitions also played a large part in the U.S. emergence as a world power due to their strategic geographic locations.

Open Door Policy
The United States became a world power following its defeat of Spain and its willingness to use force to protect its interests in the Spanish-American War. Having acquired territory in the Pacific, the United States sought more opportunities to trade in that region, especially in China. The Chinese government had been weakened in an earlier war with Japan, and the United States was concerned about other countries laying claim to areas of China as part of their "spheres of influence." In 1899, Secretary of State John Hay sent notes to these governments explaining that the United States would support an "open door policy" with China; meaning all foreign nations would have equal trading rights in China. This policy was designed to provide equal opportunity for international trade and commerce among the various powers operating in China.

World War I
World War I, the first modern war, was particularly deadly because of the concept of total war and the use of new and improved weapons created as a result of industrialization. These weapons included the machine gun, poison gas, submarines, tanks, and airplanes. Another reason for the casualties was the stalemate created by the use of trench warfare on the Western Front along the border of France and Germany. Trench warfare involved both sides digging trenches and dugouts opposite each other to protect soldiers from enemy fire. The land between the trenches, called "no man's land," was fortified with barbed wire and land mines. Neither side was able to make significant advances, which resulted in stalemate and a war of attrition that caused massive damage to the land and tremendous loss of life.

Assassination of Archduke Franz Ferdinand
World War I began with the 1914 assassination of the Austrian Archduke Franz Ferdinand and his wife by a Serbian nationalist. Fueled by strong feelings of nationalism, an imperialist desire for colonies to support a strong economy, a buildup of arms, and an entangling system of alliances for protection, the assassination quickly developed from an isolated incident between Austria-Hungary and Serbia into a worldwide conflict. During the next four years the Allied powers of Great Britain, France, Russia, Italy, and eventually the United States fought the Central Powers of Germany, Austria-Hungary, and the Ottoman Empire.

Sinking of the Lusitania
In the first years of World War I, the U.S. struggled to stay neutral even though both Great Britain and Germany tried to persuade the U.S. to come to their aid. This changed when Germany began using "unrestricted submarine warfare" in the Atlantic. In May of 1915, German submarines attacked and sank *The Lusitania,* a British passenger ship, because they believed the British were using passenger ships to secretly carry weapons. After the loss of 128 American lives in the attack, the mood of many Americans shifted as they began to openly oppose Germany.

Zimmerman Telegram
Despite negotiations between Germany and the U.S., Germany refused to stop using submarine warfare against ships they suspected of carrying Allied weapons. American opposition to Germany continued to build in the United States. In 1917, British officials intercepted a telegram from the German Foreign Minister to officials in Mexico promising to return Mexican territories currently held by the U.S. if Mexico would help Germany fight the United States. This message, known as the Zimmerman Telegram, coupled with Germany's use of unrestricted submarine warfare finally culminated in President Wilson's decision to enter the war. On April 2, 1917, President Wilson asked Congress for a formal Declaration of War and the United States entered the war on the side of the Allies. The entry of the U.S. changed the outcome of the war and broke the stalemate between the two sides.

Battle of Argonne Forest
The American Expeditionary Force (AEF) were the U.S. troops under the command of General John J. Pershing. The AEF was sent to Europe to fight the Central Powers after the U.S. entered World War I in April of 1917. Eventually, the U.S. sent more than two million men overseas to fight. Many of these men were drafted into the military as a result of the Selective Service Act (1917), requiring eligible males to register for the draft. This infusion of troops tipped the balance of the war in favor of the Allies, and eventually ended the stalemate in the trenches. The Battle of Argonne Forest (1918), fought along the Belgian border in the northeast of France, demonstrated the importance of the additional American troops. The entire battle lasted over a month and resulted in heavy casualties for both sides. However, due to the American forces, the battle resulted in a victory for the Allies and marked the beginning of the end for the Central Powers.

Spanish Flu Epidemic
At the close of World War I, an outbreak of influenza infected 500 million people before it finally came to an end. Known as the Spanish flu, the epidemic killed approximately 20 million people worldwide. More soldiers died from the flu than from combat in the war.

Paris Peace Conference

Once Germany surrendered in November 1918, crafting a peace treaty to resolve the issues that led to World War I at the 1919 Paris Peace Conference proved difficult. The Allies, especially the French, who had suffered greatly in the years prior to U.S. entry into the war, wanted to punish Germany. President Wilson previously outlined his plan for peace known as the Fourteen Points in a speech delivered to a joint session of Congress in January 1918. Designed to make the world "safe for democracy," the Fourteen Points included a plan for a League of Nations. The League of Nations was to be an international organization of member nations that would mediate disputes before armed conflict began. Members would also agree to come to each other's aid if conflict arose. President Wilson made concessions to Allied leaders concerning the harsh economic punishments given to Germany in order to achieve his idea for the creation of the League of Nations. Concerned that the U.S. might be forced into another war, Senator Henry Cabot Lodge, Sr., led the opposition to the Treaty of Versailles in the Senate. Those opposing the Treaty of Versailles and the League of Nations were known as isolationists. The main desire of the isolationists was to maintain U.S. neutrality in any future military conflicts in Europe. They believed this would keep them from becoming entangled in future disputes such as the one that had caused heavy American casualties in World War I. Despite Wilson's whirlwind train trip across the country to rally American support, the U.S. Senate refused to ratify the Treaty of Versailles. Neither side would compromise. As a result, the U.S. did not join the League of Nations or sign the Treaty of Versailles.

Building of the Panama Canal

As the United States began to expand after the Spanish American War, the ability to navigate and control the new territorial acquisitions of Puerto Rico, Guam, the Philippines, and Hawaii became a primary concern of President Theodore Roosevelt. It became imperative that a canal be built in the narrow country of Panama connecting the Atlantic to Pacific Oceans. This would considerably shorten the time to move from one ocean to another without having to go around the tip of South America to do so. After negotiating a treaty with Panama to not only build the canal but control the zone around the canal, construction began in 1904. The canal was completed and opened on August 15, 1914. While most in the United States supported the construction, there was resentment among the Latin American nations over the method used by the U.S. to obtain control of the canal zone. In 1978 the U.S. Senate ratified a treaty negotiated by President Carter that began to gradually return control of the canal to the nation of Panama by 2000. Today the Panama Canal is a vital part of the global economy.

Propaganda in WWI

Propaganda uses biased or misleading information to publicize and persuade people to support a particular point of view. Both sides in World War I used propaganda to present only the information about the war that aligned with their respective point of view. The propaganda campaign used various media sources which included posters, songs, books, photographs, and artwork.

The use of propaganda in World War I played a key role in persuading Americans at home to send troops and resources overseas as well as enlist and join the fight against the Central Powers. The posters even encouraged Americans to do their part at home by conserving food

that could be sent to the troops and growing their own fruits and vegetables by planting victory gardens.

Camp Logan Riot of 1917
The Camp Logan Riot of 1917 took place in Houston. It involved an all-Black regiment of the U.S. Army stationed at Camp Logan and the Houston Police Department. Tensions in Houston were high due to the Jim Crow laws and strict segregation policies, which impacted the African American soldiers stationed at the camp near the city. The riot began with an incident when several of the soldiers were beaten and arrested. When others from Camp Logan marched into Houston, fighting broke out and eleven civilians, five police officers, and five soldiers died. Once the riot was over, 13 soldiers were executed and 41 were sentenced to life imprisonment for participation in the riots. Some raised questions about the fairness of the trials and the severity of the punishments. The Camp Logan Riot highlighted the continued tension with the role of African Americans in the military.

Progressive Era

Jane Addams (1860-1935)
Jane Addams is best known as the founder of a settlement house, called Hull House, where she provided help for poor immigrants who had come to Chicago. The idea for Hull House came after she saw a similar institution in London. Hull House provided kindergarten and day care for the children of working mothers and after school activities for older children. Later an art gallery, employment bureau, library, public kitchen, music and art classes, as well as facilities for swimming and sports activities, were added. She was also involved in numerous organizations that promoted social reform involving the rights of children, African Americans and women. Jane Addams became active in the peace movement during World War I and was the first president of the Women's International League for Peace and Freedom. Because of her outstanding work, she was the first woman awarded the Nobel Peace Prize in 1931.

Susan B. Anthony (1820-1906)
Susan B. Anthony was born in Massachusetts, the daughter of Quaker abolitionists. At her first women's rights convention in 1852, she declared that voting was "the right which woman needed above every other." In 1869 Anthony, Elizabeth Cady Stanton, Lucretia Mott and Lucy Stone founded the National Woman Suffrage Association (NWSA). This organization condemned the Fourteenth and Fifteenth Amendments as injustices to women because they failed to clearly protect women's rights. She and Stanton also published a weekly newspaper, *The Revolution*.

In 1872, Anthony decided to test the meaning of the Fourteenth Amendment by casting a vote. She argued that because the amendment protected the "privileges and immunities" of all citizens, that it should protect her right to vote. She was arrested, imprisoned, tried, and found guilty of voting. Anthony's trial gave her a chance to bring her message to a larger audience.

In the 1880s, NWSA merged with another suffrage organization to form the National American Woman Suffrage Association (NAWSA). Stanton became its first president. In 1892, Anthony

became its second president – a post she held for eight years. Anthony died in 1906, fourteen years before the Nineteenth Amendment would secure women's right to vote. The fight for women's suffrage was continued by others including Alice Paul and Carrie Chapman Catt.

Carrie Chapman Catt (1859-1947)
Carrie Chapman Catt, was born in Iowa, studied education and law, and became a high school principal.

Later a superintendent and then a newspaper reporter, Catt soon became a lecturer for the woman's suffrage movement. Working closely with Susan B. Anthony, Catt succeeded Anthony as president of the National American Woman Suffrage Association in 1900. She urged President Woodrow Wilson to support an amendment to the Constitution securing the right to vote for women.

Catt found the group's efforts disorganized and introduced a strategy to work for a suffrage amendment. The strategy was known as the "winning plan," and advocated working for reforms on both the state and federal levels. She opposed the efforts of Alice Paul to boycott Democratic candidates who refused to support women's suffrage, as well as Paul's more militant strategies. Catt's perseverance in working to ensure state reforms giving women the vote were critical to securing adoption of the Nineteenth Amendment. This amendment illustrates the constitutional principle of equality. After its passage, Catt founded the League of Women Voters and advocated child labor laws.

W.E.B. DuBois (1868-1963)
W.E.B. DuBois was a leader in the struggle for civil rights for African Americans in the first years of the 20th century. In 1895, he became the first African American to receive a PH.D from Harvard. DuBois broke from Booker T. Washington's philosophy which preached that African Americans should work hard for economic gain and the respect of whites, even though it might mean they had to endure discrimination for the time being. DuBois believed Washington's philosophy would perpetuate the oppression of African Americans. In 1903, DuBois published perhaps his most famous book, *The Souls of Black Folks*. In 1909, he helped create the NAACP (National Association for the Advancement of Colored People). His later Pan-Africanism ideas were based on the belief that people of African descent from all over the world should unite to fight oppression. When he left the NAACP in 1934, he favored complete black separatism. After moving to Ghana, he became a citizen of Ghana and a member of the Communist Party. He died in Ghana on August 27, 1963, the eve of the March on Washington.

Alice Paul (1885-1977)
Alice Paul was born in New Jersey to a Quaker family. She became interested in women's suffrage while a graduate student in England.

She came back to the United States in 1910 and turned her attention to winning the vote for women in America. She earned her PhD in economics, concentrating on the status of women in Pennsylvania. She wished to build on the efforts of earlier suffragists Susan B. Anthony and Elizabeth Cady Stanton. Paul organized a large parade to coincide with the inauguration of President Woodrow Wilson in 1913. She published leaflets and held daily pickets in front of the

White House. She burned copies of Wilson's speeches, calling them "meaningless words" about democracy. In 1917 she and many others were arrested for peacefully marching. While in jail, she began a hunger strike and was force-fed by prison authorities.

Paul's actions alienated some, including National American Woman Suffrage Association President Carrie Chapman Catt, who believed the women's suffragists were becoming too militant. On the other hand, those who were arrested for exercising their First Amendment rights to speak, publish, peaceably assemble, and petition won the public's sympathy. Wilson ordered them released from prison. He also soon lent his support to women's suffrage. Congress approved the Nineteenth Amendment within a year and it was ratified by the states in 1920. Paul continued her campaign for women's rights, leading a successful campaign to add gender as a protected category to the Civil Rights Act of 1964.

The work of Paul and other women's suffragists illustrate the civic values of perseverance, courage, initiative, industry, and civic skills including volunteering.

Theodore Roosevelt (1858-1919)

Theodore Roosevelt, born in New York in 1858, was serving as Vice President when President William McKinley was assassinated. With this event, Roosevelt became the youngest person ever to become President. His views on foreign affairs were summed up with the proverb he often called his motto, "Speak softly and carry a big stick." Roosevelt was willing to interfere in the affairs of other nations when it benefited the United States.

At home, Roosevelt expanded the federal government's power of eminent domain. He signed laws establishing five national parks. Explaining his fight for a "square deal" for Americans, he used authority under the Sherman Anti-Trust Act to take on consolidated companies that took away consumers' choices. He worked to protect companies from extreme demands from labor unions. He urged federal lawmakers to enact legislation protecting workers, including child labor laws and a bill providing workmen's compensation for all federal employees. He proposed laws regulating the nation's food supply. In response, Congress passed the Pure Food and Drug Act of 1906, paving the way for the Food and Drug Administration (FDA). Roosevelt became famous for using the "bully pulpit" to advance his ideas.

Roosevelt had his critics. While the Founders believed that powers not granted to the federal government were forbidden, Roosevelt claimed that powers not forbidden were granted. Many charged that the many regulatory agencies he proposed threatened liberty. President William Howard Taft, who succeeded Theodore Roosevelt as President in 1908, said that Roosevelt's view of "ascribing an undefined … power to the President" was "an unsafe doctrine" that could do "injustice to private right." Some later historians have called Roosevelt an activist president, because of the way his actions increased the power of the federal government over states and individuals' lives.

Upton Sinclair (1878-1968)

Upton Sinclair was born in Maryland in 1878. He believed unregulated capitalism was responsible for much of the poverty he saw, and so he joined the Socialist Party. He decided to write a series of articles on the Chicago meat-packing industry. The series told the fictional story

of an immigrant family who found work in the stock yards. The stories first appeared in a socialist newspaper. In 1906, Sinclair combined them into a fictional novel, *The Jungle*. It was a world-wide best-seller. Americans were shocked and horrified at the working conditions Sinclair described.

President Theodore Roosevelt read *The Jungle* and ordered inspections of the meatpacking industry. Soon after, Congress passed the Pure Food and Drugs Act (1906) and the Meat Inspection Act (1906). Sinclair exercised his right to freedom of the press in order to bring about what he saw as a needed change.

Ida B. Wells (1862-1931)
Ida B. Wells exercised her rights to freedom of speech and press to bring national attention to the crime of lynching. Wells was born in Mississippi in 1862, the oldest of eight children. She put herself through college and became a teacher in Memphis, Tennessee.

In 1892, Wells lost three close friends to a lynch mob. These gruesome killings made headlines, but no one was arrested or charged. As a journalist and a newspaper owner and editor, Wells courageously wrote about the racism that motivated such murders. The press attacked her as a "black scoundrel" for saying that lynching had nothing to do with justice or honor. A mob ransacked her office and threatened her life, but she continued her crusade.

Wells later moved to Chicago where she published *The Red Record*, the first documented statistical report on lynching. She became a respected public speaker, and traveled widely, lecturing on anti-lynching activities, speaking out against segregation, and advocating for women's voting rights. She co-founded the National Association for the Advancement of Colored People (NAACP) in 1909.

Progressive Era Events

Populist Party
In the late 1800s farmers in much of the country experienced difficult times. Farmers felt that neither the Republicans nor Democrats were concerned about their problems. As a result, they created their own party, the Populist Party. In July of 1892, they issued the Omaha Platform at their founding convention in Omaha, Nebraska. The platform included ideas such as a graduated income tax, the use of the secret ballot, direct election of U.S. Senators, an eight-hour workday, government ownership of the railroads, telegraph, and telephone, free, unlimited coinage of gold and silver, and a proposal that excess land held by the railroads and other corporations be reclaimed by the government. Although the Populist Party won one million popular votes and received twenty-two electoral votes, they were unsuccessful because their main support came from the South, Midwest, and the West. They received very little support from the densely populated Northeast. By 1896, the Democrats adopted some of the ideas in the Omaha Platform and the party largely disappeared. However, some Populist Party proposals such as graduated income tax, the secret ballot, and direct election of U.S. Senators became law during the Progressive and New Deal eras.

Progressive Party/Bull Moose Party

Republican Theodore Roosevelt became President following the assassination of William McKinley. As President, he attempted to make numerous social, economic, environmental, and political reforms to improve American life. When Roosevelt decided not to run for election in 1908, he left his successor, William Howard Taft, in charge of continuing the work while he went on an African safari. Disappointed in Taft's progress in the four years he was President, Roosevelt decided to run as a third-party candidate for the Progressive or Bull Moose Party in 1912. His platform included some of the earlier reform ideas of the Populist Party, including tariff reform, stricter regulation of industrial combinations, women's suffrage, prohibition of child labor, direct primaries, popular election of U. S. Senators, publication of campaign expenditures, regulation of interstate industries, minimum wage, unemployment insurance, and old-age pensions. In the election, Roosevelt split the Republican vote, which allowed Democratic candidate Woodrow Wilson to win the contest with 435 electoral votes while receiving only 42% of the popular vote. Roosevelt won 27% of the popular vote and 88 electoral votes. President Taft won 23% of the popular vote and only 8 electoral votes. Roosevelt's performance was the best in any presidential election by a third-party candidate. The Progressive Party continued to be involved in U.S. politics until 1952.

Prohibition Movement

While the temperance movement began in the 1850s, the desire to prohibit the drinking of alcoholic beverages intensified in the early years of the 20th century. Leader Carrie Nation dedicated her life to the prohibition of alcohol even if it meant staging a march into a saloon or bar and destroying it with a hatchet, which she called "Hatchetations." Although she was arrested and fined, she continued to conduct these marches. The temperance movement intensified, and by January 1919 Congress ratified the 18th Amendment that prohibited the manufacture, sale, or transportation of alcohol in the United States except for certain medical uses. Congress passed the Volstead Act in an attempt to enforce the 18th Amendment. However, during the 1920s, speakeasies—establishments that sold illegal alcoholic beverages—grew and became the place where people went to buy alcohol. The illegal activity that developed around the manufacture and distribution of alcoholic beverages soon persuaded the nation to repeal the 18th Amendment with the 21st Amendment in 1933.

1912 Presidential Election

In 1912, the Progressive Party made its first appearance in the nation's presidential elections. The popular name for the party was the Bull Moose Party and its candidate was former Republican president Theodore Roosevelt. Roosevelt had declined to run in the 1908 election, leaving his successor William Howard Taft to carry on his reforms. However, when Taft did not follow through, Roosevelt and his supporters bolted from the Republican party to form the Bull Moose Party. Roosevelt ran on a platform that pledged to continue the fight for tariff reform, regulation of large industrial corporations and interstate industries, and the political reforms that included direct primaries, popular election of U.S. senators. They also supported women's suffrage and prohibition of child labor. Many of these ideas came from the Populist Party. The Republicans nominated President Taft; the Democrats, Woodrow Wilson; and the Socialists, Eugene V. Debs. Roosevelt won 88 electoral votes and 27% of the popular vote, drawing most of this support away from Taft, the Republican candidate. As a result the Democratic candidate Woodrow Wilson won the election. This election continues to be the strongest effort by a third-party candidate in U.S. presidential history.

The Roaring 20's

Glenn Curtiss (1878-1930)
Born in 1878, Glenn Curtiss is known as the "Father of Naval Aviation" and the "Founder of the American Aircraft Industry." Always fascinated with machines, he first began with motorcycles. He became the fastest man in the world at the time when his motorcycle reached a speed of 136.3 mph. In 1908, Curtiss became the first person to fly a publicly viewed flight. In the next few years a legal battle with the Wright brothers began over the design of the flying machine. Even though the Wright brothers eventually won the suit, they did not push for monopoly status and the Curtiss company continued to manufacture airplanes. Curtiss' company went on to build the largest fleet of airplanes used during World War I. Curtiss later developed a seaplane that was the first to take off and land on the deck of a ship. In 1929 the Curtiss Aeroplane Company merged with the Wright Aeronautical Company to form the Curtiss-Wright Corporation. This corporation is today a leading producer of high-tech components for the aeronautical industry.

Clarence Darrow (1857-1938)
Clarence Darrow was a lawyer and civil rights advocate. Most famously, he defended John T. Scopes in the "Scopes Monkey Trial" against fellow lawyer William Jennings Bryan. Scopes was a public school teacher accused of violating the Butler Act: a Tennessee law that made it illegal to teach "any theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals."

Darrow believed this law violated the no establishment of religion clause of the First Amendment. He told the Tennessee court, "If today you can take a thing like evolution and make it a crime to teach it in the public school, tomorrow you can make it a crime to teach it in the private schools… At the next session you may ban books and the newspapers… we are marching backward to the glorious ages of the sixteenth century when bigots burn[ed] the men who dared to bring any intelligence and enlightenment and culture to the human mind."

The most dramatic moments in the trial came on the seventh day, when Bryan volunteered to serve as a witness based on his Biblical expertise. During Darrow's examination, Bryan acknowledged that not everything in the Bible should be taken literally, and that indeed creation may have taken place over years. Though Scopes was found guilty of teaching evolution, Darrow's arguments are considered a landmark defense of the First Amendment's prohibition on establishment of religion.

Marcus Garvey (1887-1940)
Born in Jamaica, Marcus Garvey became the first African American to speak openly and publicly about African nationalism. He believed the only way African Americans were going to achieve equality was to return to Africa and build a great nation of their own. He began to work to achieve this by acquiring a ship line known as the Black Star Line. He hoped to use this line to transport African Americans to their new home. He often gave speeches on the street corners of Harlem expressing his views. Because of his beliefs, he came under investigation by the BOI (Bureau of Investigation) which later became the FBI. The BOI believed he was a dangerous radical. Later civil rights leaders Malcolm X and Martin Luther King Jr. used his writings and speeches in the civil rights movement. Even though both men disagreed about the way equality should be

achieved, they believed that Garvey was a model of a man who attempted to instill a sense of pride and dignity in African Americans. Today, allusions to Garvey and his influence can be found in pop culture musical genres such as hip-hop, blues, jazz, and reggae.

Warren G. Harding (1865-1923)
Warren G. Harding, born in Ohio in 1865, was elected to the U. S. Senate from Ohio in 1914. In 1920 the Republican Party nominated Harding as its candidate for President, and during the campaign he promised America a return to normalcy after the chaos of WWI. He championed the idea that "America's present need is not heroics, but healing; not nostrums, but normalcy; not revolution, but restoration…" He was elected the nation's 29th President but died in 1923 before completing his term. As a conservative Republican, he sought to decrease the role of government in the American economy and allow business to flourish without intrusive government regulations. He protected American business by increasing tariffs on imported goods. His hands off (laissez-faire) approach to governing saw a reduction in government spending and a lowering of the income tax. He also worked with Congress to reduce excessive taxes on corporations. During his administration Americans paid one-third less in taxes. Harding died before some notorious scandals involving members of his administration became public knowledge. However, the Teapot Dome Scandal in which a Harding cabinet member was caught taking a bribe tarnished the Harding presidency forever.

Charles A. Lindbergh (1902-1974)
Charles A. Lindbergh, born in 1902, was the first pilot to complete a nonstop, solo transatlantic flight. He flew from the United States to Paris aboard his plane, *The Spirit of St. Louis* in 1927. Newspapers nicknamed him "Lucky Lindy" and "Lone Eagle." President Calvin Coolidge awarded him the Congressional Medal of Honor and the Distinguished Flying Cross. His son was kidnapped in 1932 and held for ransom only to be discovered murdered a couple of months later. To escape publicity, Lindbergh moved to Europe where he was invited by the French and German governments to visit their aircraft industries. In 1938, Hitler's German government awarded Lindberg a German Medal of Honor. Nazi critics in the U. S. accused him of being a Nazi sympathizer. In 1939 he and his family returned to the U. S. In 1944 he went to the Pacific as an advisor to the U. S. military and, as a civilian, flew several combat missions. After the war, President Eisenhower restored his military commission and appointed him a Brigadier General in the U. S. Air Force. Pan American Airways hired him as a consultant where he helped design the Boeing 747. In 1953 he published *The Spirit of St. Louis*, a memoir of his 1927 flight, which won the Pulitzer Prize in 1954. He died in 1974.

The Roaring 20s Events

Great Migration
Beginning in 1916, a large number of African Americans moved from the South to other parts of the country, especially the industrial Northeast. This migration continued until the mid-1960s, dramatically changing the demographics of the United States. The major reasons African Americans left the South included the lack of economic opportunities, harsh segregation practices, and Jim Crow laws found in most Southern states. As the industries grew in the North, African American men filled the need for industrial workers in New York City, Chicago, Philadelphia, and Detroit, even though the working conditions they faced were often dangerous.

When they arrived, workers had trouble finding a place to live. As a result, workers often created their own community within the larger urban area. A prime example of this is Harlem in New York City.

Communist Revolution in Russia
In 1917, communists led by Vladimir Lenin and Leon Trotsky staged a successful revolution to overthrow the Czar and establish a communist government in Russia. One of the first acts of the new government was to withdraw from World War I because the war had been especially difficult for the Russian people. When Russia withdrew from the war, Germany no longer had to defend both its eastern and western borders, which allowed them to focus their attention on the Western Front. The withdrawal caused a great deal of antagonism against the Soviet Union, formerly known as Russia, among the Allies still fighting Germany. After World War I, the antagonism between the Allies and the new communist government turned to fear. Western governments, and particularly the United States, became concerned that communism would spread, thus threatening both monarchies and democracies throughout Europe and the United States. This event set the stage for conflicts between the Soviet Union and the West led by the United States throughout the twentieth century.

Palmer Raids
As response to the anti-communist fear known as the First Red Scare, 1919-1920, intensified, Attorney General Mitchell Palmer established a special office to gather information on suspected radicals in the United States. Based on this information, Palmer ordered the arrest of suspected Socialists and dissenters. Over 6000 people were rounded up even though there was limited evidence against them, much of which did not rise to the standard required for an arrest. When it was discovered that many of these individuals were foreign born, the government made plans to deport them, resulting in the deportation of at least 500 dissenters. The First Red Scare eventually died down when many Americans voiced opposition to Palmer Raids and the violations of civil rights that resulted from the raids.

Development of Jazz
In the 1920s a new type of music known as American Jazz emerged first in the city of New Orleans. As Jazz spread, new radio stations synonymous with the Roaring 20s lifestyle became popular around the country. Jazz clubs emerged in New York around Harlem. The Cotton Club and the Apollo Theater were the most well-known. African American musicians Duke Ellington, Cab Calloway, and later Louis Armstrong symbolized the Jazz Age in the United States.

Harlem Renaissance
The largest African American community in the United States was located in New York City's Harlem neighborhood. This thriving community became the center of cultural achievements in art, theater, music, and literature in the 1920s, known as the Harlem Renaissance. Poets such as Langston Hughes and James Weldon Johnson wrote about the experiences of African Americans. Jazz clubs and theaters flourished in Harlem during the time. However, due to segregation practices throughout the nation, individuals had to come to Harlem to enjoy this cultural experience.

Height of Tin Pan Alley Movement
Tin Pan Alley was the name given to an area of New York City where music publishers had their studios and offices. In the decade of the 20s, vaudeville musicians, actors, and dancers came to Tin Pan Alley publishers to audition and try to sell their acts and music. The name Tin Pan Alley came from a newspaper reporter describing the sound of multiple pianos being played at the same time because the publishers' offices were so close together.

Sacco and Vanzetti Trial
Nicola Sacco and Bartolomeo Vanzetti were Italian Immigrants who were outspoken critics of the U.S. government and considered to be anarchists. In 1921 they were arrested and tried for robbery and murder. Many believed they were innocent and only charged because of their nationality and beliefs about the government. When they were convicted and sentenced to death, their case became symbolic of the nativist tensions with immigrants at the time. In the end all appeals failed and the two were executed in 1927.

Teapot Dome Scandal
While President Warren G. Harding was not personally involved in the Teapot Dome scandal, several members of his administration were convicted of accepting bribes from oil companies over leases. The officials granted the leases, often to the ones with the highest bids, without accepting bids from their competitors. Harding's Secretary of the Interior was later convicted of accepting bribes and became the first Cabinet member to go to prison.

Model T Assembly Line
In 1908, Henry Ford began manufacturing the Model T automobile. By 1913, he streamlined the process by introducing the first moving assembly line, which maximized production in the automotive industry. The assembly line allowed Ford to produce cars that were much more affordable. By 1927, the Ford Motor Company had produced 15 million Model T cars. In addition to revolutionizing the automobile industry with the use of the assembly line, Henry Ford introduced the concept of the eight-hour workday. Reducing the workday for his employees allowed Ford to run three shifts of workers on his assembly lines. He also increased his workers' wages to $5 per day—double the existing pay rate. Ford's increase in wages made it possible for his employees to purchase the cars they produced. The convenience of automobile transportation provided Americans with the ability to live and travel wherever they wanted. The automobile industry eventually fueled the growth of suburbs because residents had the means of traveling in and out of the city.

Scopes Trial
In 1925, biology teacher John Scopes was accused of violating Tennessee law by teaching the theory of evolution in his classroom. HIs trial caused national attention and brought two of the most distinguished lawyers to Tennessee to try the case. William Jennings Bryan argued for the prosecution and Clarence Darrow argued for the defense. It became a trial about opposing beliefs and whether or not modern science should be taught in schools. Eventually Scopes was found guilty and fined $100, but the verdict was eventually overturned on a technicality.

First Red Scare
As a result of the Communist takeover in Russia and the assassination of the Russian czar and his family, Americans feared the spread of communist and socialist ideas would reach the United States. This fear, known as the Red Scare, intensified when the Communist Labor Party formed in 1919 in the United States. As a result, the Attorney General of the United States, General A. Mitchell Palmer, conducted raids to arrest thousands of suspects thought to be foreign anarchists and socialists living in the United States and planning to overthrow the U.S. government.

These raids, known as the Palmer Raids, were precipitated by a series of bombings in eight cities and General Palmer's home by an Italian anarchist. The raids eventually stopped when Americans voiced opposition for the violation of civil rights that resulted from the raids.

Great Depression / New Deal

Franklin D. Roosevelt (1882 –1945)
Franklin D. Roosevelt was born in New York and, after attending prestigious schools, he followed the example of his fifth cousin, President Theodore Roosevelt, and entered politics. He was elected to the state senate in 1910 and later appointed Assistant Secretary of the Navy by President Woodrow Wilson. In the summer of 1921 Roosevelt was stricken with polio. He persevered through physical therapy but never fully regained the use of his legs. Seven years later he was elected governor of New York, and in 1932 was elected President of the United States.

When he took office, the country was in the depths of the Great Depression. Thirteen million people were out of work and almost all banks had closed. In his First Inaugural Address he likened the crisis to a foreign invasion and asserted that the Constitution's separation of powers and system of checks and balances would have to be temporarily suspended in order to see the country through. He proposed what he called the New Deal: expansive federal programs, funded by citizens paying taxes. He sent a record number of bills to Congress attempting to bring relief to farmers and the unemployed. In 1935 he proposed the Social Security Act. Controls were enacted on utilities and businesses, and the government moved towards regulating the economy. The repeal of Prohibition also brought in more tax revenue for the federal government.

After his decisive reelection victory in 1936, Roosevelt became frustrated with the Supreme Court which had been overturning some New Deal legislation as unconstitutional expansions of Congress' powers. In what has come to be called his "Court-packing scheme," he proposed that Congress increase the size of the Supreme Court to a maximum of fifteen members. This proposal failed, but two justices changed their voting, and the court began upholding New Deal laws.

Roosevelt faced issues of national interest and foreign policy. He attempted to keep the country out of World War II, favoring a "Good Neighbor" policy of neutrality. When the Japanese attacked Pearl Harbor on December 7, 1941, Roosevelt believed he had to act; Congress declared war on Japan the next day, and on Germany and Italy three days later. Roosevelt served as

Commander in Chief of the military making the defeat of Nazi Germany the first priority. Fearing Japanese saboteurs, he signed Executive Order 9066 authorizing the forced internment of Japanese Americans living on the West Coast. This action was upheld as constitutional by the Supreme Court in *Korematsu v. United States* (1944).

In all, President Roosevelt was elected to four terms as President. Until that time, US presidents had followed the example of President George Washington who had limited his service to two terms. In 1951, the 22nd Amendment was passed limiting US Presidents to two terms.

Great Depression/New Deal Events

Stock Market Crash
On October 24, 1929, the stock market crashed due to an unprecedented volume of selling on Wall Street. This caused a decline in the stock market unprecedented in U.S. history. Millions who had invested in the market when it was booming lost their entire fortunes and life savings. This event signaled the beginning of the Great Depression in the United States, which lasted through the 30s and into the early 40s. The Great Depression was characterized by bank and business failures and the highest unemployment rate in U.S. history.

Dust Bowl
Even the agricultural sector was not immune to the economic problems of the Great Depression. In the 30s a severe drought coupled with unsuitable farming practices resulted in terrible dust storms in the southern section of the Midwest region. This situation caused crops to fail and livestock to die. The area affected became known as the Dust Bowl. The Dust Bowl resulted in a mass exodus of farmers who lost their land to the banks when they were unable to repay the loans, they had taken out to get through the drought. Many left their farms in hopes of finding work in California. John Steinbeck wrote about the struggles of these farmers in one of America's greatest novels, *The Grapes of Wrath,* published in 1939. His novel was based on the lives of agricultural workers, he called" Okies," who had migrated to California from Oklahoma during the Dust Bowl. The novel painted a vivid picture of the Depression Era and the Dust Bowl created by the drought. It is estimated that over one million farmers lost their land and left searching for better opportunities.

FDR's Fireside Chats
As the radio became increasingly popular, President Roosevelt conducted a series of radio addresses to the American people, known as the" Fireside Chats." During these chats, he spoke as if he were directly speaking to each listener. He used this time to explain his policies and ideas. In the first of these broadcasts, President Roosevelt addressed the banking crisis that had forced the government to call for a bank holiday to stop the panic caused by people withdrawing all of their money. Later on, his chats described other programs designed to provide relief to Americans, to help them recover from their struggles of the Great Depression, and to reform systems that needed greater regulation. Critics were concerned that New Deal legislation was leading to an expansion of executive power, especially those designed to protect the economy through government intervention in private business. Finally, as the fascist dictators began to threaten Europe, Roosevelt used the chats to calm the fears of the American people in the years before World War II.

Creation of the Tennessee Valley Authority (TVA)
One example of President Franklin D. Roosevelt's relief and recovery program was the Tennessee Valley Authority (TVA). The Tennessee Valley Authority was created by an act of Congress in 1933 to provide jobs and improve the regional standard of living by tackling issues from erosion, flood control, reforestation and power production. By building dams, the TVA was able to generate electricity for a region that included Tennessee and parts of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia that had not had access to electricity before. Electricity made life on the farms in this region easier and much more productive. It also encouraged new industry and jobs for those living in the region.

Creation of the Securities and Exchange Commission
The Securities and Exchange Commission is a regulatory agency created by an act of Congress at President Franklin D. Roosevelt's urging to prevent the problems with the stock market that caused the Stock Market Crash in 1929. The commission does this by providing oversight of the securities markets to provide accurate information for investors. As a result, the SEC today has had a positive impact on investments in the U.S. markets.

Court Reform Plan
By the mid-1930s, criticism of President Franklin D. Roosevelt's New Deal programs began to grow. Critics were concerned that New Deal legislation was leading to an expansion of executive power, especially with his efforts to protect the economy through government intervention in private businesses. When some of his programs faced court challenges and resulted in the Supreme Court striking down some New Deal legislation as unconstitutional, President Roosevelt felt it was time for him to extend his reforms to the judicial branch. President Roosevelt had not made any appointments to the Supreme Court during his first term in office and there was no evidence that any of the current Justices were planning to retire; therefore, he proposed the Judicial Procedures Reform Bill and presented it to the American people in one of his Fireside Chats. The proposed legislation would add a new justice to the Court up to a maximum of 15 members every time a Justice reached the age of seventy and did not retire. He felt he was able to do this constitutionally since the number of justices on the Court is set by Congress where he enjoyed a healthy majority. This proposed plan was called the "Roosevelt's Court Packing Plan" by his critics. They felt he was merely trying to fill the court with justices who would support his policies. As criticism grew even within his own Democratic party (for example, Hatton Sumners, a Democrat from Dallas, Texas and chairman of the Judiciary Committee of the House of Representatives), President Roosevelt withdrew his proposed plan for court reform.

Bank Holiday
After the Stock Market Crash, people feared banks were unsound and their money wasn't safe. This led many to remove their funds from banks, causing many to have to shut their doors. As more and more banks failed, President Roosevelt called for a bank holiday in 1933 for all of the banks in the United States. A bank was then only allowed to reopen after the government inspectors found the bank in sound financial shape. This was an immediate and temporary effort to stop the economy from declining further. This slowly helped people gain trust in financial institutions again since the government had given its approval. However, over 10,000 banks still failed across the nation during the banking crisis.

Mexican Repatriation
Immigrants from Mexico were not part of the immigration quotas placed on European immigrants during the 1920s., as a result the number of immigrants coming from Mexico had increased. To escape the turmoil in Mexico, many Mexicans came to the United States looking for a better life. Most immigrants took jobs for lower wages than most American workers received.

During the early years of the Depression when the unemployment rate began to rise, people were desperate for any job, including those held by Mexican immigrants. President Hoover responded by authorizing the Mexican Repatriation program. State and local governments in some areas would conduct raids to round up individuals of Mexican origin and put them on trains to Mexico.

This program sent working Mexican Americans and Mexican immigrants back to Mexico even if they had lived in the United States for years and did not want to go back. It is estimated anywhere from 500,000 to 2 million were deported to Mexico even if they were in the country legally.

World War II

Vernon Baker (1919-2010)
Vernon Baker, born in 1919, served as a First Lieutenant in the infantry during World War II. His brave actions saved the lives of many in his company, and he was responsible for eliminating three enemy machine gun positions and an observation post. For his bravery, he was awarded a Purple Heart, a Bronze Star, and the Distinguished Service Cross. Historians concluded that he was wrongly denied the military's top award because of his race, and in 1997, he became the only living African American veteran of World War II to receive the Medal of Honor when he was presented this award by President Bill Clinton. He is one of only seven African Americans ever to receive this award. Baker died in 2010 at the age of 90.

Omar Bradley (1893-1981)
Omar Bradley, born in 1893, graduated from West Point and just missed service in World War I. In World War II he was assigned to the European Theater where he served for a while under General George Patton. General Eisenhower later selected Bradley to command the 1st US Army during the D-Day invasion. It was under his command that Paris was liberated and the Germans were turned back at the Battle of the Bulge. He was known by the men under his command as "the soldier's general" because of his care and compassion for his men. In 1949 he became the first Chairman of the Joint Chiefs of Staff. In 1950 he was promoted to five star General of the Army rank. He later served as a leader of the Veterans Administration. He died in 1981.

Dwight D. Eisenhower (1890-1969)
Dwight D. Eisenhower was the thirty-fourth President of the United States. He was born in Texas, but grew up in Kansas. After attending West Point, Eisenhower was stationed in Texas where he met his future wife, Mamie Doud. Eisenhower had outstanding organizational skills, graduating first in his group at Army War College. During World War II, he was commander of the Allied Forces that landed in North Africa and the Allied forces that fought in Sicily and Italy. He was the Supreme Commander of the troops that invaded France on D-Day and was

promoted to General of the Army. In five years, he went from being a Lieutenant Colonel to the highest ranking position in the American Army. In 1952 and again in 1956 Dwight Eisenhower was elected President of the United States and was responsible for establishing the Interstate Highway System.

Douglas MacArthur (1880-1964)
Douglas MacArthur was born in New Mexico where he spent much of his childhood on an Army base which was commanded by his father. He graduated first in his class at the Military Academy at West Point in 1903, beginning a life spent serving in the military. He completed various assignments before fighting courageously in World War I, becoming the most highly decorated American soldier of the war. He then returned to West Point as Superintendent.

MacArthur soon left for the Philippines to prepare the islands for independence. But when Japan attacked the Philippines in World War II, MacArthur's troops were initially defeated. President Franklin Roosevelt ordered him to Australia. MacArthur assured his men, "I shall return." True to his word, in 1944 he liberated the Philippines. In 1945 he accepted the Japanese's surrender. For the next five years he served as Supreme Commander of the Allied Powers in Japan, helping the country to rebuild and establish a democratic government.

Once again General MacArthur served his country during the Korean War. During this war, MacArthur had disagreements with President Truman over the course of action to take. When he made these differences public, President Truman relieved him of his duties in Korea. As Commander-in-Chief, President Truman had the authority to take this action. This led to MacArthur's retirement from the military in 1951. He would return one final time to West Point to give his Duty, Honor, Country address in 1962.

George Marshall (1880-1959)
George Marshall, born in 1880, graduated from the Virginia Military Institute in 1901 and from the Army Staff College in 1908. He served as an aide-de camp to General John J. Pershing from 1919 to 1924. He later achieved the rank of Five Star General and served as Chief of Staff of the War Plans Division during the presidency of Franklin D. Roosevelt. He became FDR's chief consultant during World War II. In this position he was responsible for making sure that the needs of the military were met. This required him to work with Congress and the American people to explain what was necessary on the home front to win the war. He retired from the military in 1945 but in the same year began his diplomatic career. He represented President Truman on a special mission to China in 1945-1946. In 1947 he became Truman's Secretary of State. During this time he formulated and proposed the Marshall Plan which was an economic plan to rebuild post war Europe and insure that the spread of communism would be contained. Some have called the Marshall Plan one of the most significant pieces of legislation in the modern era. Marshall was awarded the Nobel Peace Prize in 1953 and died in 1959.

Chester Nimitz (1885-1966)
Chester Nimitz was born in 1885 in Fredericksburg, Texas. As a student at Tivy High School in Kerrville, he originally wanted to join the army. When no positions were available at West Point, he decided to take the exam at Annapolis and thus began his career in the Navy. He would eventually command the Pacific Fleet during World War II. In 1945, he represented the United

States when the Japanese surrendered aboard the USS Missouri in Tokyo Bay. As a result of his knowledge of submarines, he became one of the leading naval authorities of his time. He would later serve as a goodwill ambassador with the United Nations before dying in 1966.

George Patton (1885-1945)
George Patton, born in 1885, graduated from West Point in 1909 and later served as a member of General Pershing's staff in search of Pancho Villa. In 1917 he became the first member of the newly established U. S. Tank Corps, where he would win fame. In World War II he was with the allied forces during the invasion of North Africa, Sicily, and Italy. Patton was an often controversial figure with definite opinions on how he thought the war should proceed. He was not afraid to voice his views to his superiors. As D-Day approached, the Allies needed Hitler to believe that they were going to invade near Pas de Calais, France. The plan was to create a fictitious unit, and to make this believable, they had to have a real commander of this fake unit. General Patton was given this assignment. This did not sit well with Patton because he saw this as a demotion. His real command, which was a secret, was to command the Third Army which he would lead into battle following D-Day at the Battle of the Bulge. He ordered a 90 degree turnaround of forces to relieve American troops that were surrounded. He was killed in a car crash in 1945.

Eleanor Roosevelt (1884-1962)
Eleanor Roosevelt was raised by her grandmother after the death of both of her parents. She married Franklin Delano Roosevelt who later became President of the United States. As First Lady, Eleanor had her own radio program and wrote her own newspaper column. Because President Roosevelt was paralyzed with polio, she traveled around the country interacting with people and then sharing the information with her husband to help him make informed decisions. During the Great Depression, Eleanor exhibited her concern for others by supporting programs for youth employment and helping the poor in many ways. She also boldly fought for civil rights for African Americans as well as women's rights. During World War II Eleanor Roosevelt visited American soldiers all over the world. After her husband's death in 1945, Eleanor served as a delegate to the United Nations and was chairperson of the Commission on Human Rights. Additionally, she helped draft the Universal Declaration of Human Rights. President Truman said that Eleanor Roosevelt was the "First Lady of the World" because she dedicated her entire life to others. Eleanor once said, "You get more joy out of giving to others and should put a good deal of thought into the happiness you are able to give."

Franklin D. Roosevelt (1882-1945)
Franklin D. Roosevelt was born in New York and, after attending prestigious schools, he followed the example of his fifth cousin, President Theodore Roosevelt, and entered politics. He was elected to the state senate in 1910 and later appointed Assistant Secretary of the Navy by President Woodrow Wilson. In the summer of 1921 Roosevelt was stricken with polio. He persevered through physical therapy but never fully regained the use of his legs. Seven years later he was elected governor of New York, and in 1932 was elected President of the United States.

When he took office the country was in the depths of the Great Depression. Thirteen million people were out of work and almost all banks had closed. In his First Inaugural Address he

likened the crisis to a foreign invasion, and asserted that the Constitution's separation of powers and system of checks and balances would have to be temporarily suspended in order to see the country through. He proposed what he called the New Deal: expansive federal programs, funded by citizens paying taxes. He sent a record number of bills to Congress attempting to bring relief to farmers and the unemployed. In 1935 he proposed the Social Security Act. Controls were enacted on utilities and businesses, and the government moved towards regulating the economy. The repeal of Prohibition also brought in more tax revenue for the federal government.

After his decisive reelection victory in 1936, Roosevelt became frustrated with the Supreme Court which had been overturning some New Deal legislation as unconstitutional expansions of Congress' powers. In what has come to be called his "Court-packing scheme," he proposed that Congress increase the size of the Supreme Court to a maximum of fifteen members. This proposal failed, but two justices changed their voting, and the court began upholding New Deal laws.

Roosevelt faced issues of national interest and foreign policy. He attempted to keep the country out of World War II, favoring a "Good Neighbor" policy of neutrality. When the Japanese attacked Pearl Harbor on December 7, 1941, Roosevelt believed he had to act; Congress declared war on Japan the next day, and on Germany and Italy three days later. Roosevelt served as Commander in Chief of the military making the defeat of Nazi Germany the first priority. Fearing Japanese saboteurs, he signed Executive Order 9066 authorizing the forced internment of Japanese-Americans living on the West Coast. This action was upheld as constitutional by the Supreme Court in Korematsu v. United States (1944).

In all, President Roosevelt was elected to four terms as President. Until that time, US presidents had followed the example of President George Washington who had limited his service to two terms. In 1951, the 22nd Amendment was passed limiting US Presidents to two terms.

"The Navajo Code Talkers"

The Navajo Code Talkers served as an elite unit during World War II in the Pacific Theatre. Prior to the formation of this group, the Japanese had been successful in breaking more than 30 American codes. An American missionary who had grown up on a Navajo reservation came up with the idea of using the Navajo language as a solution. A group of 29 Navajos was charged with the task of creating the code. They would use traditional Navajo words to describe events and then created new words that were only known to those who had been trained. They started with approximately 200 words and ended with over 600. The code was never broken and was so protected that it was not declassified until 1968. In 2001 the Navajo Code talkers were awarded the Congressional Medal of Honor.

"The Flying Tigers"

The Flying Tigers, also known as the American Volunteer Group in China, was a group of American pilots who served during World War II. They were volunteers because the United States had not yet entered the war. The Chinese hired a US Army Air Corps Veteran, Claire Chennault, to train the pilots. It was an undisciplined group of men who answered the call for volunteers because they were seeking adventure. They would become the first Americans to fight the Japanese in World War II and would win over 300 victories. In 1991, they were finally

credited with time served in the US armed forces. The pilots received the Distinguished Flying Cross, and others who supported them were awarded Bronze Stars.

"The Tuskegee Airmen"
The Tuskegee Airmen were the first African American military aviators to serve during World War II. Most of these men were college graduates or undergraduates and were trained at Tuskegee Army Airfield in Tuskegee, Alabama. This highly decorated group of Americans was often fighting on two fronts – overseas against the enemy and at home against racism. At home, many African American officers were denied access to officers' clubs on base even though this violated Army regulations. One specific incident in Indiana in 1945 led to the arrest of 103 African American officers when they attempted to enter an officers' club. One important factor which led President Truman to issue Executive Order 9981 in 1948 directing the desegregation of the U. S. armed forces was the outstanding record of accomplishments of the Tuskegee Airmen.

World War II Events

Invasion of Poland
Finally, in September of 1939, it became apparent to Britain and France that appeasement of Hitler in Germany had failed. War broke out when Germany invaded Poland in 1939. Britain and France led the Allied nations, while Germany, Italy, and later Japan formed the Axis powers. Germany had previously signed a nonaggression pact with the Soviet Union before invading Poland in order to avoid fighting a two-front war on its eastern and western borders. Therefore, German troops met little resistance as they marched through the European mainland using massive air bombs and tank assaults in what was called the "blitzkrieg," or the lightning war. France fell in 1940, leaving Britain to face Germany alone. Winston Churchill became the prime minister during those dark times. Bolstered by early victories, the Germans ordered an attack on the Soviet Union in June of 1941, disregarding the non-aggression pact. The Soviet Union joined the Allies in response to the attack. In the first years of the war, the United States tried to maintain a position of neutrality, but President Franklin Roosevelt warned the nation of the growing threat of aggression by the Axis Powers.

Congress Authorizes Lend Lease Program
In the 1930s, Congress passed a series of Neutrality Acts in response to the growing threat of war in Europe. These acts were intended to keep the U. S. from becoming entangled once again in foreign wars. In 1940, however, U. S. neutrality became more difficult to maintain when it became apparent that long-time U. S. allies might fall to Hitler's Germany without U. S. aid. In March 1941, Congress adopted the Lend Lease Act. The U. S. thus became "the arsenal of democracy." While remaining officially neutral, under the Lend Lease policy the U. S. could "lend or lease" certain war supplies to nations considered "vital to the defense of the U. S." For example, the U. S. loaned Great Britain more than 50 old American destroyers in return for 99-year leases on British bases which the U. S. could use in the Caribbean and Newfoundland. By the end of 1941, the Lend Lease policy was extended to other U. S. allies including China, the Soviet Union, the Free France movement, and the governments-in-exile of the Netherlands and Norway.

Bombing of Pearl Harbor
U.S. entry into World War II was actually the result of growing tensions over Japanese aggression in China and the Pacific. On December 7, 1941, the Japanese carried out a surprise aerial attack on the American fleet docked at Pearl Harbor in Hawaii. The United States immediately declared war on Japan, and later on the other Axis powers. The United States then faced fighting a war in two theaters – Europe and the Pacific.

Holocaust
Persecution of the Jews by the Nazis had begun even before the war started as they became the scapegoat for Germany's defeat in World War I and the economic problems that followed. Before the war, the Nazis began to round up German Jews and seize their property. This practice continued after the war began in every area conquered by the Nazi and culminated in placing them in concentration work camps throughout their occupied territory. As the war progressed, the Nazis began to implement the “Final Solution,” which was a plan to eliminate all European Jews. The final solution resulted in the mass extermination of over six million Jews before the war ended. This genocide came to be known as the Holocaust. As the Allied troops moved toward Berlin near the end of the war, they began liberating the few survivors in the camps and discovered the horrors of the Holocaust mass exterminations.

Bataan Death March
Following the surprise attack on Pearl Harbor, the Japanese swept across the Pacific, island by island, until they eventually threatened Australia and Hawaii. When the U.S. surrendered the Philippines to Japan, in April 1942, 50,000 to 80,000 Filipino and U.S. soldiers were forced to march over 60 miles to a prisoner of war camp. This event, known as the Bataan Death March, resulted in over 5000 Americans deaths from the harsh conditions and cruel treatment inflicted by the Japanese.

Battle of Midway
Eventually in 1942, the U.S. fleet under the command of Admiral Chester Nimitz halted the Japanese advance in the Pacific at the Battle of Midway. This victory was a turning point for the war in the Pacific. It allowed the Allied forces to use an “island hopping” strategy to liberate the Pacific islands one at a time and push the Japanese forces back to the island of Japan.

Invasion of Normandy D-Day
The war on the European front caused heavy casualties on both sides. By 1942, the Allies began to have success in Northern Africa and Italy. Now the Allies were able to concentrate on liberating France and pushing the Nazi army back into Germany. After Germany invaded the Soviet Union in 1941, the Soviet army retreated inland, drawing the German forces deeper into the vast Soviet Union. The battle for the city of Stalingrad turned into a stalemate between the two armies. Both sides suffered tremendous losses, but eventually the Germans forces began a defensive retreat back to Germany. This battle marked a turning point in the European front as the Germans now had to defend both their eastern and western borders. On June 6, 1944, the Allied forces headed by General Dwight D. Eisenhower landed on the beaches of Normandy, France, and began to liberate France and push toward Berlin. This D-Day invasion marked the beginning of the end for Germany. At the same time, the Soviets marched from the east. Caught between the two armies, Hitler committed suicide and the German troops surrendered in early

May 1945. This surrender was celebrated as Victory in Europe or V-E Day.

Dropping of the Atomic Bomb

By the time the war ended in Europe, the Japanese had been pushed back to their home islands, and yet they still refused to surrender. Japan's refusal pushed President Harry Truman, Franklin Roosevelt's successor to the U.S. Presidency, to order the use of the secretly developed atomic bomb to force surrender. After the U.S. dropped two atomic bombs on the cities of Hiroshima on August 6, 1945, and Nagasaki on August 9, 1945, , the Japanese finally surrendered on August 15, 1945 to Admiral Chester Nimitz aboard the *USS Missouri.* This surrender signaled the end of World War II and is celebrated as V-J Day.

Creation of the United Nations

As the war drew to a close, the three Allied nations of Great Britain, the Soviet Union, and the United States met at Potsdam Germany in 1945 to discuss how to handle the Axis defeat and the post war era. At this meeting, Allied leaders Stalin, Churchill, and Truman, made the decision to replace the ineffective League of Nations with the United Nations, a strong international organization to maintain global peace. The headquarters for the U.N. was to be in New York City. The organization consisted of a general assembly of member nations and a security council of select nations charged with maintaining international peace and security. The security council included the Soviet Union, Great Britain, the United States as permanent members, with other nations selected on a rotating basis.

War Crimes Trial at Nuremberg

Following the end of World War II, the Allied powers decided to hold the surviving high-ranking Nazi officials accountable for the crimes they committed during the war. As a result, an International Military Tribunal held the War Crimes Trials at Nuremberg, a city in Germany beginning in 1946. The Air Force Minister and second in command to Hitler, Hermann Goering, and other top officials faced charges of crimes against humanity, waging hostile and aggressive warfare, and numerous violations of international law. Twenty-two were tried, and nineteen were found guilty. The Tribunal ordered several guilty parties to be hanged, while the others were sentenced to lengthy prison sentences. Hermann Goering committed suicide in his cell rather than face execution. The Allies hoped that these trials would help to expose the evils of the Nazi regime to the world and especially the German people.

Manhattan Project

Throughout the war, both the Allied and Axis powers raced to develop atomic weapons in hopes of gaining the edge to win the war. In the United States, with the support of Britain and Canada, the code name for this research and development effort was the Manhattan Project which began in 1942. This project was authorized by President Roosevelt after receiving letters from scientists, including Albert Einstein who had fled the Nazi regime, informing him of the Nazi's work on atomic weapons. Under the direction of nuclear physicist Robert Oppenheimer, the director of the Los Alamos Laboratory in New Mexico, the first atomic bombs were developed and tested.

When President Roosevelt died and Vice-President Harry Truman took office, he had to be brought up to speed concerning the project. When Japan refused to surrender, President

Truman decided to authorize the use of the atomic bomb on the city of Hiroshima and three days later on Nagasaki. The Japanese surrendered after seeing the destruction in both cities. While the bombs did finally end the war, they also ushered in the nuclear age and the race between nations to develop their stock of atomic weapons.

Cold War

Roy Benavidez (1935-1998)
Roy Benavidez, born in 1935 in Cuero, Texas, is a Congressional Medal of Honor recipient for his heroics in the Vietnam War. This native Texan was responsible for saving 8 soldiers during an intense battle in 1968. He ran through enemy fire when he realized that his close friends and members of a Special Forces team were too injured to make it to the helicopter that had carried Benavidez to the battle site. He managed to reorganize the team and signaled for the helicopters to return and rescue them. As the helicopter was set to take off, it was hit with enemy fire. Benavidez managed to regroup the men and hold off the enemy as another helicopter arrived. He was gravely injured as he battled hand to hand with a Vietnamese soldier. His injuries were so severe that he was not expected to live, and he was awarded the Distinguished Service Cross. His commanders did not expect him to live through the lengthy process required for a Congressional Medal of Honor. Years later, upon learning that he had survived, he was finally awarded the Medal of Honor.

John F. Kennedy (1917-1963)
John F. Kennedy, born in 1917, graduated from Harvard University in 1941. Afterwards, he served in World War II where his PT boat was sunk. Kennedy led several survivors to safety. He was elected to the U. S. Senate from Massachusetts in 1953. In 1955 he published *Profiles In Courage* which received the Pulitzer Prize in history. In 1960, he won the Democratic Party's nomination for President. During this campaign, he participated in the first televised presidential debates with his Republican opponent, Richard Nixon. He defeated Nixon and was inaugurated as the first Catholic President and the youngest elected President. His inaugural speech is famous for the memorable words, "Ask not what your country can do for you – ask what you can do for your country." He sponsored the creation of the U. S. Peace Corps. In 1961, a group of U. S. trained Cuban exiles launched the Bay of Pigs invasion in a failed attempt to overthrow Fidel Castro. Castro then let Khrushchev install Soviet missiles in Cuba capable of reaching the U. S. In what became known as the Cuban Missile Crisis, Kennedy ordered a naval blockade and after 13 tense days the missiles were removed. Secretly, the United States also agreed to remove missiles it had placed in Turkey. Kennedy's presidency lasted around 1000 days before he was assassinated in Dallas, Texas, on November 22, 1963.

Joseph McCarthy (1908-1957)
Joseph McCarthy, born in 1908, was a U. S. Senator from Wisconsin from 1947 to 1957 who accused numerous individuals in the United States government of being Communists. Many of these accusations were unsupported but gained credibility because of the tensions of the Cold War. McCarthy made many of these accusations during televised Senate committee hearings. In 1954 he made accusations against members of the Army. This eventually led to the U. S. Senate officially censuring him for his behavior. In 1995, the government declassified and made public a collection of papers from the Cold War era known as the Venona Papers. These papers

seem to indicate that some of the individuals whom McCarthy had accused were in fact Communists. Some individuals argue that the papers thus vindicate some of McCarthy's charges.

Harry Truman (1884-1972)
Harry Truman, born in 1884, served in World War I as a captain. He later served as a U. S. Senator from Missouri from 1934 to 1944. In 1944 he was elected Vice President of the U. S. on the ticket with President Franklin D. Roosevelt. He became the 33rd President in 1945 when Roosevelt died. As Vice President, he had not been informed of the development of the atomic bomb, but as President, he made the decision to use the weapon against the Japanese to bring an end to World War II. In 1947 he convinced Congress to aid countries that were being threatened by communism. This became known as the Truman Doctrine and would be followed by subsequent presidents during the Cold War. In recognition of the outstanding service of African Americans during the war, in 1948 Truman issued an executive order directing the desegregation of the armed forces. To the surprise of many, Truman was elected to his own term as President in 1948. During the remainder of his presidency, he removed the popular General Douglas MacArthur from his command position in the Korean War and tried to seize the nation's steel mills to avoid a strike that might have closed steel production, critical to the war effort. After he retired from the presidency in 1952, he returned to Missouri where he died in 1972.

Cold War Events

Creation of Israel
In the years leading up to and following World War II, the British controlled the area known as Palestine in the Middle East. Historically, the Arabs and Jews in this area fought over control of this land they both considered holy. As more and more Jews from around the world began to return to Palestine, fighting broke out in 1947, and continued to escalate. When the United Nations recommended a partition of Palestine into the Arab state of Palestine and the Jewish state of Israel in 1948, tensions increased. When the head of the Jewish group, David Ben-Gurion proclaimed the establishment of Israel on May 14, 1948, President Harry Truman recognized the new nation the same day. Palestine and other Arab nations immediately responded by declaring they were dedicated to the destruction of Israel and attacked. At first the United States attempted to stay out of the conflict, but as the war continued, the U.S. began selling weapons and sending military advisors to Israel. Earlier in 1947 the Soviets began supplying Egypt and other Arab nations in the Middle East with arms and pledging their support if needed. As a result, the Middle East became another regional area involved in the Cold War struggle between the two superpowers of the United States and the Soviet Union.

Berlin Airlift
By 1948, the tension over the occupation of Germany and specifically Berlin intensified between the Soviets and the United States. The U.S., French, and British zones of Germany joined together into the Federal Republic of Germany, better known as West Germany. The zone of Germany occupied by the Soviets became the German Democratic Republic or East Germany. As for the capital city of Berlin, which also had been divided into four zones and was located deep within East Germany, the British, French, and the Americans combined their sectors of the

city into West Berlin with the Soviets in East Berlin. The Soviets responded to this action by blockading West Berlin in hopes of gaining complete control of the capital. The two million people living in West Berlin became hostages of the Soviets, unable to get necessary supplies. In 1948, as the situation grew more serious, the United States organized a massive airlift to fly supplies into West Berlin for the next year. By the end of the Berlin Airlift in 1949, 277,000 flights had delivered 2 million tons of food and supplies to people in West Berlin. Many thought that World War III might break out over this crisis. However, in 1949 the Soviets lifted their blockade of Berlin. As a result, the nation of Germany divided into East and West Germany and the city of Berlin, East and West Berlin became permanent until the late 1980s.

Firing of General MacArthur

Soon after President Truman sent U.S. troops to join with the United Nations peacekeeping troops to South Korea, Truman and General Douglas MacArthur quickly began to disagree over the best course of action in the war. General MacArthur wanted to invade China and use atomic weapons, but Truman felt that was too dangerous. When General MacArthur defied Truman's order by getting too close to the Chinese border, President Truman fired him. Many people in the U.S. opposed this controversial event. Historians agree that firing World War II war hero General MacArthur contributed to the decline in President Truman's public approval ratings, but they also agree that Truman was correct in firing MacArthur for insubordination.

Korean War Ends

The ongoing war in Korea became a campaign issue when General Dwight Eisenhower ran for the presidency in 1952. One of Eisenhower's campaign promises was to end the Korean War as soon as possible. After he was elected, he fulfilled that promise by agreeing to a ceasefire in 1953. The agreement returned Korea to the status quo prior to the war with a communist government in North Korea and a non-communist government in South Korea. The 38th parallel served as the border between the two, with a demilitarized zone (DMZ) along the boundary. Over 54,000 thousand soldiers lost their lives in the war. Many disagreed with the compromise and were disappointed at the lack of a clear victory. However, the boundary between North and South Korea set by the cease-fire still holds today.

2nd Red Scare

In 1938, Congress created the HUAC (House Un-American Activities Committee) to continue investigations of possible communist activity in the United States. A Second Red Scare kicked off in 1948, when a member of the Communist Party USA and a Soviet spy testified before HUAC and accused several influential people of being members of the Communist Party USA. Alger Hiss, a respected government official, denied the allegation. Nevertheless, Hiss was tried, convicted for perjury and sentenced to five years in prison.

NATO

In 1949, a military alliance known as NATO (North American Treaty Organization) was formed. It began with twelve member nations from Europe and North America. When Finland joined NATO in 2023 the number of members reached thirty-one. The primary goal of the alliance is to protect the freedom and security of member nations either by political or military means if necessary.

The major reason behind the creation of NATO was to unify and strengthen any response that might be necessary to counter the Soviet Union and later its Warsaw Pact allies. The Warsaw Pact was created in 1955 during the Cold War between the Soviet Union and seven other Central and Eastern European socialist nations to attempt to balance power with the nations in the NATO alliance. Both NATO and the Warsaw Pact illustrated the political tension present during the Cold War.

Arms Race

The Arms Race illustrated a crucial part of the Cold War between the United States and the Soviet Union. The race began when the Soviet Union exploded an atomic bomb in 1949 after the United States had used atomic bombs to end World War II in 1945. In 1953, the Soviet Union announced they had tested a hydrogen bomb. This bomb has the potential to be over a thousand times more powerful than the atomic bombs that were used to end World War II. The hydrogen bomb causes a bigger explosion with the radiation reaching much further in 1954, the United States tested a hydrogen bomb. From this point, both the U.S. and the Soviet Union believed the nation with the largest arsenal would be superior since the weapons stockpile would serve as a deterrent to future attacks.

Over the last part of the 20th century, the Soviet Union and the U.S. signed treaties attempting to control the number of nuclear weapons each possessed. It is believed that the race to build the costly nuclear arsenal led to the Soviet Union to end the Cold War and eventually break apart. However, the nuclear arsenal previously held by the Soviet Union was now in the hands of Russia.

Joseph McCarthy Hearings

A Wisconsin Senator by the name of Joseph McCarthy seized on the growing fear of communism resulting from the tensions of the Cold War. Speaking in 1950, McCarthy claimed there were over 205 card carrying members of the Communist Party working in the State Department. This fueled paranoia and set off a new round of accusations against Americans in the government, the army, the motion picture industry, as well as literary figures and prominent intellectuals in American society. Senator McCarthy's technique, called McCarthyism, included making sweeping accusations, employing guilt by association, and using documents out of context as supporting evidence. While some of the accused people had briefly dabbled with the Communist Party in the 1930s during the Depression, they quickly recognized the difference between the ideals of communism versus the reality of putting it into practice. Over 250 actors, writers, and directors were "blacklisted" and denied work as a result of McCarthy's accusations. McCarthy even accused former U.S. general and Secretary of State George Marshall and others in the military of being instruments of the Soviets. He threatened to have Truman impeached for being soft on communism. He was finally stopped in the first years of the Eisenhower administration when his attacks on army officials intensified. He was condemned and censored by the U.S. Senate. McCarthy died a few years after leaving the Senate. Even with Senator McCarthy gone, the search for suspected Communist spies continued. In 1954, Julius and Ethel Rosenberg were convicted and executed for allegedly giving atomic bomb secrets to the Soviets.

Jonas Salk's Polio Vaccine
Advances in science and medicine have often been driven by researchers' determination to meet society's current needs. In 1901, following the death of his grandson from scarlet fever, John D. Rockefeller founded the Rockefeller Institute for Medical Research to research the underlying causes of the disease. The flu pandemic of 1918 that killed between 3-5% of the world's population prompted researchers to examine how to prevent its spread. In addition to an understanding of the use of quarantining the ill, the research also produced the concept of sterilization. In 1921, Franklin D. Roosevelt contracted polio. As a result, he founded the National Foundation for Infantile Paralysis in 1938, now known as the March of Dimes. This organization focused on researching the causes of polio and helping those with the disease. By 1955, Dr. Jonas Salk developed a polio vaccine to stop the spread of this infectious disease. Continued research and advances in medicine continue to provide hope that cures may one day be found for many more diseases.

Sputnik Launch and the Space Race
Cold War tension manifested itself in a race between the U.S.S.R and the U.S. to achieve firsts in space. In 1957 the Soviets launched the first unmanned satellite (Sputnik) into space; the U.S. responded by launching the Explorer satellite a few months later, and the race to be the first to the moon began. In 1961, the Soviets achieved a major step in the moon race with the first human to travel into space. Later that same year, Alan Shepard became the first American in space. The Americans eventually won the race in 1969 when Neil Armstrong became the first person to walk on the moon. Although the space race highlighted the tensions between the United States and the Soviet Union, the research that resulted from the drive to be the first had positive benefits for Americans. Scientists created many products we use today, including Ziploc bags, Velcro, freeze dried foods, and insulation, as they prepared for astronauts to go into space. Benefits also included increased federal government funding of educational initiatives in math and science.

Bay of Pigs
In 1959, Fidel Castro and Che Guevara led a communist revolution on the island of Cuba. This became the first successful communist revolution in the Western Hemisphere. The U.S. government formally recognized and supported former President Batista in Cuba, while the Soviets supported Castro's regime. President Kennedy, concerned that Cuba was just 90 miles from Florida, ordered an unsuccessful invasion of the island at the Bay of Pigs in 1961. Tension over Cuba continued to increase between the two superpowers.

Cuban Missile Crisis
In 1962, the U.S. uncovered images of a secret missile base in Cuba, stocked with nuclear missiles from the Soviet Union. President Kennedy ordered a blockade of the island to prevent further shipments coming into Cuba. He also demanded that the missiles be dismantled and withdrawn. Kennedy threatened to attack the Soviet Union directly if any missiles were launched at the U.S. from Cuba. For several days it appeared as if nuclear war were inevitable. Finally, the Soviets, under the leadership of Nikita Khrushchev, agreed to dismantle and withdraw the missiles, thus ending the Cuban Missile Crisis. Kennedy responded by withdrawing the blockade as well as withdrawing some of the U.S. missiles in Turkey aimed at the Soviet Union. The U.S. also promised not to invade the island of Cuba in the future. Historians believe that Khrushchev's

unsuccessful gamble of placing missiles in Cuba was partly responsible for his removal from office two years later.

Military Involvement in Vietnam

Belief in the domino theory and fear that more countries would fall to communism like a stack of dominos prompted U.S. action when the Cold War continued in Southeast Asia in the country of Vietnam. In 1954, communist leader Ho Chi Minh led a successful revolt in the former French colony of Indochina. As a result, Indochina was divided into independent Laos and Cambodia, while Vietnam was divided into communist North Vietnam and non-communist South Vietnam. The plan was to reunite Vietnam after free elections were held in 1956. The Soviet Union and China sent aid to North Vietnam, while the U.S. sent military advisors and even more aid to South Vietnam under Presidents Eisenhower and Kennedy after the French withdrew. During the two years prior to the election, Ho Chi Minh established a strong communist dictatorship in the North with plans to control South Vietnam. Tensions mounted in the area. Communist soldiers, called Viet Cong, began to wage a guerrilla war in the South, raiding villages and killing supporters of the South Vietnamese government. When it appeared that elections would not be held due to unrest, the U.S. government felt stronger action must be taken and began to send more military aid and troops.

Gulf of Tonkin Incident

In 1964, it was reported that North Vietnamese torpedo boats attacked American destroyers in the Gulf of Tonkin. This action caused President Lyndon Johnson to ask Congress to approve the Gulf of Tonkin Resolution, which authorized the president to take “all necessary measures to repel any armed attack.” When Congress approved the Gulf of Tonkin Resolution, Johnson ordered airstrikes against naval bases in North Vietnam. When American bases were attacked in the South, Johnson increased the air strikes to include military targets, further escalating the war. He also increased the number of American forces to over 500,000 personnel in response to the increase in aid coming from communist nations to North Vietnam. New weapons, including Agent Orange, were used in the attempt to halt the Vietcong. Agent Orange destroyed the jungle foliage that hid the enemy. This herbicide not only caused harm to the environment but also was toxic to those who came in contact with it.

Anti-War Movement

Because of the increased presence of the media reporting the war, Americans saw its destructiveness first-hand and began to form their own opinions. A credibility gap emerged between the government and the public who began to distrust what they were being told about American victories and what they were seeing on television. From 1965 until the end of the war, this distrust and unrest was especially evident among the youth who began to stage anti-war protests across the country. They burned their draft cards to demonstrate their dissatisfaction with the war. Anti-war sentiment spilled over into novels, music, and the movies of the day. The line was clearly drawn between the “doves” who saw the war as immoral and the “hawks” who saw the war as one of the best ways to stop communist aggression.

Tet Offensive

Nixon's Vietnamization Policy Issued
Despite campaign promises of “peace with honor,” Richard Nixon expanded the war in Vietnam after he became president in 1968. He continued because he believed the “silent majority” of American citizens still supported the goal of "containing" communism. However, by 1972, when he realized the war needed to come to an end, Nixon announced his policy of “Vietnamization.” Under this policy, the U.S. planned to equip and train South Vietnamese forces while gradually pulling out U.S. troops.

Tet Offensive
In January of 1968, a surprise offensive by the North Vietnamese and Viet Cong armies, known as the Tet Offensive, occurred on the Tet holiday to celebrate the Vietnamese New Year. Both sides suffered heavy casualties in the offensive. The Viet Cong gained control of the American Embassy in Saigon for a short time. Later the South Vietnamese and American forces regained Saigon at a considerable cost.

At home, the American public realized that the ground war was not going as well as the U.S. commanders claimed due to television and news feed of the Tet Offensive.

Kent State
Despite President Richard Nixon's belief that he had the support of the "Silent Majority," protests against the war—especially among the young—continued. In May 1970 at Kent State, a university in Ohio, four students were killed and nine injured by the Ohio National Guard. Several of the students who were shot were involved in the protest of Nixon’s Cambodian Campaign, while others killed and injured were innocent bystanders.

Paris Peace Accords
In 1973 Secretary of State Henry Kissinger negotiated the Paris Peace Accords with the North Vietnamese. Along with a ceasefire, the Americans agreed to withdraw from Vietnam and by August of 1973, 95 percent of all U.S. troops had left Vietnam. Additionally, the North Vietnamese agreed to release any remaining American prisoners of war they still held. Several of those released POWS went on to long distinguished political careers. John McCain served as a Senator from Arizona and was nominated as the Republican candidate for President in the 2012 presidential election. Sam Johnson served as a Congressman from Texas for twenty-eight years.

Fall of Saigon
In April of 1975, the Fall of Saigon, the South Vietnamese capital, marked the end of the Vietnam War. The South Vietnamese forces had continued to fight when the U.S. withdrew in 1973 mainly because they believed that the U.S. would return to help them if the North Vietnamese violated the agreement signed when the U.S. left. Following his re-election in 1972, President Nixon developed his Vietnamization plan to pull out of Vietnam. He sent Secretary of State Henry Kissinger to negotiate a cease-fire. In 1973, North Vietnam and the United States signed the cease-fire agreement. In this agreement, the U.S. agreed to leave South Vietnam by March of 1973 and the North Vietnamese agreed to release the remaining prisoners of war still in captivity. In 1975 the North Vietnamese launched a major offensive against the South because they felt the U.S. would not come to aid South Vietnam. They had this feeling because of the

domestic unrest caused by Nixon's resignation because of the Watergate scandal and the continued anti-war mood in the U.S.

End of the Cold War
The end of the Cold War began in 1989 with the fall of the Berlin Wall. Constructed in 1961, the wall symbolized the division between the East and the West. In 1980, when President Mikhail Gorbachev came to power in the Soviet Union, he realized his government could not continue the Cold War or the arms race with the United States. Gorbachev introduced reforms in the Soviet Union, withdrew Soviet troops, and eased control of the Eastern European nations previously behind the Iron Curtain of communist control. As a result, communist regimes in many of the satellite nations began to collapse as the people rebelled against the dictatorial rule of their governments. Gorbachev even agreed to a reduction of some nuclear missiles. Some historians believe these actions were a direct result of President Ronald Reagan's policies and plan to build up a stronger military arsenal than the Soviet Union. President Reagan called this policy "Peace through Strength." Others believe that the Soviet Union recognized their economy was no longer able to sustain the cost of military spending along with subsidizing the economies of the Eastern European satellite nations, Cuba, and other communist countries around the world. The Cold War officially came to an end with the dissolution of the Soviet Union in 1991.

American Civil Rights Movement

Hugo Black (1886-1971)
Hugo Black was appointed Associate Justice of the Supreme Court by President Franklin Delano Roosevelt in 1937. He is noted for his "strict constructionist" reading of the Constitution. Strict constructionism confines the interpretation of law to the words and phrases it contains, without drawing upon other sources or inferences. Black took the position (which has never been adopted by the Supreme Court as a whole) that the Fourteenth Amendment required the incorporation of all the Bill of Rights protections to state governments. This theory is known as "total incorporation."

Black wrote many well-known majority opinions, as well as famous dissents. His reading of the First Amendment's protection of free speech led him to argue that the government cannot ban "obscene" speech. He also held in *New York Times v. United States* (1971) that national security did not allow the government to prevent the publication of sensitive information. He upheld strict separation of church and state in *Engel v. Vitale* (1962) referencing Thomas Jefferson's Letter to the Danbury Baptists.

His strict constructionist reading of the Constitution also informed his dissent in Tinker v. Des Moines (1969) where he asserted that wearing armbands was "conduct" and not "speech." He also dissented in Griswold v. Connecticut (1965), rejecting the idea that the Constitution protected a right to privacy.

Orval Faubus (1910-1994)
Orval Faubus, born in 1910, served as the Democratic Governor of Arkansas from 1955 to 1967, longer than any other governor in Arkansas history. He gained national attention in 1957 when

he ordered the Arkansas National Guard to stop nine young African Americans from integrating Little Rock Central High School. He defended his actions by saying that he was seeking to maintain order and the status quo. Some believe that he supported segregation for political reasons. Segregationists were making a strong showing in the polls, indicating that moderates would not be successful in winning office. President Eisenhower eventually sent U. S. Army troops to Little Rock to enforce court directed integration and to protect the nine African American students. Faubus died in 1994.

Betty Friedan (1921-2006)
Betty Friedan, a writer and activist born in 1921, was instrumental in creating the National Organization for Women and is given credit for the modern women's movement. In 1963 her book *The Feminine Mystique* was published. It detailed the plight of women and their lack of personal fulfillment. She attributed this to the fact that women were judged on the successes of their husbands and children and not on their own merits. Later, she was a key leader in the struggle for passage of the Equal Rights Amendment, and after it failed she lobbied the Equal Employment Opportunity Commission to support laws that prohibited sex discrimination in the workplace.

Hector P. Garcia (1914-1996)
Hector P. Garcia moved to Texas as a young man when his family fled the Mexican Revolution. He attended the University of Texas and earned his medical degree in Galveston, Texas. He served in the Medical Corps during World War II where he was stationed in the European theater. The discrimination against Mexican Americans that he witnessed during the war led him to found the American GI Forum. Its original focus was to increase veterans' benefits for Mexican Americans but later broadened its focus to include education, public housing, and other policy areas. For this community service and activism, Mr. Garcia was awarded the American Medal of Freedom in 1984. He was the first Mexican American to receive this honor.

Barry Goldwater (1909-1998)
Barry Goldwater, born in 1909, served as a U.S. Senator from Arizona from 1953-1965 and 1969-1987. He was the Republican candidate for President in 1964 who was defeated by Lyndon B. Johnson in one of the biggest landslides in U. S. history. He was seen by some as an extremist candidate when he appeared to advocate nuclear warfare and ending social welfare. Many consider him to be the founder of the modern conservative movement within the Republican Party. Senator Goldwater felt that government was not the way to solve societal problems. Over time, he changed what some thought were his extremist positions, and in the 1980's he broke from the New Right within the party when they wanted to pass legislation that would have curtailed the power of the courts following controversial rulings on prayer in school and flag burning. He felt that this would have been a violation of the constitutional separation of powers. Mr. Goldwater died in 1998.

Dolores Huerta (1930- 2026)
Dolores Huerta, born in 1930, left her job as a teacher to become a leading civil rights activist. She had witnessed the poverty and hunger of young people and felt that she could do more by organizing movements that would help provide more rights for migrant workers. In 1962 she co-founded the United Farm Workers of America. Three years later she directed the national grape

boycott that resulted in the California grape industry agreeing to the collective bargaining rights of workers. In 1972 she chaired the Democratic National Convention.

Lyndon B. Johnson (1908-1973)
Lyndon Johnson was born in Texas where he worked as a teacher. He won a seat in the US House of Representatives in 1937 after campaigning on the New Deal Programs of President Franklin Roosevelt. During World War II, while serving as a US Congressman, LBJ was called to active duty and served in the military as a Navy lieutenant commander. He eventually served six terms in the House before being elected to the Senate.

In 1960 Johnson was elected Vice President under President John F. Kennedy. When Kennedy was assassinated in 1963, Johnson assumed the presidency. He urged Congress to adopt the Civil Rights Act of 1964. After being reelected in 1964, Johnson urged the nation to "build a great society." Congress approved Johnson's unprecedented series of social programs, which became known as the "Great Society." The Social Security Act was amended to include Medicare for the elderly. The Voting Rights Act addressed discrimination in voting. Welfare programs were implemented to combat poverty and crime. Despite these programs, however, crime and poverty persisted, and race riots plagued the nation.

Johnson also exercised his power as Commander in Chief of the military during the Vietnam War. In 1964 he asked Congress for the Gulf of Tonkin Resolution giving him expanded war power to fight communism in Vietnam. In 1968, Johnson announced he would not seek reelection due to the growing unrest in the country over the Vietnam War. In response to questions about the president's role as Commander in Chief, and the separation of powers under the Constitution during the administrations of Presidents Johnson and Richard Nixon, Congress passed the War Powers Resolution in 1973.

In 1971, the printing of classified documents pertaining in part to Johnson's conduct during the Vietnam War were at the center of the Supreme Court case *New York Times v. United States* (1971).

Martin Luther King, Jr. (1929 – 1968)
Martin Luther King, Jr. was born in Georgia. He became a minister in 1947 and became pastor of an Alabama Baptist church in 1954. He believed segregation to be a violation of the Fourteenth Amendment and led a boycott of segregated bus lines in Montgomery, Alabama in 1955, which led to their integration the next year. Calling for non-violent resistance, he organized the Southern Christian Leadership Conference to fight for civil rights.

In 1963 King spoke at the March on Washington. Standing on the steps of the Lincoln Memorial, King electrified the crowd of 250,000 with his "I Have a Dream" speech. He referred to the Declaration of Independence and its promise of equality.

While imprisoned for marching in April 1963, King wrote "Letter from a Birmingham Jail" which is regarded as a manifesto of the civil rights movement. King was awarded the Nobel Peace Prize in 1964. King also led civil rights marches in Selma, Alabama. Television cameras captured police brutality on peaceful marchers exercising their rights to assemble freely.

Throughout his life, King spoke to crowds who had assembled freely, in order to promote and expand freedom for Americans.

Lester Maddox (1915-2003)
Lester Maddox, born in Georgia in 1915, grew up in a working-class family. Experiencing poverty during his childhood, he quit high school and went into the domestic workforce during World War II. He became upset about what he saw as inefficiency and waste in the workforce. He opened his own restaurant, the Pickrick Cafeteria. As the owner of the Pickrick Cafeteria in Georgia, Maddox challenged the Civil Rights Act of 1964 by refusing to desegregate. When he lost his challenge in court, he chose to close his restaurant rather than desegregate. Media coverage of his defiance of the act provided him with publicity. Always interested in politics, Mr. Maddox ran as the Democratic candidate for governor in 1966. Once elected, many feared that his segregationist ideas might negatively influence the state. As it turned out, some of the policies of his administration benefited many African Americans. One of the most controversial events of his term was his decision not to lower the flags to half staff following the assassination of Martin Luther King, Jr. His rationale for this was that he feared riots in his state.

Thurgood Marshall (1908-1993)
Thurgood Marshall, the first African American Supreme Court Justice, was born in Baltimore, Maryland, the son of working-class parents and the great-grandson of a slave. Denied entry to his home state's university school of law because he was black, Marshall instead went to Howard University Law School. He graduated first in his class, and soon after became a lawyer for the NAACP, working on a litigation campaign to end segregation and racial discrimination. His first civil rights case, *Murray v. Pearson* (1935), successfully challenged the University of Maryland segregation policy. He said that segregation cases transcended individual rights, but rather were about "the moral commitment stated in our country's creed." In his most famous case, he argued and won the Supreme Court case that ended segregation in public schools, *Brown v. Board of Education* (1954). The University of Maryland later named its law library after Marshall.

In 1967, President Johnson nominated Marshall to the Supreme Court. Through his career on the bench of the highest Court, Marshall expressed his commitment to the Constitution and principles of equality, individual rights and liberty, authoring opinions in cases including *Regents of California v. Bakke* (1978). Sometimes known as the "Great Dissenter," he often broke from majority opinions. He believed capital punishment to be a violation of the Eighth Amendment in all circumstances, and dissented from all rulings that applied the death penalty.

Rosa Parks (1913-2005)
Rosa Parks is best known as the "Mother of the Civil Rights Movement." Rosa was born in 1913 in Tuskegee, Alabama. As a child, she and her family lived on her grandparents' farm. Rosa grew up in a time when African Americans were treated with disrespect just because of their race. She entered the first grade in a segregated school with over 50 children in her class and one teacher. The school went up to sixth grade and was open for only five months of the year rather than nine. In 1955 it was a law in Alabama that African Americans had to sit at the back of the bus if there were Anglo passengers needing seats. Encouraged by the NAACP, Rosa Parks agreed to make a stand against the law. One day Rosa was taking the bus home from work. She was sitting in the middle section of the bus when a white man boarded the bus. The

driver told Rosa to move to the back, but she refused and was arrested. Angry African Americans began a boycott and refused to use public transportation, forcing the bus company out of business. The Montgomery Bus Boycott was the beginning of the civil rights movement which led to the landmark civil rights legislation of the 1960's.

George Wallace (1919-1998)
George Wallace, born in 1919, served as Governor of Alabama during the civil rights movement of the 60's and 70's. When he was elected Governor in 1962 as a Democrat, he ran on a pro-segregation, states' rights platform. In his inaugural speech, he proclaimed, "Segregation now, segregation tomorrow, and segregation forever." In June, 1963, he stood in the door of the University of Alabama to block the admission of two African American students. By the time he ran for his last term as governor in 1982, he had undergone a political turnaround – from segregationist to winning support among African Americans. During his last term, he appointed a record number of African Americans to government positions. Wallace ran unsuccessfully for President of the U. S. four times. In 1968, as a candidate of the American Independent Party, he won 46 electoral votes from five southern states and 13.5% of the nationwide popular vote. This performance by a third party candidate had an impact on Hubert H. Humphrey's defeat. Wallace remains the only third party presidential candidate since 1948 to have won electoral votes. In 1972, while campaigning in Maryland, a would-be assassin shot Wallace. He survived but was permanently paralyzed. Wallace died in 1998.

"The Black Panthers"
The Black Panthers (originally named the Black Panther Party for Self Defense) was a radical group in the 1960's that advocated armed self-defense and a revolutionary agenda to immediately end black oppression. The more radical approach of the Black Panthers was dramatically different from the nonviolent approach of Martin Luther King, Jr. The founder, Huey Newton, chose the panther as part of the group's name because of its powerful image. While the Black Panthers did advocate a more militant approach than did Dr. King, they also advocated self-sufficiency for African Americans including employment and decent housing. Some of their activities were designed to better their communities by providing daycare centers, medical clinics, and other services."

American Civil Rights Movement Events

Montgomery Bus Boycott
In 1955, Rosa Parks, an African American woman, took a stand against discrimination by refusing to give up her seat to a white passenger and move to the rear of a public bus. She wasn't the first person to do this. Fifteen-year-old Claudette Colvin had previously been arrested for refusing to give up her seat in the same bus system nine months before. When Rosa Parks refused to give up her seat and move to the back of the bus, she was also arrested. The strategic action by Rosa Parks led to a African American bus boycott in Montgomery, Alabama, which lasted thirteen months. This non-violent stance against discrimination, drew attention to the problems of segregation, and the plight of African Americans in the South became visible across the nation. The bus boycott is considered one of the first major events associated with social changes occurring in the civil right movement.

Integration of Little Rock HS
Despite the *Brown v. Board of Education* Supreme Court decision that declared segregation of "separate but equal" schools unconstitutional, there was still resistance. This did not end with the second Brown Supreme Court decision, which ordered the states to end segregation with "all deliberate speed." Governors in the Southern states argued that the federal government had no business trying to end segregation in public schools because education was a state power. Several Southern governors, including Governor Orval Faubus of Arkansas, resisted ending the practice. When nine African American students, known as the "Little Rock Nine," planned to enroll in the all-white Little Rock Central High School, Faubus ordered the Arkansas National Guard to surround the school to prevent them from entering. He argued it was necessary to keep the peace and defuse the volatile situation. President Eisenhower responded by ordering federal troops into the state to protect the students and allow them to enter the high school. This action showed Faubus and other Southern states that the federal government intended to enforce the Brown II decision.

Freedom Rides
In the early 1960s, civil rights activists conducted Freedom Rides on buses involved in interstate transportation. They rode buses through the Southern part of the United States to protest the continued practice of segregation despite two Supreme Court rulings that declared segregation in public transportation unconstitutional. In several Southern states, the KKK attacked the buses when they arrived at the bus depots, prompting the federal government to intervene. The federal government justified their interference by using the Interstate Commerce Act and claimed that once buses crossed state lines, the buses fell under the jurisdiction and protection of the federal government.

Creation of SNCC
The Student Nonviolent Coordinating Committee known as SNCC was founded in 1960 and dedicated to promoting the non-violent commitment to civil rights in the United States. Under the leadership of chairman John Lewis, SNCC helped organize the March of Washington in 1963. SNCC also led bus boycotts, participated in sit-ins at lunch counters and Freedom Rides across the South. Lewis and SNCC were dedicated to the idea of ending segregation in the United States using non-violence even though they might be arrested and placed in jail for their protests.

Bloody Sunday
On March 7th, 1965, a group of non-violent activists began a march from Selma to Montgomery to protest voting restrictions placed on African Americans by the state of Alabama. State troopers and police met the marchers on the Edmund Pettus Bridge and attacked them with tear gas and nightsticks. The event known as "Bloody Sunday" was televised, which brought national attention to the movement. The outrage over the violent incident persuaded President Johnson the time was right to send a sweeping voting reform bill to Congress and resulted in the passage of the 1965 Voting Rights Act.

March on Washington
In 1963 over 250,000 people took part in a non-violent protest for jobs and freedom in the nation's capital, Washington D.C. The steps of the Lincoln Memorial in Washington, D.C., provided a national stage for the struggle. There Dr. Martin Luther King, Jr., delivered one of the most powerful speeches in American history, "I Have a Dream." Media coverage of the speech showed Dr. King's eloquence as a spokesperson and leader of the movement. It also allowed the nation to see that people of all races and religions supported the struggle for civil rights.

16th Street Baptist Church Bombing
In 1963, members of the Birmingham Ku Klux Klan (KKK) bombed the 16th Street Baptist Church. The bombing resulted in the deaths of four young girls and injured many others. The incident created outrage across the nation and again brought attention to the struggle for civil rights faced by African Americans, especially in the South. Eventually the men who bombed the church were brought to justice, although it took until 2002 for the final two to be convicted.

Founding of AIM Movement
The American Indian Movement (AIM) was part of the civil rights movement in the late 60s and early 70s. The group formed in 1968 to make the American public aware of the discrimination and mistreatment of Native Americans, despite the passage of the American Citizenship Act of 1924 and the Indian Reorganization Act of 1934. In 1973, two hundred Lakota Indians, who were also AIM members, seized control of Wounded Knee, a town on the South Dakota Pine Ridge Indian Reservation. Wounded Knee had been the site of the massacre of 250 men, women, and children by the U.S. cavalry in 1890. The Lakotas protested the failure of the U.S. government to fulfill promises made to American Indians in various treaties since the nation was founded. At first, the American public was sympathetic to their cause. However, the group lost support when their protest turned violent.

NAACP in the Civil Rights Movement
In 1909, the NAACP (National Association for the Advancement of Colored People) was founded, by W.E.B. DuBois. At the time, the organization was dedicated to putting an end to the lynching of African Americans and securing rights guaranteed in the 13th, 14th, and 15th Amendments. During the 1930s, the organization's goals focused on economic justice, including fair employment practices, and outlawing job discrimination. The association's efforts to end school segregation took center stage in the 1950s when NAACP lawyer Thurgood Marshall argued and won the Supreme Court case, *Brown v. Board of Education, Topeka, Kansas*. Throughout the Civil Rights era, the NAACP supported the Civil Rights Act of 1964 and the Voting Rights Act of 1965, as well as other laws designed to protect fair employment and housing practices. Today, most of the NAACP's efforts involve fighting injustice in the courts and lobbying for continued reforms in Congress.

Murder of Emmett Till
In 1955, 14-year-old African American, Emmett Till from Chicago, visited his relatives in Mississippi. While in Mississippi, he was brutally murdered by two white men after a white woman falsely accused Emmett of flirting with her. When authorities found the dead boy, Emmett's mother insisted that the body be brought back to Chicago for a public funeral, where the casket would be open for all to see his mutilated body. National newspapers carried pictures

of his body in the coffin. An all-white jury acquitted the two men in a short trial and deliberation. Many in the nation were appalled at the lack of justice for this young boy. Within three months of his murder, the Montgomery bus boycott began, which signaled the beginning of the Civil Rights Movement.

Contemporary America

Bill Clinton (1946-)
Bill Clinton was born in Arkansas. While a teenager he met President John F. Kennedy. He described this encounter as motivating his life-long desire to serve the public. After attending Oxford and Yale Universities, he served as Attorney General and then Governor of Arkansas before being elected President in 1992.

President Clinton led the country through a period of peace and prosperity. With inflation and unemployment low, he proposed a balanced budget to Congress. His domestic agenda included seeking laws protecting the jobs of people who had to care for ill family members, legislation restricting certain gun sales, and strengthening environmental protection policies. Clinton was also concerned with national interest and foreign policy. He advocated international free trade, and as Commander-in-Chief of the Military, he sent forces to Bosnia and Iraq.

Clinton was reelected in 1996 with very high approval ratings. But his indiscretions with a young white house intern led Clinton to become the second president in US history to be impeached by the House of Representatives. He was tried in the Senate and found not guilty of the charges against him. He continued to enjoy record high approval ratings during his second term.

Hillary Clinton (1947-)
Hillary Clinton, born in 1947, received her law degree from Yale University where she met her future husband, Bill Clinton. With Hillary by his side, Clinton served as Governor of Arkansas from 1979 to 1981 and from 1983 to 1992. As the First Lady of Arkansas, Mrs. Clinton championed health care and education issues. She continued her pursuit of health care as the First Lady of the U. S. after her husband was elected President in 1992 and then reelected to a second term in 1996. She became the first former First Lady of the U. S. to be elected to a position in U. S. government when she was elected in 2000 to serve as a U.S. Senator from New York. She was elected to a second term in 2006, and in 2008 she decided to seek the Democratic Party's nomination for President of the U. S. She came closer than any other female in U. S. history to winning the presidential nomination of a major party but ultimately lost the party's nomination to Barack Obama. Following President Obama's election in 2008, he chose Mrs. Clinton to serve as Secretary of State. Hillary again sought and made history when she won the Democratic Party's nomination for president in 2016. She ran against Republican Donald Trump and ultimately lost the 2016 presidential election, but she crossed a major barrier by becoming the first female presidential nominee for a major party.

Bill Gates (1955-)
Bill Gates, born in 1955, became interested in computers at an early age. While in college when personal computers were being developed, he created the MS-DOS system and in 1980 sold the contract to IBM. As the personal computer market developed, Mr. Gates profited from his

relationship with IBM as most computers sold carried his operating system. The Windows program, which was more user friendly than the old program, led to the rapid expansion of personal computer ownership. In addition to being a leader in the software industry with his company Microsoft, Mr. Gates has also been instrumental in philanthropic work. He and his wife, Melinda Gates, established the Bill and Melinda Gates Foundation that provides funding for many charitable works focusing on education, world health, and investment in low income communities.

Billy Graham (1918-2018)
Billy Graham, born in 1918, is a leading religious evangelist as well as a spiritual and moral advisor to many U. S. Presidents. As a prominent Christian leader, he spoke out against communism during the Cold War era, claiming that it was the ultimate fight between good and evil. Publishing giant William Randolph Hearst helped Mr. Graham's rise to fame when he ordered his editors to carry stories about Billy Graham and his crusade against communism. Mr. Graham's popularity can be attributed in part to the fact that there have been no scandals that have affected his mission. Most presidents since Dwight Eisenhower have called upon Mr. Graham during times of crisis because of his reliance on prayer and discussion as avenues that need to be considered when trying to reach peaceful resolutions to problems.

Robert Johnson (1946-)
Robert Johnson, born in 1946, became the founder of Black Entertainment Television, known as BET. After graduating from Princeton University with a Master's degree in Public Affairs, he went to work as a lobbyist for the cable industry. Noticing that African American television audiences were largely ignored by the industry, he used his business connections to start Black Entertainment Television (BET). This successful television network was later sold to Viacom in 2001. With this sale, Robert Johnson became the first African American billionaire. In recent years he has diversified his interests in the communication field. His holdings now include interest in professional sports teams and humanitarian efforts overseas.

Estee Lauder (1908-2004)
Estee Lauder was born in 1908 to parents who had immigrated to the United States. Her parents owned a hardware store, and it was here that Estee began to learn how to run a business. She was strongly influenced by her uncle and mentor who was a chemist. She worked with him on his quest to create a skin cream that would help people look younger. Ms. Lauder was an American entrepreneur who built a global cosmetic company through dedication and hard work. She is credited with pioneering the marketing idea of receiving a gift with a purchase. She was noted for saying, "Beauty is an attitude. There's no secret… There are no ugly women—only women who don't care or who don't believe they are attractive." She died in 2004.

Richard Nixon (1913-1994)
Richard Nixon was born in California and attended prestigious schools before becoming a successful lawyer. During World War II, he served in the military as a Navy commander. He served in the US House of Representatives and the Senate, before being elected Vice President under President Eisenhower. He ran for president in 1960, but lost to John F. Kennedy. His presidential bid in 1968 was successful.

President Nixon advanced national interest in foreign policy, making successful trips that eased tensions with China and the USSR. He negotiated treaties to limit nuclear weapons. And he also worked to end the conflict in Vietnam. His administration tried to prevent the publication of classified documents pertaining to the Vietnam War, but the Supreme Court held in *New York Times v. United States* (1971) that the prior restraint was unconstitutional.
A few months after his decisive reelection victory in 1972, the "Watergate Scandal" began to plague Nixon's administration. Burglars were caught trying to place listening devices at the National Democratic Party headquarters at the Watergate Hotel. Their arrests lead to discoveries that administration officials had been involved in unethical activities designed to sabotage Democratic candidates, and then conspired to cover it up. Nixon denied personal knowledge or involvement, but White House tape recordings revealed he had known about and approved the cover up. The Supreme Court held that the President did not have the power to withhold the tapes from investigators upon claim of "executive privilege" in the case *United States v. Nixon* (1974) Facing probable impeachment, Nixon became the first and only president to resign in August 1974.

In his later years, Nixon published books on his experiences with public service and foreign policy, gaining a reputation as an elder statesman.

Barack Obama (1961-)
Barack Obama, born in 1961 in Hawaii, was elected the 44th President of the United States in 2008. This election marked the first time in U.S. history that an African American was elected to this high office. President Obama graduated from Columbia University and received his law degree from Harvard University. He was the first African American editor of the Harvard Law Review. After graduation, he returned to Chicago where he practiced as a civil rights attorney and served as a community organizer. He later became a constitutional law professor at the University of Chicago. Entering politics, he first was elected in 1996 as a member of the Illinois House of Representatives. In 2004, he became a United States Senator from Illinois. He burst onto the national scene with a dynamic speech at the Democratic National Convention in 2004. This led him to enter the race for the presidency in 2008 which he subsequently won. After his inauguration in 2009, he became one of the few American presidents to be the recipient of the Nobel Peace Prize.

Sandra Day O'Connor (1930-)
Sandra Day O'Connor was born in El Paso, Texas, where she spent much of her childhood on a cattle ranch. She was educated at private schools and enrolled in Stanford Law School in 1950. After graduating third out of 102 students in her class in 1952, O'Connor was unable to find work in a private practice – the only firm that offered her a position wanted her to work as a legal secretary.

After working as assistant state attorney general of Arizona, she served in the state senate, becoming the first female majority leader in the country. She went on to serve as a Superior Court judge and on the Arizona Court of Appeals. In 1981, President Ronald Reagan nominated O'Connor to the US Supreme Court. The Senate confirmed her nomination unanimously and O'Connor became the first female Supreme Court Justice in US history.

On the Court, she was often the swing vote. She developed a test for identifying Establishment Clause violations, called the Endorsement Test. She voted to limit federal power under the Commerce Clause in *United States v. Lopez* (1995) and *United States v. Morrison* (2000). These landmark federalism decisions marked the first time the Court limited federal commerce power since the administration of President Franklin Roosevelt.

Justice O'Connor announced she would step down from the Court in 2005, and retired when her replacement was sworn in the next January. She has since spoken out on the importance of separation of powers and checks and balances in our system of government.

Ronald Reagan (1911-2004)
Ronald Reagan was born in Illinois in 1911. After working as a radio announcer and then an actor, he became active in politics. In 1966, he was elected governor of California.

He ran for president in 1980 and won in a landslide victory. Domestically he focused on principles of limited government and cutting the size of the federal bureaucracy. Reagan also appointed the first female Supreme Court justice in American history, Sandra Day O'Connor.

As President, he made national interest and foreign policy a priority. His goal was to end the Cold War with the Eastern Bloc countries, dominated by the communist-controlled Soviet Union. Reagan changed the United States' policy from the previous one of "containment" of the USSR to confrontation. He increased the nation's defense spending and built more nuclear weapons. He went against the advice of many of his own advisors and made a controversial speech, in which he directly challenged the Soviet leader to "tear down" the wall separating East and West Germany and allow East Germans to enjoy their natural rights and freedom. Two years later the wall did come down, and by the end of the 1980s, the Soviet regime had virtually collapsed.

Quoting one of the earliest American colonists, Reagan called the United States and its promise of freedom a "shining city on a hill." When he died in 2004, one of his obituaries explained that his efforts brought liberty to "millions of Europeans across a continent from Poland to Bulgaria, Slovenia to Latvia.

Phyllis Schlafly (1924 - 2016)
Phyllis Schlafly, an attorney born in 1924, was an outspoken opponent of what she considered the radical feminist movement. She actively campaigned against the Equal Rights Amendment and founded her own pro-family movement. In 1964 she published a book, *A Choice not an Echo*, that detailed how the Republicans could win the presidency by staying true to conservative causes. Some reviewers have said that the book was an attempt to justify a Goldwater candidacy. In the 1970's she founded the Eagle Forum and became a national leader in the conservative movement. This forum encourages groups of citizens to volunteer in the policymaking process. In 1990, she founded the Republican National Coalition for Life with the idea of advocating for a prolife plank in the Republican platform.

Lionel Sosa (1939-)
Lionel Sosa, grew up in San Antonio, Texas, where his father owned a laundry and the young Sosa learned the value of hard work. In the 1960's, his artistic ability gained him recognition, and he would later turn this talent into his own advertising agency. He is the founder of the largest Hispanic advertising agency in the United States. His success in organizing campaigns for Hispanic candidates would lead him to serve as the Hispanic media consultant in six Republican campaigns. He was most recently the media consultant for President George W. Bush in 2004. In 2005, he was recognized as one of the 25 Most Influential Hispanics in America by *Time* magazine.

Sonia Sotomayor (1954-)
Sonia Sotomayor, born in 1954, was appointed to the United States Supreme Court in 2009 by President Barack Obama and is the first person of Puerto Rican descent to serve on the high court. She grew up in a Bronx housing project where her mother worked hard to raise her and her brother following the death of her father. Her mother instilled the value and importance of education in Sonia at an early age. Justice Sotomayor graduated from Princeton University and got her law degree from Yale. She was appointed a U. S District Court judge by President George H.W. Bush, and later a judge of the U.S. Court of Appeals for the Second Circuit by President Bill Clinton.

Sam Walton (1918-1992)
Sam Walton, born in 1918, attended the University of Missouri where he studied economics. Following graduation, he gained retail experience by working for JC Penney's. He went on to open a small variety store, Walton's Five and Dime, before he branched out and created today's Wal-Mart stores. He was successful in his business because he made an effort to include his employees in the company by making sure that they understood the company's goals and objectives. He led the way in developing new types of retail establishments such as membership warehouses (Sam's Club) and supercenters where he combined grocery items with variety store merchandise. Walton died in 1992.

Oprah Winfrey (1954-)
Oprah Winfrey, born in 1954, overcame a rough childhood to become the host of one of the highest rated television shows of its kind. She is also recognized for being one of the great philanthropists of her time. She began her rise to fame in 1984 when she was selected to host a Chicago television show. It moved into the number one spot within a month and would eventually move to a one hour format talk show. This was the predecessor of the Oprah Winfrey Show which she started in 1986. In 1988 she established a new production company, Harpo Productions. In 1993 Time magazine named her one of the "100 Most Influential People of the 20th Century." In 1996 she began her book club, and "Oprah Book Club" selections often became instant national bestsellers. In 1998 she received a Lifetime Achievement Award from the National Academy of Television Arts and Sciences. In 2003 *Forbes* magazine listed her as the first African American woman billionaire. In 2008 she announced that she would create a new broadcasting venture, the Oprah Winfrey Network, where she plans to host a new program. She ended her popular television show in 2011.

Contemporary America Events

Nixon's Normalization of Relations with China
During the early years of the Cold War, the United States carried out a policy of containment to prevent the spread of communism. This included not recognizing the People's Republic of China as the official government. By the 1970s, President Richard Nixon realized that the United States would benefit from better relations with Communist China because the Chinese shared our distrust of Russia. In 1972, President Nixon visited China to open the dialogue. He was instrumental in normalizing relations with China and in creating the policy of détente (the easing of hostility or strained diplomatic relations).

Watergate Scandal
Following a break-in at the Democratic National Committee's headquarters in Washington D.C., the Nixon administration attempted to cover up their involvement. This led to President Nixon becoming embroiled in the so-called Watergate scandal after his landslide reelection to a second term as President in 1972. The scandal was called Watergate because the DNC headquarters was located in the Watergate building complex in Washington, D.C. The investigation that followed over the next few years eventually showed Nixon's knowledge and involvement in a cover up. As impeachment proceedings were moving forward in the U.S. House of Representatives, President Nixon chose to resign, becoming the only President in history to resign the office. His vice-president, Gerald Ford was sworn in as president. A year later, President Ford issued an unconditional pardon for any crimes Nixon may have committed while president. Ford felt the pardon was in the nation's best interest. When President Ford ran for re-election in 1976, he lost to Democratic nominee, Jimmy Carter. Many people believe the Watergate pardon played a role in Ford's defeat.

Camp David Accords
With the creation of Israel, achieving peace in the Middle East proved difficult. War between Israel and Arab states including Egypt, broke out several times between 1948 and 1972. The United States, Israel's ally from the beginning, tried to facilitate negotiations for permanent peace in the region. In 1978, President Jimmy Carter held a thirteen-day summit at Camp David, the private retreat for U.S. presidents. Egyptian President Anwar el-Sadat, the first Arab leader to visit Israel since its formation, and Israeli President Menachem Begin met to discuss the relationship between these two countries. The summit resulted in the 1979 Egypt-Israel Peace Treaty that gave Israel a potential ally in the region and access to the Suez Canal in exchange for territory Israel had taken from Egypt in the 1967 Six-Day War. However, most Arab nations refused to accept the terms and as a result tension continued.

1970s Gas Crisis
In 1973, Arab nations formed the Organization of Petroleum Exporting Countries known as OPEC and began to use their control of major oil supplies and the price of a barrel of oil as a political weapon against nations that supported Israel in the Arab-Israeli conflict. Much of the world depended on the oil from this region of the world including the U.S., as their own supplies and production had fallen significantly. The prices charged by OPEC negatively affected the U.S. economy because it forced Americans to pay higher prices for energy and any aspect of the economy dependent on oil as a source of energy. In 1979, OPEC again raised the price of oil

creating another crisis. In both 1973 and 1979 American drivers faced gas shortages, lines wrapped around the block at gas stations waiting a turn at the pumps, and even rationing in some areas.

Iran Hostage Crisis

In 1979, the Ayatollah Khomeini, a Muslim religious leader, overthrew the Shah of Iran, the Iranian leader and U.S. ally. When the United States allowed the deposed Shah to come to the United States for medical treatment, tensions developed between the two nations. In 1979, a group of armed men seized the U.S. Embassy and held 52 Americans hostage. When economic sanctions imposed on Iran and all other efforts at negotiating the hostages' release failed, President Carter ordered a rescue mission. The mission failed when a sandstorm caused three helicopters to crash. The American hostages were finally released on January 20, 1981, the day President Reagan was sworn into office, 444 days after they had been captured.

Attack on Marines in Lebanon

In 1975, civil war broke out in Lebanon between rival Christian and Muslim militias who had backing from countries in the area, including Israel and Syria. The Palestine Liberation Organization (PLO) backed a third group in Lebanon whose members included Islamic Palestinian refugees from Israel. Israel invaded Lebanon in 1982, hoping to defeat the Palestinian Liberation Organization that had been using southern Lebanon as a base to attack Israel. This action threatened to ignite another war in the Middle East. The United Nations sent a peacekeeping mission to Beirut, Lebanon, that included U.S. Marines and soldiers from France, Italy, and Britain. The Americans and their allies were viewed by some in the area as sympathetic to the Christian side of the conflict. In 1983, two truck bombs struck the Marine barracks in Lebanon, which resulted in the deaths of 241 American servicemen. This was the largest number of Marines lost in combat since the Battle of Iwo Jima in World War II. President Reagan withdrew U.S. forces from Lebanon in 1984, and Israel withdrew most of its forces in 1985. In 1990, a new coalition government in Lebanon established a shaky truce between the Christian and Muslim forces and disarmed the rival militias. However, some Syrian, Israeli, and PLO troops remained in the country, as a result of ongoing unrest in the region.

Iran Contra Affair

The Iran-Contra Affair came to the public's attention in 1986 during President Ronald Reagan's second term. Relations between Iran and the U.S. remained hostile in the years following the 1981 Iran hostage crisis. The U.S. placed an arms embargo against Iran in 1983. The following year, pro-Iranian terrorists in Lebanon began seizing American hostages. Although during his presidential campaign Reagan promised not to negotiate with terrorists, he felt compelled to protect Americans. During the same time period, President Reagan and his administration supported the anti-communist Contras who were fighting the Sandinistas in Nicaragua. Cuba's communist government supported the Sandinistas. The conflict served as a continuing example of Cold War tensions in Central America. The U.S. Congress made support for the Contras almost impossible because it limited funds available for such operations. The two situations came together when it was discovered that funds were approved for the sale of weapons to Iran in return for the hostages' release. Approximately 18 million dollars from that sale had been diverted to support the Contras in Nicaragua. Both the weapon sale and the diversion of funds were illegal as they had not been approved by Congress. President Reagan denied knowledge

of the diversion of the funds. The National Security Council staff members responsible resigned, were dismissed, or went to prison following a Congressional investigation.

Persian Gulf War

In 1990, Saddam Hussein, the President of Iraq, invaded Kuwait. The countries of Kuwait and Iraq quarreled over the border between the two nations and the cancellation of a loan given by Kuwait to Iraq in an earlier Iran-Iraq War. President George H.W. Bush condemned the invasion as clear aggression, comparing Hussein's invasion to Hitler's actions in World War II. When other nations supported the U.S. position, the United Nations ordered an embargo against Iraq. All but humanitarian aid was prohibited. When the embargo proved ineffective, the United Nations Security Council authorized the use of force. The U.S. led western allies began Operation Desert Storm in January 1991. While many anticipated a long fight, the entire conflict lasted approximately five weeks before Hussein withdrew his forces from Kuwait. Hussein was allowed to remain as President of Iraq, but the nation had to pay Kuwait for the war damages.

Impeachment of Bill Clinton

During Bill Clinton's second term in office, impeachment proceedings were brought against him as a result of a relationship with a White House intern. Among other charges, he was charged with committing perjury before a grand jury. He was acquitted of all charges by vote of the U. S. Senate and successfully completed his second term as President. This was not the first time that impeachment proceedings against a president occurred. Andrew Johnson was impeached in 1868, and impeachment proceedings had begun against Richard Nixon in 1974 when he resigned the presidency. Scandals in the presidency diminish people's trust in government. President Clinton's impeachment also caused much debate regarding what the Constitution means when it says that a President can be impeached for "high crimes and misdemeanors."

2000 Presidential Election

Republican nominee George W. Bush faced Democratic nominee Al Gore in the 2000 presidential election. Recounts of votes in Florida left the state's electoral votes in dispute and the election undecided. It took a U.S. Supreme Court decision to finally settle the dispute over the recount. President Bush was elected with a majority of the electoral votes, but without a majority of the popular vote. President Bush was elected to a second term in office in 2004. In addition to the foreign policy initiatives of his presidency in which Saddam Hussein was ousted in Iraq, he was instrumental in passing two important pieces of legislation: the No Child Left Behind Act to reform education throughout the country and a Medicare prescription drug program to benefit our nation's elderly.

9/11 Attacks

On the morning of September 11, 2001, Islamic fundamentalist terrorists attacked the United States. Using commercial airplanes as weapons, the terrorists attacked four targets. Two planes struck the Twin Towers of the World Trade Center in New York City, causing them to collapse. Another plane struck the Pentagon, causing significant damage to the building. The fourth plane never reached its intended target, the U.S. Capitol, due to the bravery of the passengers on board. The passengers fought against the terrorists, causing the plane to crash in a Pennsylvania field. Almost 3,000 people lost their lives as a result of these attacks. Al-Qaeda, a fundamentalist Islamic organization led by Osama bin Laden, son of a wealthy Saudi Arabian

family, claimed credit for the attacks. The 9/11 assaults mark one of the few times the United States has been attacked on its own soil. The first was the attack on Washington, D.C., during the War of 1812. The second occurred when the Japanese bombed the American fleet at Pearl Harbor in 1941. "The 9-11 attacks led President George W. Bush to declare a global "War on Terror."

Hurricane Katrina

Hurricane Katrina was a Category 3 hurricane that hit the Gulf Coast of the United States in August of 2005. Over 1800 lives were lost as a result. Damage was extreme in Mississippi and Alabama where storm surges caused water to extend from six to twelve miles inland in some places. The City of New Orleans was devastated when the levee systems failed. The levees had been built to control the flood waters from the Mississippi River linto the low areas around the city. The storm surge that hit the coast produced more water than the levees could withstand. Breaks in poorly constructed levees flooded many areas of the city, some of which were difficult or impossible to rebuild. Over one million people were displaced as a result of this storm, and sought refuge in neighboring states.

2008 Financial Crisis

The financial problems the United States experienced in 2008 have become known as the Great Recession of 2008. During the Great Depression of the1930s, roughly 25% of the American population was unemployed. Following the collapse of the housing market in 2008, the U.S. saw unemployment rate in the Great Recession jump to 10%. In response to the crisis, newly elected President Barak Obama proposed, and Congress passed, the American Recovery and Reinvestment Act of 2009. The goal of this legislation was to stimulate the economy by creating new jobs, saving existing jobs, and spurring economic activity and sound investing. To reach these goals the act provided for tax cuts and billions of dollars available for federal contracts, grants, and loans.

DOCUMENTS

Foundation Of A Nation

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.

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)
In 1776, during the American Revolution, Paine also wrote a series of pro-revolution essays entitled *The American Crisis*. George Washington liked the first of Paine's essays, which began with the words "These are the times that try men's souls," so much that he demanded it be read to colonial troops suffering at Valley Forge to strengthen their spirits and resolve to fight.

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.

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.

The Federalist, No. 1-85 (October,1787 – May,1788)

The framers of the new United States Constitution written at the 1787 Philadelphia convention understood that it represented a dramatic change in the government of the nation and that as a result there would be serious opposition to its ratification in some of the state conventions called for this purpose. Opposition was particularly strong in the state of New York, and those who supported the new Constitution understood that New York's ratification (along with Virginia's) was essential to the success of the entire effort to bring about this major change in the nation's government. Alexander Hamilton, a resident of New York and an advocate for the new Constitution, decided that a propaganda effort was needed to sway citizens of New York. Hamilton recruited two other supporters of the new Constitution – John Jay, a fellow New Yorker, and James Madison, a Virginian—to join him. Together, writing anonymously under the pseudonym Publius, the three men penned a series of 85 essays, numbered 1 thru 85, explaining the weaknesses of the Articles of Confederation as well as the virtues of the new Constitution and why it should be adopted. These essays were published in the newspapers of New York City beginning in October,1787, and ending in May,1788. Jay wrote only five of the essays, Madison wrote 26, Hamilton wrote 51, and three were written by Hamilton and Madison

together. Apparently, the essays did not have a significant impact and were not widely read at the time. Only years later were the 85 essays published together in book form and given the title, *The Federalist Papers*.

Federalist No. 10 (November, 1787)
Written by James Madison, Federalist No. 10 defended the republican form of government proposed by the new Constitution. It is believed that Madison was responding to an article written in another New York newspaper by Brutus, a pseudonym used by a New York opponent of the Constitution named Robert Yates. Brutus had argued that republican government can only flourish in small republics such as the individual states where people share similar interests. Madison argues that in such small republics government is susceptible to the problem of "factions." He defines a "faction" as a number of citizens united by some common interest adverse to the interest of other citizens or the interests of the community. He notes that "the most common and durable source of factions has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society." He concludes that nothing can be done about the causes of "the mischiefs of faction" and that "relief is only to be sought in the means of controlling its effects." He asserted that it is the great number of factions and their diversity in what he called an "extended republic" (the entire nation) that would make it more difficult for one faction to gain control. Groups would be forced to negotiate and compromise, thus arriving at solutions that would respect the interests of others.

Federalist No. 39 (January, 1788)
In Federalist No. 39, James Madison responds to an opponent of the new Constitution who argued that it was neither "republican" nor "federal." In the first part of the essay Madison defines or explores the structure of the "republican" government which he maintains the new Constitution creates. He defines a "republic" as "a government which derives all its powers directly or indirectly from the great body of the people." Madison maintains that the new Constitution meets this requirement. He points out that the people directly choose the House of Representatives and indirectly elect U. S. Senators, the President, and judges. Furthermore, he points out, the Constitution forbids titles of nobility and guarantees each state "a republican form of government."

In the second part of No. 39, Madison examines the "compound republic" created by the Constitution which is what we today call federalism. The Constitution, he points out, has both "national" and "federal" characteristics. The national government will have authority over individuals as national citizens, but in several ways, the new government will be federal in form. For example, he says, federalism is reflected in the method of ratification of the new Constitution where delegates to the state ratifying conventions will vote as citizens of their respective states. The federal form is also reflected, he notes, in the structure of the U. S. Senate where the states will be equally represented by senators chosen by their state legislature. Finally, Madison concludes, the fact that the individual states retain certain important powers is proof of the "federal" nature of the Constitution.

Federalist No. 51 (February, 1788)
In Federalist No. 51, James Madison explains and defends the checks and balances system in the new Constitution. Each branch of the government is given checks over the other two branches. “Ambition must be made to counteract ambition,” he writes. In an often quoted passage, Madison proclaims: “It may be a reflection on human nature, that such devices [checks and balances] should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

Madison also discusses the way republican government can serve as a check on the power of factions, and the tyranny of the majority. “In the federal republic of the United States… all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.” All of the Constitution’s checks and balances, Madison concludes, serve to preserve liberty by ensuring justice, and “Justice is the end of government. It is the end of civil society.”

Federalist No. 70 (March, 1788)
Opponents of the new Constitution argued that Article II which created the President as the chief executive would lead to a monarchy. In Federalist No. 70, Alexander Hamilton argues for the strong executive created by the Constitution rather than the lack of an executive under the Articles of Confederation. He argues that “energy in the executive is the leading character in the definition of good government. It is essential to the protection of the community against foreign attacks…to the steady administration of the laws, to the protection of property …to justice; [and] to the security of liberty ….”

Though some delegates had called for an executive council, Hamilton defended a single executive as “far more safe” because “wherever two or more persons are engaged in any common…pursuit, there is always danger of difference of opinion…bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority.” Hamilton also argued that a single executive would be watched “more narrowly” and vigilantly by the people than a group of people would be.

Federalist No. 78 (May, 1788)
In Federalist No. 78, Alexander Hamilton addresses the new judicial branch of the government created by the Constitution. He responds to the Constitution’s opponents who argued that the national courts created by the Constitution were unnecessary because state courts could handle all lawsuits and also that the national courts were dangerous because they would leave the people at the mercy of a distant national judiciary. Hamilton argues that a national judiciary was needed to handle cases between citizens of different states and those involving the Constitution and national laws. In one of the most remarkable and important points he makes concerning the

new judicial branch, he writes that “whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous … The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse … It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.” He argues strongly as well for an independent judiciary when he writes, “For I agree, that ‘there is no liberty, if the power of judging be not separated from the legislative and executive powers.’ … The complete independence of the courts of justice is peculiarly essential in a limited Constitution.” Finally, Hamilton makes a strong argument in favor of the national judiciary’s power to judge actions of the legislative branch to determine if they are consistent with the Constitution: “It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the law is the proper and peculiar province of the courts.”

Brutus Essays (1787-1790)
The sixteen Brutus Essays written between 1787 and 1790 argued against the ratification of the new United States Constitution written at the 1787 Philadelphia convention. These essays countered the Federalist essays which argued in favor of ratifying the Constitution. Historians believe that Robert Yates, a New Yorker, was the author of the Brutus Essays. He chose the pen name Brutus in honor of the Roman statesman who murdered Julius Caesar to prevent Caesar from overthrowing the Roman Republic.

Brutus was wary of giving the national government too much power. He wrote, “Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.”

Brutus had several specific objections to the proposed new Constitution. He believed it would infringe on the peoples’ liberty and argued that a bill of rights was needed. He thought the necessary and proper clause of Article I, Section 8 gave Congress too much power. He also believed that giving the Supreme Court the power to interpret the Constitution would lead to even greater power for Congress and would infringe upon the powers of the states.

Growth Of A Nation

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.

Marbury v. Madison (1803)

Before his term as President ended, a defeated President John Adams appointed William Marbury as a Justice of the Peace for the District of Columbia. Adams’ Secretary of State John Marshall failed to deliver Marbury his appointment papers before the new President Thomas Jefferson and the new Secretary of State James Madison assumed office. The new President and the new Secretary of State declined to give Marbury the position. After hiring an attorney and using part of a 1789 law passed by Congress, Marbury filed suit directly with the Supreme Court asking that Court to direct President Jefferson and Secretary of State Madison to give Marbury the position. The Supreme Court did not rule for or against Marbury. In other words, the Court did not order Secretary of State Madison and President Jefferson to give Marbury the position. What the Court did was something far more important. For the first time, in *Marbury v Madison*, the Supreme Court declared unconstitutional an act of Congress (a section of the Judiciary Act of 1789 under which Marbury had brought his case directly to the Supreme Court). This was an exercise of the power of judicial review—the power of the Supreme Court to interpret laws of Congress and declare them unconstitutional if in the judgment of the Court they are in conflict with the Constitution. Speaking for a unanimous Supreme Court, Chief Justice John Marshall thus established the Court as an equal partner in government with the executive and

legislative branches, something it had not been prior to Marshall becoming Chief Justice. The Supreme Court became the final authority on what the Constitution means. Marshall wrote: “It is emphatically the province and duty of the judicial department to say what the law is.” Marshall continued, “The Constitution of the United States confirms and strengthens the principle… that a law repugnant to the Constitution is void.” The Supreme Court, further, was the proper authority to decide if a law is in conflict with the Constitution. He called this responsibility “the very essence of judicial duty.”

McCulloch v. Maryland (1819)

The U. S. Congress’ constitutional power to create a national bank had been controversial since Secretary of the Treasury Alexander Hamilton first successfully argued for it during President George Washington’s first term as President. Secretary of State Thomas Jefferson, also in Washington’s Cabinet, had argued against Congress’ power to create the bank. The charter of the first Bank of the United States had been allowed to expire, but in 1816, Congress chartered the Second Bank of the U. S. The largest branch of this bank was located in Baltimore, Maryland. Like Jefferson at an earlier time, Maryland did not believe that Congress had the power under the Constitution to create banks. The state decided to drive the bank out of business by passing a law placing a tax on all banks “not incorporated by the state” which meant the Baltimore branch of the Bank of the United States. Maryland asserted that Congress had no constitutional power to charter banks and that even if it did, a state could tax the bank. In this early federalism case, speaking through Chief Justice John Marshall, the Supreme Court unanimously ruled that Congress had the power to create a national bank. The creation of a bank was an implied power of Congress.

Marshall pointed out that while the power to charter banks does not appear in the list of Congress’ enumerated powers found in Article I, Section 8 of the Constitution, the creation of a bank was a means of executing its enumerated powers: “Although, among the enumerated powers of government, we do not find the word ‘bank,’…we find the great powers to lay and collect taxes; to borrow money; to regulate commerce…” Those enumerated powers, when combined with the power given Congress in Paragraph 18 of Section 8 “to make all laws necessary and proper for carrying into execution the foregoing powers,” authorized Congress’ action. This interpretation broadly expanded the power of Congress to enact laws over subjects not specifically mentioned in the Constitution.

Marshall asserted that the people, not the states, were the agents of the Constitution’s establishment. He invoked the supremacy clause of Article VI, Paragraph 2 of the Constitution in the Court’s ruling that Maryland could not tax the national bank. Marshall noted that “the power to tax involves the power to destroy.” By that he meant that a state could impose a tax so burdensome that the entity, in this case the national bank, would not be able to survive.

Gibbons v. Ogden (1824)

In 1808 the New York Legislature awarded Robert Fulton’s steamboat company the exclusive right to issue licenses to steamboats operating in New York waters. In 1811, Fulton in turn granted Aaron Ogden a license to operate steamboats between New York and New Jersey. In 1818, the U. S. Congress, using the power given Congress by the commerce clause of Article I, Section 8 of the Constitution, granted Thomas Gibbons a license to engage in the coastal trade and operate steamboats between New York and New Jersey. Ogden sued and won an injunction

in a New York state court forbidding Gibbons from operating his boats in New York waters. After obtaining the services of Daniel Webster as his lawyer, Gibbons appealed to the U. S. Supreme Court. Speaking through Chief Justice John Marshall, the Supreme Court unanimously ruled in favor of Gibbons and thus Congress' power. Writing about Congress' power under the commerce clause, Marshall stated: "This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution." According to Marshall, one important purpose of the new Constitution was to "rescue the United State] from the embarrassing and destructive consequences, resulting from the legislation of so many different States, and to place it under the protection of a uniform law." Furthermore, Marshall and the Court invoked the supremacy clause of Article VI, Paragraph 2 of the Constitution and affirmed that state laws that contradict constitutional acts of Congress must yield. The Court acknowledged that states can enact laws that regulate interstate commerce but only if these laws do not interfere with national laws. If a state law does interfere, national law preempts state law and the state law is invalid.

Worcester v. Georgia (1832)

In 1830, at the urging of President Andrew Jackson, the U. S. Congress passed the Indian Removal Act which authorized the President to grant the Indians unsettled land west of the Mississippi river in exchange for Indian land within existing state borders. The U. S Supreme Court under Chief Justice John Marshall first addressed the Indian lands question in an 1831 case *Cherokee Nation v. Georgia*. That case developed out of Georgia's attempt to assert its jurisdiction over Cherokee land within the state of Georgia that was protected by federal treaty. The Supreme Court in that case ruled that it had no jurisdiction to hear the Cherokee request to prevent Georgia's attempt. Marshall and the Court determined that the Cherokees were "a domestic, dependent nation (a ward of the United States), rather than "a sovereign nation." By refusing to hear the case, the Court left the Cherokees at the mercy of the land-hungry state of Georgia. The Georgia legislature meanwhile passed a law requiring anyone other than Cherokees who lived on Indian territory to obtain a license from the state. Samuel Worcester and some other non-Cherokee missionaries settled and established a mission on Cherokee land at the request of the Cherokees but without a license from the state. The state then charged them with violation of the Georgia law. They were tried, convicted, and sentenced to four years of hard labor. Worcester and the other missionaries then appealed to the U. S. Supreme Court.

Speaking through Chief Justice John Marshall in *Worcester v. Georgia*, the Supreme Court ruled in favor of Worcester and the Cherokees. Marshall wrote that citizens of Georgia had no right to enter Cherokee land "but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation, is, by our Constitution and laws, vested in the government of the United States." Therefore, Marshall concluded, "the acts of Georgia are repugnant to the Constitution, laws, and treaties of the United States."

The Indians thus achieved a significant legal victory. However, this significant legal victory became an unfortunate chapter in American history. When President Andrew Jackson heard of the Supreme Court's decision, he supposedly remarked, "John Marshall has made his decision, now let him enforce it." In one of the dark pages in American history, the Indians were compelled

to leave their native land and move west to Oklahoma Territory. In what is referred to as "the Trail of Tears," many did not survive the move.

Barron v. Baltimore (1833)
In the process of making improvements to the city's streets, the city of Baltimore essentially destroyed access by large ships to a deep-water wharf owned by Barron. Barron believed his private property had thus been "taken for a public purpose" and that, as a result, he was entitled to just compensation under the Constitution's Fifth Amendment which provides that "nor shall private property be taken for public use without just compensation." Barron won in a lower state court, but the decision was reversed by the Maryland Supreme Court. Barron then appealed to the U. S. Supreme Court. Speaking through Chief Justice John Marshall, the Supreme Court ruled that it lacked jurisdiction because the Fifth Amendment's "takings clause" did not apply to state governments. Marshall explained that because the Bill of Rights only applied to the national government "The provision in the Fifth Amendment to the Constitution declaring that private property shall not be taken for public use without just compensation is intended solely as a limitation on the exercise of power by the Government of the United States, and is not applicable to the legislation of the States."

In the late 1890s the Supreme Court overturned its decision in *Barron v. Baltimore* and ruled that the Fifth Amendment's "takings clause" does apply to the states. Decades later, a majority of the Supreme Court in a series of cases used the due process of law clause of the Fourteenth Amendment and a doctrine called "incorporation" to hold that most of the specific rights of the Bill of Rights are now also limitations on the states.

Civil War / Reconstruction

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.

Lincoln's Second Inaugural Address, 1864
After Abraham Lincoln's reelection as President in 1864, he delivered his Second Inaugural Address (statement to the country) in 1865. At the time of this speech, the Civil War was nearing an end, and Lincoln addressed the future of the country. Lincoln called for healing and peace, saying, "With malice toward none; with charity for all… let us strive on to finish the work we are in; to bind up the nation's wounds…"

First Reconstruction Act, 1867
The First Reconstruction Act of 1867 divided the secessionist states into five military districts. Each district was to be governed by a Union general. That general declared martial law and stationed troops in the region to keep the peace and protect the former slaves. Before any state could be readmitted to the Union, they had to redraft their Constitution to outlaw slavery, ratify the 14th Amendment, and provide suffrage (the right to vote) to former slaves that was guaranteed in the 15th Amendment.

Dred Scott v. Sanford (1857)
The question whether slavery should be allowed in territories acquired by the U.S. was a controversial one prior to the Civil War. Dred Scott, a slave, was taken by his master from Missouri (a slave state) first to Illinois (a free state) and then to Wisconsin Territory where slavery under the Missouri Compromise of 1820 was forbidden. Later, with his owner, Dred Scott returned to Missouri. Dred Scott and his wife filed a petition in a Missouri court requesting permission to file suit in order to establish their right to be freed since they had resided on free soil. After two trials and the Scotts temporarily winning their freedom, the Missouri Supreme Court reversed the lower court's judgment and held that the Scotts' residence on free soil had not changed their status as slaves. The Scotts then brought suit in a U. S. Circuit Court where the verdict once more was that they were still slaves. The case was then appealed to the U. S. Supreme Court.

Seven of the nine Supreme Court Justices concluded that the Scotts remained slaves. Chief Justice Roger Taney authored the most important opinion for a majority of the Court. Taney first addressed the question of whether the Scotts were citizens and thus entitled to bring suit in a U.

S. court. He wrote: “We think they are not, and that they are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution and can, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.” Still writing for a majority of the Court, Taney also wrote: “…it is the opinion of the Court that the Act of Congress (the Missouri Compromise of 1820) which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void.” The Court thus declared the Missouri Compromise unconstitutional and in the process emphasized the importance of protecting property rights, in this case property being slaves.

The first sentence of Section 1 of the Fourteenth Amendment added to the Constitution in 1868 declares 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.” It was written and added to the Constitution for the specific purpose of overruling the Supreme Court’s decision in *Dred Scott v Sanford*.

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.

The Dawes (Severalty) Act of 1887

The Dawes (Severalty) Act of 1887 was designed to eliminate Native American tribal life and assimilate Native Americans into white society. In the law, Congress provided for the gradual elimination of most tribal ownership of the land. The tribal land was divided up, giving 160 acres to the head of a family, 80 acres to a single adult, and 40 acres to each dependent child.

Adult owners were also given U.S. citizenship. However, owners could not gain full title to their property for 25 years. Native Americans who were to be given the land had to agree to live separately from the tribe.

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' problem s 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.

Gilded Age Supreme Court Cases

Plessy v. Ferguson (1896)

In 1890, the Louisiana legislature passed the Separate Car Act which required railroads "to provide equal but separate accommodations for the white and colored races" in order to protect the safety and comfort of all passengers. In 1891, a group of African Americans and Creoles formed the "Citizens Committee to Test the Constitutionality of the Separate Car Law." The Committee chose Homer Plessy, who was one-eighth African American, to test the law by violating it. He bought a first-class ticket on the East Louisiana Railway that traveled from New Orleans to Covington, Louisiana. He boarded the train, walked past the coach clearly marked "For Coloreds Only," and took a seat in the coach clearly marked "For Whites Only." When the train conductor asked Plessy to move to the other coach, he refused, was arrested, and charged with violation of the Separate Car Act. Tried in an Orleans Parish court, Plessy was found guilty and sentenced to jail. After his conviction was upheld by the Louisiana Supreme Court, he appealed to the U. S. Supreme Court.

By a 7-1 vote, with only Justice John Marshall Harlan I dissenting, the Supreme Court upheld the Louisiana law and Plessy's conviction. The majority concluded that the Louisiana law requiring "separate but equal" facilities for African Americans and whites did not violate either the Privileges and Immunities Clause or the Equal Protection of the laws Clause of the Fourteenth Amendment. The law mandating racial segregation, the majority reasoned, was in line with "the established usages, customs and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order." In his powerful solo dissent, Justice Harlan I wrote: "In view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."

The Supreme Court's decision in *Plessy v Ferguson* upholding racial segregation by law under the so-called "separate but equal rule" led more states to enact such laws. Plessy remained the law until the Supreme Court overruled the decision in 1954 in the case of *Brown v Board of Education*.

U.S. v Wong Kim Ark, 1898
The Chinese Exclusion Act of 1882 denied citizenship to Chinese immigrants. Wong Kim Ark was born in San Francisco to Chinese parents living in the United States. When his parents moved back to China after living in the United States for twenty years, he visited them. When he returned to the United States, he was denied entry as he was not considered a citizen. Eventually, the Supreme Court heard the case *U.S. v Wong Kim Ark.*

The Court ruled in favor of Wong Kim Ark, using a clause in the Fourteenth Amendment which granted citizenship to a child born in the United States. This case established the concept of "jus soli." The Latin term "jus soli" means "by the soil" and was used to establish the citizenship of any child born on U.S. soil to non-citizens.

US Becomes a World Power

Roosevelt Corollary
In 1902, President Theodore Roosevelt's Corollary was announced. This proposition modified the Monroe Doctrine which had been adopted in 1823 to close the western hemisphere to future colonization. Due to the financial and political problems in Latin America in the early years of the twentieth century, several European nations wanted to intervene. President Roosevelt reacted by declaring the United States was the international policeman of the Western Hemisphere, not Europe and would intervene in the affairs of Latin America to assure stability. Latin American countries often resented the interference in their affairs and what they believed to be U.S. imperialism.

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.

US Becomes A World Power Supreme Court Cases

Schenck v. United States (1919)

After the United States entered World War I, the U. S. Congress in 1917 instituted a military draft when it passed the Selective Service Act. Also in 1917, Congress passed the Espionage Act which made it a crime to cause or attempt to cause insubordination in the military and naval forces or to obstruct the recruitment or enlistment of persons into the military service of the United States. Charles Schenck, the General Secretary of the Socialist Party, opposed U. S. participation in World War I. He was arrested and prosecuted for violation of the Espionage Act after 15,000 leaflets traced to Socialist Party headquarters urging resistance to the draft were sent to men who had been drafted. The leaflet quoting the Constitution's Thirteenth Amendment prohibiting slavery or involuntary servitude, asserted that the Selective Service Act violated the amendment, and that a draftee was little better than a convict. It suggested that the draft was despotism in its worst form and was a wrong against humanity in the interest of "Wall Street's chosen few." It urged draftees not to submit to intimidation and to assert their rights. It described even silent consent to the draft law as helping to support an infamous conspiracy. Schenck was convicted in a U. S. District Court and appealed his conviction to the Supreme Court where he argued that the leaflets should be protected by the First Amendment's freedom of speech and press.

A unanimous Supreme Court upheld Schenck's conviction. In one of the most memorable Supreme Court opinions in history, Justice Oliver Wendell Holmes wrote for the Court: "We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. … The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." Thus, the Court ruled that speech can be limited in wartime.

The so-called "clear and present danger rule" first enunciated by Justice Holmes in Schenck quickly became the test by which a majority of the Supreme Court judged freedom of speech cases for many years to come.

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.

The Roaring 20's Supreme Court Cases

Gitlow v. New York (1925)
Benjamin Gitlow was a member of the left-wing section of the Socialist Party. The New York legislature had passed a law making it a crime to advocate the violent overthrow of the government. Gitlow was arrested and charged with having violated this law by writing, publishing, and distributing a pamphlet called the Left-wing Manifesto. The pamphlet urged the establishment of socialism by strikes and "class action … in any form." At Gitlow's trial in a New York court, his famous attorney, Clarence Darrow, argued that the pamphlet was speech and press protected by the First Amendment since it advocated nothing but only urged abstract doctrine. Furthermore, he argued, it did not call for immediate action, but instead called for action at some indefinite time in the future. Even though no evidence was introduced that the pamphlet's publication had led to any unlawful action, Gitlow was convicted, and then appealed to the Supreme Court.

By a 7-2 vote, with only Justices Oliver Wendell Holmes and Louis Brandeis dissenting, the Supreme Court upheld Gitlow's conviction. Of great significance, however, the Court, using the "incorporation" doctrine, declared that the freedom of speech and press were "among the fundamental rights and liberties protected by the due process clause of the Fourteenth Amendment from impairment by the states." Nevertheless, the Court's majority ruled that "states can punish utterances endangering the foundations of government and threatening its overthrow by unlawful means" because such speech would "present a sufficient danger to the public peace and to the security of the State." The majority used the analogy of a smoldering campfire that could burst into flame at any time and noted that the state does not have to wait until the fire starts to take action to prevent it.

In their famous dissent, Justices Holmes and Brandeis stuck to the "clear and present danger rule" which Holmes had first enunciated in the 1919 Schenck case. They argued that what they called "the redundant discourse" in the pamphlet had "no chance of starting a present conflagration. Holmes wrote: "Every idea is an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. … If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way."

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.

Indian Reorganization Act of 1934
Passed in 1934, the Indian Reorganization Act was a federal law attempting to reverse previous attempts to force Native Americas to assimilate into American culture and give up their tribal culture and heritage. These attempts had been especially damaging to Native American children who attended the Carlisle School or schools modeled after it.

The Act also hoped to improve the political, economic, and social conditions of Native Americans. It allowed the Native Americans to manage their land and the mineral rights on their reservations, under the supervision of the Bureau of Indian Affairs (BIA). Those who supported the legislation hoped it would help provide a sound economic foundation for the tribes. Native American tribes were allowed to vote on whether to allow this law to apply to their tribe. Those tribes that didn't vote for the law faced losing more land to Anglos.

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.

World War II Supreme Court Cases

Korematsu v. United States (1944)

After the Japanese Empire's attack on Pearl Harbor on December 7, 1941, there was a fear among some Americans that the West Coast might be invaded. Adding to that fear was the fact that there were thousands of Japanese Americans living on the nation's West Coast, and some Americans feared that they might become spies for the Japanese Empire. Acting on the advice and recommendation of military advisors, President Franklin D. Roosevelt issued Executive Order 9066 directing the forced internment of all persons of Japanese descent living on the West Coast in relocation centers located in the interior of the country. Fred Korematsu, an American born citizen of Japanese descent refused to leave his home in California, was arrested, and was convicted in District Court of violation of the exclusion order.

By a 6-3 vote, the Supreme Court ruled that the President's action was a constitutional exercise of government power during a time of "emergency and peril" for the nation. Writing for the majority, Justice Hugo Black explained that the internments had "a definite and close relationship to the prevention of espionage and sabotage." He went on to explain that the government needed to act quickly in wake of the attack on Pearl Harbor. Black wrote: "There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short."

One of the dissenting justices wrote that he dissented “from this legalization of racism” and went on to assert that racial discrimination “is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States.”

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 $31billion ($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.

American Civil Rights Movement Supreme Court Cases

Sweatt v. Painter (1950)

Heman Sweatt was a 33 year old African-American from Houston, Texas, who wanted to be a lawyer. He applied for and was denied admission to the University of Texas Law School because he was an African-American. He sought and received assistance of the NAACP and its chief legal counsel, Thurgood Marshall (a future Supreme Court justice). At this time, the Supreme Court's decision in 1896 in *Plessy v Ferguson* allowing states to segregate by race as long as the separate facilities were equal was still the law of the land. The problem in Texas was that the state had no law school for African-Americans. In 1947, the Texas legislature authorized the University of Texas to establish a law school for African-Americans in four rooms at a building in Austin. Sweatt declined to accept the offer, arguing that while this law school for African-Americans was certainly separate, it was not equal to the University of Texas Law School. After losing his argument in Texas courts, Sweatt appealed to the Supreme Court.

The Supreme Court unanimously ruled against the state of Texas and in favor of Heman Sweatt and declared that “the equal protection clause of the Fourteenth Amendment requires that petitioner be admitted to the University of Texas Law School.” The Court found that in terms of volumes in the library, reputation of faculty, offering of courses, and available scholarships, the University of Texas Law School was far superior. Even in terms of intangibles like the ability to interact with his colleagues in the legal profession and the reputation of the University, the new law school for African-Americans was lacking. The Court thus held that Texas had not met the “equal” part of the “separate but equal” requirement.

Brown v. Board of Education (1954)

A Kansas law permitted cities with more than 15,000 population to maintain separate public schools for African-American and white students. The Board of Education of Topeka, Kansas, maintained segregated elementary schools. Linda Brown, an African-American third grader, and her family lived a few blocks from an all-white school in Topeka but was required to travel twenty-one blocks from her home to attend a school reserved for African-American children only. The NAACP chose this case to be a “test case” for several reasons. First, the case came from a northern state, not a southern state. Second, for all practical purposes Linda Brown’s school was equal to the white schools in Topeka. Linda Brown’s parents joined with parents of other African-American children and brought suit against the Topeka Board of Education. Thurgood Marshall, chief legal counsel for the NAACP and a future Supreme Court justice, represented the African-American parents. At the same time, class action suits were filed in three other states – South Carolina, Virginia, and Delaware – where African-American children were also compelled by state law to attend racially segregated public schools. The Kansas case and the cases from the other three states were consolidated and appealed to the Supreme Court where they were argued and decided together. Marshall argued that the African-American and white schools were not equal in a number of ways, but more than that, he argued that segregated schools were harmful to African-American children.

The Supreme Court unanimously ruled in favor of the African-American parents and their children. In doing so, the Court overruled the Court’s 1896 decision in *Plessy v Ferguson* and its “separate but equal” rule. Speaking through Chief Justice Earl Warren, the Court declared: “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."

On the same day the Court handed down its decision in Brown, the Court also ended racial segregation in the public schools of the District of Columbia in *Bolling v Sharpe*.

In 1955, the Supreme Court heard reargument in *Brown v Board of Education II*. The Court was again unanimous, and this time, directed the public schools involved to admit “with all deliberate speed” students on a racially nondiscriminatory basis.

Hernandez v. Texas (1954)
Pete Hernandez, a 21 year-old Mexican American, was drinking at a bar in Edna, Texas, when he became disruptive and was removed from the bar. He left, obtained a gun, returned, and shot another man in the presence of a number of eyewitnesses. He was indicted for murder by an all-white grand jury. His lawyers sought to quash the indictment and the empaneling of an all-white trial jury because persons of Mexican American descent were excluded from both panels. In the previous 25 years, in fact, no person of Mexican American descent had been selected to serve on a grand or trial jury or as a jury commissioner in Jackson County. The trial judge denied the motions, and Hernandez was found guilty by an all-white jury and sentenced to life in prison. The Texas Court of Criminal Appeals held that because Mexican American citizens were classified as "white" under Texas law, no discrimination was found, and thus that court affirmed Hernandez' conviction. The Supreme Court agreed to review that decision.

Chief Justice Earl Warren delivered the opinion for a unanimous Supreme Court which agreed with the arguments made by Hernandez' attorneys and thus overturned his conviction. Warren wrote: "In numerous decisions, this Court has held that it is a denial of the equal protection of the laws of the Fourteenth Amendment to try a defendant of a particular race or color under an indictment issued by a grand jury, or before a petit jury, from which all persons of his race or color have, solely because of that race or color, been excluded by the state, whether acting through its legislature, its courts, or its executive or administrative officers. … Petitioner's only claim is the right to be indicted and tried by juries from which all members of his class are not systematically excluded – juries selected from among all qualified persons regardless of national origin or descent. To this much, he is entitled by the Constitution."

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 the1950 census, the number of senior citizens in the U. S. had grown from 3 million 1n 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 previously 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.

Contemporary America Supreme Court Cases

Mapp v. Ohio (1961)

In 1914, the Supreme Court ruled that evidence seized illegally in violation of the Fourth Amendment's prohibition on unreasonable searches and seizures is inadmissible in federal courts. The so-called "exclusionary rule" was thus born. In 1949, the Supreme Court ruled that the Fourth Amendment is "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now applies to the states. However, the Court declined to apply "the exclusionary rule" to the states. Thus, evidence seized illegally in violation of the Fourth Amendment was still admissible against the accused in state courts.

In 1957, Cleveland, Ohio, police arrived at Dollree Mapp's home searching for a man believed to be involved in a recent car bombing and for evidence involving an illegal gambling operation. Mapp refused to admit them, and they had no search warrant. The officers left, but soon returned, knocked on the door, and when Mapp did not immediately answer, they opened the door and entered. When Mapp appeared and demanded to see a search warrant, she was shown a piece of paper which she snatched away from the officer. The officer retrieved the paper and handcuffed Mapp. The police then searched the entire house but found no bombing suspect and no evidence of an illegal gambling operation. However, they did find some obscene material, possession of which was at the time a violation of Ohio law. At her trial in an Ohio court on a charge of possession of obscene literature, no search warrant was produced, and the failure to produce one was not explained. After her conviction, Mapp appealed to higher Ohio courts which upheld her conviction, and she then appealed to the Supreme Court.

By a 6-3 vote, the Supreme Court overturned Mapp's conviction and for the first time applied "the exclusionary rule" to state courts. As a result, evidence obtained by police in violation of the Fourth Amendment cannot be used against the defendant in either a federal or a state court.

Engel v. Vitale (1962)

The New York Board of Regents, a government agency created by the New York Constitution, composed a prayer and recommended its use to the state's public schools. The Board of Education for a public school district in the state then required its schools to begin each school day with the Regents composed prayer. Parents of ten students brought suit in a New York court challenging the constitutionality of the prayer because it was contrary to their religious beliefs and those of their children. They argued that the prayer was a violation of the no establishment of religion clause of the First Amendment. The trial court upheld use of the prayer so long as the school did not compel any student to participate over parents' objections. A New York Court of Appeals upheld the trial court's judgment, and the parents then appealed to the Supreme Court.

By a 6-1 vote, with two justices not participating, the Supreme Court overturned the judgment of the New York courts and ruled that requiring public school students to recite a government composed prayer is a violation of the no establishment of religion clause of the First Amendment. Writing for the majority, Justice Hugo Black stated: “It is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by government.”

Baker v. Carr (1962)

The Tennessee Constitution requires apportionment of both houses of the state legislature on the basis of population after the census every ten years. However, since 1901, no apportionment had been carried out in spite of changes in population growth and the movement of large numbers of people from rural areas to urban areas of the state. As a result, by 1960, the state’s House districts varied in population from 3,454 to 79,301, and the state’s Senate districts varied in population from 39,727 to 237,905. Residents of several Tennessee urban areas filed suit in a federal court against Joe Carr, the Tennessee Secretary of State, and other state officials. They argued that Tennessee’s failure to reapportion since 1901 denied them the equal protection of the laws guaranteed by the Fourteenth Amendment. The lower federal court dismissed the suit for lack of jurisdiction based on the Supreme Court’s decision in the 1946 case *Colegrove v Green*. In that case, the Court ruled that federal courts did not have jurisdiction to hear cases involving the drawing of legislative districts because this was a “political question” to be answered by the elected branches of government. The plaintiffs then appealed to the Supreme Court.

By a 6-2 vote (one justice not participating), the Supreme Court overturned the *Colegrove v Green* ruling. The Court held that under the equal protection of the laws clause of the Fourteenth Amendment, federal courts do have jurisdiction to hear cases involving the drawing of legislative districts.

The Court’s decision in *Baker v Carr* led to later Court decisions often referred to as the Court’s “one man-one vote” rulings which had a major impact on the distribution of political power between urban and rural areas in state legislatures, the U. S. House of Representatives, and county commissioners courts.

After his retirement as Chief Justice of the U. S. from 1953-1969, Earl Warren was asked what he regarded as the most significant case decided during his tenure as Chief Justice. His answer was *Baker v Carr*.

Gideon v. Wainwright (1963)

In 1961, Clarence Earl Gideon was arrested in Florida and charged with breaking and entering a poolroom with intent to commit petty larceny. Gideon was indigent and thus unable to afford a lawyer. At his trial in a state court, he asked the judge to appoint a lawyer to represent him. His request was denied because under Florida law at that time, an indigent was entitled to the assistance of a lawyer provided by the state only if charged with a capital offense. Under U. S. constitutional law at that time, as decided by the Supreme Court, a state was only required to appoint a lawyer if the accused was a victim of “special circumstances” such as feeblemindedness, illiteracy, youth, etc. Gideon did not claim any “special circumstances.”

Gideon defended himself, but a jury found him guilty, and he was sentenced to five years in prison. After losing an appeal to the Florida Supreme Court, he prepared a handwritten petition asking the U. S. Supreme Court to consider his appeal. The Supreme Court agreed to do so, and furthermore, the Supreme Court appointed a lawyer to argue his case before the Supreme Court. The Supreme Court chose Abe Fortas, a prominent Washington, D. C. attorney who had appeared frequently before that Court and a future Supreme Court justice.

A unanimous Supreme Court overturned Gideon's conviction. The Court ruled that the Sixth Amendment's right to counsel now applies to the states using the due process of law clause of the Fourteenth Amendment and the doctrine of "incorporation" and requires that in any serious criminal case in a state court, if the accused cannot afford a lawyer, the state must provide one. The Court called the right to a lawyer "fundamental" and necessary for a fair trial.

Gideon was retried before the same judge in the same courtroom, but this time he had a court-appointed lawyer and was acquitted.

In another case some years later, the Supreme Court extended the right to a lawyer to any criminal case in a state court in which a jail sentence of any length is a possible outcome.

New York Times v. Sullivan (1964)

L. B. Sullivan, an elected City Commissioner in Montgomery, Alabama, brought a libel suit against four African American ministers and the *New York Times*. He argued that he had been libeled by certain statements in a full-page advertisement entitled "Heed Their Rising Voices" which appeared in the *Times*. The advertisement described the civil rights movement in the South. Although Sullivan was not mentioned by name, he argued that the word "police" in the ad referred to him because he was the city commissioner who supervised the Police Department. It was not disputed that some statements in the ad were not accurate descriptions which had occurred in Montgomery. A jury in a lower Alabama found for Sullivan and awarded him $500,000 in damages, a judgment affirmed by the Alabama Supreme Court. The *New York Times* appealed to the Supreme Court.

The Supreme Court unanimously reversed the Alabama Supreme Court's judgment and thus ruled in favor of the *New York Times*. In doing so, the Court interpreted the First Amendment's guarantee of freedom of the press to establish the following rule for what public officials must prove to win a libel suit for defamatory falsehoods relating to their official conduct: a public official must prove that the defamatory statement about his official conduct was made with "actual malice" – that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

This "actual malice" rule in reality has meant that it is very difficult, if not impossible, for a public official to win a libel suit relating to his official conduct.

Griswold v. Connecticut (1965)
A Connecticut law adopted in 1879 made it a crime for any person to give information about or use any drug, article, or instrument to prevent contraception. The Executive Director, Estelle Griswold, and Medical Director of the Planned Parenthood of Connecticut were charged, tried, and convicted of violating the law by giving information, instruction, and medical advice to married persons regarding means of preventing conception. Their conviction was affirmed by the Connecticut Supreme Court, and they then appealed to the Supreme Court.
By a 7-2 vote, the Supreme Court reversed their conviction and ruled that the Connecticut law was unconstitutional because it infringed on the constitutionally protected right to "privacy" of married people. The majority concluded that "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance," and that "various guarantees create zones of privacy" into which government cannot intrude. The majority asserted that the right to privacy was inherent in the First, Third, Fourth, Fifth, and Ninth Amendments and that states must honor it based on the Fourteenth amendment's due process of law clause and the doctrine of incorporation.

Miranda v. Arizona (1966)
On March 3, 1963, an eighteen year-old girl was kidnapped and raped near Phoenix, Arizona. Ten days afterwards, the police arrested Ernesto Miranda, a twenty-three year-old, and charged him with kidnapping and rape. At the police station, the rape victim identified Miranda in a police lineup as her attacker. He was interrogated by police and never told he had the right to remain silent and the right to an attorney. At first he denied his guilt but eventually confessed and wrote and signed a statement admitting and describing the crime. At his trial, the confession was admitted into evidence, and he was convicted of kidnapping and rape. The Arizona Supreme Court affirmed his conviction, and Miranda appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court overturned Miranda's conviction. Speaking through Chief Justice Earl Warren, the majority held that if police do not inform the accused of certain constitutional rights, including their Fifth Amendment's right against self-incrimination, then their confessions may not be used as evidence against them at trial. Warren summarized the Court's holding: "When an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning, the privilege against self-incrimination is jeopardized. … The accused must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires."

Tinker v. Des Moines School District (1969)
At a meeting in Des Moines, Iowa, in late 1965, some adults and students discussed how they could publicize their opposition to American involvement in the Vietnam War. The students later decided that they would wear black armbands to school to show their opposition to the war and their support for a proposed truce. When the principals of their schools became aware of the students' plan, they adopted a policy that any student joining the protest would be asked to remove the armbands and that any student who refused to do so would be suspended until agreeing to return without the armband. Mary Beth Tinker, a thirteen year-old junior high student, and Christopher Eckhardt, a high school student, wore black armbands to their schools. John

Tinker and several other students at another high school did the same. No disturbances on school property occurred. The students were sent home and told that they could come back to school if they removed the armbands. The students' parents filed a complaint in a U. S. District Court and asked for an injunction restraining school officials from disciplining the students, but the court dismissed the complaint. The parents unsuccessfully appealed to a U. S. Court of Appeals and then appealed to the Supreme Court.

By a 7-2 vote, the Supreme Court overturned the lower court's judgment and ruled in favor of the First Amendment speech rights of public school students. The majority noted that wearing the arm bands was "closely akin to pure speech" protected by the First Amendment. In a memorable, famous statement, the Court held: "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate…"

Lemon v. Kurtzman (1971)

State laws in Pennsylvania and Rhode Island allowed the state to provide financial support for the salaries of teachers of secular subjects in parochial and other nonpublic schools and for the cost of textbooks and instructional materials in specified secular subjects in those schools. A U. S. District Court found that the Rhode Island law violated the no establishment of religion clause of the First Amendment, but another U. S. District Court found that the Pennsylvania law did not do so. The two cases were appealed to the Supreme Court which consolidated them for decision purposes.

A unanimous Supreme Court declared both state laws unconstitutional as violations of the no establishment of religion clause of the First Amendment. In doing so, the Court established a new test now called "the Lemon test" for deciding cases involving the First Amendment's establishment clause. The "Lemon test" has three prongs. For a law not to be a violation of the establishment clause, it must meet the following conditions: (1) it must have a secular purpose; (2) its principle or primary effect must be one that neither advances nor inhibits religion; and (3) it must not result in excessive government entanglement with religion. If a law does not satisfy any one of the three prongs, the law is unconstitutional.

Kennedy v. Bremerton School District (2022)

Bremerton High School football coach Joseph Kennedy, a devout Christian, routinely would engage in individual prayer on the 50-yard line after games, expressing gratitude for the safety of the players and honoring the sportsmanship and competition amongst the students. When students asked to join, he asserted they could exercise their free will, and many chose to join him over the years, including members of other teams. On occasion, Coach Kennedy would deliver motivational speeches to those participating in the prayers. After a complaint by an employee of another high school, Coach Kennedy was directed to stop the public prayers as he was operating on behalf of the school. The school district, concerned that Kennedy's actions demonstrated endorsement of religion, suggested a compromise to allow for Kennedy's free exercise of religion. He was offered a place for private prayer after the game and then allowed to use the field for prayer once all students had vacated. Kennedy refused this offer and filed a

suit in federal district court, asserting the actions of the school to be a violation of his 1st amendment rights and Title VII of the Civil Rights Act of 1964.

The Supreme Court agreed with Kennedy that the school district had unconstitutionally restricted both his freedom of religion and freedom of speech. Coach Kennedy's prayers happened after the game and thus did not represent state endorsement of religion in any manner. In the majority opinion, the Court addresses the *Lemon* test derived from the decision in *Lemon v Kurtzman*. They claim the endorsement test, part of the *Lemon* decision, was troublesome, leading to confusion in its application. The new standard for assessing violations of the Establishment Clause requires examination of "historical practices and understandings" of religious behavior. Through this lens, there is no violation of the Establishment Clause.

New York Times v. United States (1971)

In 1971, with growing opposition to American involvement in the Vietnam War, the *New York Times*, and a few days later, the *Washington Post* began publishing articles based on a top-secret Rand Corporation but government commissioned study of American involvement in Vietnam. The *New York Times* had received copies of the study called "the Pentagon Papers" from a man named Daniel Ellsberg who had worked at the Rand Corporation. After the *New York Times* began publishing selected items from the study, the U. S. government sought an injunction from a U. S. District Court prohibiting further publication. When the *Washington Post* a few days later also began publishing items from the study, the government filed a similar suit against the Posts' further publication. The *New York Times* and the *Washington Post* promptly appealed to the Supreme Court, and the Court granted expedited consideration of the two cases.

By a 6-3 vote, the Supreme Court ruled in favor of the *New York Times* and the *Washington Post*. The majority concluded that the U. S. government had violated the First Amendment's freedom of the press when it attempted to stop publication of "the Pentagon Papers." Citing the Court's 1931 decision in *Near v Minnesota*, the majority noted that "prior restraint" by government of publication by the press is hardly ever permitted.

Wisconsin v. Yoder (1972)

Jonas Yoder and two other men were Amish. The Amish believe that salvation requires life in a church community separate and apart from the world and that members of the community must make their living by farming or closely related activities. Yoder and the other Amish men lived in Wisconsin where a compulsory school attendance law required children to attend public or private school until reaching sixteen-years-of-age. The Amish men's children had finished the eighth grade in public school but had not attended any school thereafter. The Amish object to their children attending high school because values taught there were very different from Amish values and the Amish way of life. They believe that their children in the high school years should be acquiring Amish attitudes toward manual work and acquiring specific skills needed to perform the adult role of an Amish farmer or housewife. The local public school district brought a complaint against the men charging them with violating Wisconsin's compulsory school attendance law. The Amish argued that the law violated their free exercise of religion as guaranteed by the First Amendment. The parents were convicted by a Wisconsin trial court, but the Wisconsin Supreme Court reversed their convictions, and the state appealed to the Supreme Court.

By a 6-1 vote, with two justices not participating, the Supreme Court ruled in favor of the Amish and held that the First Amendment's free exercise of religion clause prevents a state from compelling Amish children to attend school to the age of sixteen. The Court concluded that the state's interest in making sure students attend two more years of school was not enough to outweigh the individual's right to free exercise of religion.

Roe v. Wade (1973)

In 1970, Jane Roe, (a pseudonym) was an unmarried Dallas woman who wished to terminate her pregnancy. Texas, like many states, had a law that made abortion a crime except in cases of danger to the health of the mother. Roe filed a class action lawsuit "on behalf of herself and all other women similarly situated" in a U. S. District Court against Henry Wade, the District Attorney of Dallas County, to enjoin the enforcement of the statute. The District Court ruled that the Texas law was unconstitutional and that single women and married women had the constitutional right to choose whether to have children, but the court refused to issue an injunction against enforcement of the law. Roe then appealed to the Supreme Court, and at the same time, the District Attorney cross appealed to the Supreme Court the District Court's judgment against Texas' abortion law.

By a 7-2 vote, the Supreme Court upheld the District Court's judgment declaring the Texas abortion law unconstitutional. The majority held that "the right of personal privacy includes the abortion decision." The Court based its decision in part on the Court's previous 1965 decision in *Griswold v Connecticut* and the due process of law clause of the Fourteenth Amendment. Writing for the majority, Justice Harry Blackmun noted that "although the Constitution does not explicitly mention any right of privacy … the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution … This right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservations of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." However, the majority continued, the right is not unqualified.

The majority then announced the following rule. In the first trimester of a pregnancy, the abortion decision is left to the woman and her physician. In the second trimester, in the interest of the health of the mother, the state may regulate the procedure in ways reasonably related to maternal health. In the third trimester, the state, in promoting its interest in the potentiality of human life, may choose to regulate and even forbid abortion except where medical judgment is that abortion is necessary to preserve the life or health of the mother.

Dobbs v. Jackson Women's Health Organization (2022)

Mississippi passed the "Gestational Age Act" in 2018. The law prohibits all abortions, with the exceptions of medical emergencies and severe fetal abnormalities, after 15 weeks' gestation. Jackson Women's Health Organization (the only licensed abortion provider in Mississippi) challenged the constitutionality of the law in federal court. The district court sided with Jackson and prohibited the state from enforcing the law because the Supreme Court

precedent did not allow states to ban abortion prior to viability (15 weeks gestation would be considered previability). The Court of Appeals affirmed the district court's decision.

Mississippi State Health Officer, Thomas Dobbs, filed a petition for the Supreme Court to hear the case. In their divided decision, the Supreme Court ruled that the Constitution does not mention abortion and that no right to abortion is protected by the Constitution. The court's decision expressly overruled the precedent set in *Roe v Wade* (that states cannot ban abortion) and as a result returned the issue of abortion regulation to the state's elected branches. The dissenting opinion argued that the court unsettled nearly fifty years of precedent.

United States v. Nixon (1974)

In June 1972, some men broke into the headquarters of the National Committee of the Democratic Party in the Watergate complex in Washington, D. C. The men were apprehended, and it soon emerged that they might have connections to President Richard Nixon's reelection campaign. After Nixon was reelected, congressional committees began searching for possible links between the Watergate break-in and the White House, and at the same time, the trial of the five burglars began. Alexander Butterfield, a former White House aide, appeared as a witness before a Senate committee and revealed that Nixon had tape-recorded conversations in the Oval Office of the President. The Senate committee and a special prosecutor appointed to investigate illegal White House activities immediately sought access to the tapes. President Nixon claimed executive privilege which means he argued that conversations between a President and his advisors are confidential and privileged and that no one can compel that they be divulged. The special prosecutor subpoenaed Nixon to turn over the tapes, but again Nixon refused. The judge of the trial court where the burglars were being tried then ordered their release as did a Court of Appeals. Nixon announced that he would release a summary of the tapes. The Special Prosecutor found this unacceptable and was then fired. Within a few days, Nixon agreed to release some tapes. The House Judiciary Committee began hearings on the possible impeachment of the President. Nixon continued to refuse to turn over more tapes. Meanwhile, a federal grand jury investigating the Watergate affair indicted some top White House aides and secretly named Nixon as an unindicted coconspirator. Eventually, the entire dispute ended up before the Supreme Court.

In a significant defeat for President Nixon personally, a unanimous Supreme Court ruled that the President in this instance could not claim executive privilege, and thus the tapes had to be turned over. In the Court's words: "The generalized assertion of privilege must yield to the demonstrated specific need for evidence in a pending criminal trial." However, for the first time in U. S. history, in an important victory for the office of the President, the Court did declare that the President does have the right of executive privilege and it must be shown great respect and deference.

Buckley v. Valeo (1976)

In 1971, Congress adopted the Federal Election Campaign Act in an effort to prevent corruption in federal elections. The law limited how much money individuals could contribute to political candidates and how much money political candidates could spend. Senator James Buckley and others sued Frances Valeo, the Secretary of the Senate, and others and argued that certain parts of the law were unconstitutional in violation of the First Amendment's freedom of speech

and association. After losing in a lower federal court, Buckley and the other plaintiffs appealed to the Supreme Court.

The Supreme Court was extremely divided, and many different opinions were written. The Court came to two very different decisions. First, congressional limits on individual money contributions to political candidates were permissible under the Constitution because of the government's interest in preventing corruption. On the other hand, congressional limits on the amount of money political candidates could spend were unconstitutional violations of First Amendment rights.

Regents of the University of California v. Bakke (1978)

Allan Bakke, a white male, applied to but was denied admission to the medical school of the University of California, Davis which had only 100 openings each year. Sixteen of those positions were reserved for "disadvantaged" minority students (African Americans, Hispanics, and Native Americans). Bakke had twice before been denied admission while minorities with lower undergraduate grade point averages and lower scores on the Medical College Admission Test had been admitted. Bakke decided to challenge the constitutionality of the university's admissions policy. He argued that he was denied admission because of his race in violation of the equal protection of the laws clause of the U. S. Constitution's Fourteen Amendment. A lower state court ruled in Bakke's favor but declined to order his admission. On appeal, the California Supreme Court ordered Bakke's admission and held that the university's admissions policy did violate the Fourteenth Amendment's equal protection of the laws clause. The Regents of the University of California appealed to the Supreme Court.

In this first major constitutional test of so-called "affirmative action" programs, by a 5-4 vote, the Supreme Court upheld the California court's judgment and thus its decision in Bakke's favor. The Court ruled that state universities cannot use racial quotas in their admissions decisions. Such quotas based on race are unconstitutional violations of the equal protection of the laws clause of the Fourteenth Amendment. However, the majority determined that, using affirmative action as a way of righting past wrongs against racial and ethnic minorities, state universities can consider race as one of several criteria in making admissions decisions.

Students for Fair Admissions v. Harvard (2023)

Harvard is the oldest university in the United States, founded in 1636. In 2023, Harvard received more than 60,000 applications and admitted fewer than 2,000 students. Harvard used a four-step admission process to select applications. First, a "first reader" rated each application in six criteria; one of those six criteria took race into consideration. Second, subcommittees divided by geographic region met to consider all applications from the region; the subcommittees could and did take race into account. Third, the full 40-member committee met to discuss each application; the committee considered the overall racial makeup of the potential entering class, with the goal of assuring there was no "dramatic drop-off" in minority admissions from one year to the next. Fourth and finally, the lowest-ranked potential students were placed on a "lop list" to be cut from the final enrollment offers; the list includes only four pieces of information: legacy status, recruited athlete status, financial aid eligibility, and race. From the "lop list," the full committee would make cuts and then offer admission.

Students for Fair Admissions, Inc. (SFAI) is a nonprofit legal-advocacy organization representing its applicant-members, formed for the purpose of eliminating race-based preferences in college admissions. Based on Harvard's admissions process, SFAI filed suit, alleging violations of Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the Fourteenth Amendment. The trial court found that Harvard's process was permissible because it was not a racial quota, but only a process that considered race as one of several criteria in making admissions decisions. SFAI appealed to the Supreme Court.

The Supreme Court rejected the trial court's finding. It overruled the parts of its decision in *Board of Regents of the University of California v. Bakke* that allowed consideration of race as a "plus" among several factors. Under "strict scrutiny," the Court held that Harvard's process was not narrowly tailored to serve a compelling state interest. Although admissions processes that consider racial makeup to assure minority admissions were held to be illegal, the Court held that the Fourteenth Amendment did not prohibit universities from considering discussion of how race affected the applicant's life, so long as that discussion is concretely tied to a quality of character or unique ability that the particular applicant can contribute to the university.

Texas v. Johnson (1989)

In August 1984, the Republican Party was holding its National Convention in Dallas, Texas. A group of about 100 demonstrators marched through the streets of Dallas to dramatize the consequences of nuclear war and to protest certain policies of the Reagan administration. Gregory Johnson was a leader and organizer of the group. When the group reached Dallas City Hall, an American flag was handed to Johnson who soaked it in kerosene and set it on fire. Several individuals who witnessed this were offended by Johnson's action. However, no violence occurred, and no one was physically injured or threatened. Shortly after the event, police arrived and arrested Johnson. He was charged with desecration of a venerated object in violation of the Texas Penal Code. Johnson was convicted in a Texas trial court, sentenced to one year in jail, and assessed a $2,000 fine. A Texas Court of Appeals upheld his conviction, but the Texas Court of Criminal Appeals reversed the judgment of the lower court and thus overturned Johnson's conviction. The state of Texas appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court upheld the judgment of the Texas Court of Criminal Appeals overturning Johnson's conviction. The majority held that burning a flag as political protest is a form of symbolic speech protected by the First Amendment. The majority wrote: "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable… We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

Shaw v. Reno (1993)

After the 1990 census, North Carolina was eligible to gain a twelfth seat in the U. S. House of Representatives. Complying with Section 5 of the Voting Rights Act of 1965, the state submitted to the U. S. Department of Justice a plan with only one majority-African American district. The plan was rejected because a second majority-African American district could have been created. The North Carolina legislature created a second majority-African American district approximately

160 miles along an interstate highway and for much of its length no wider than the interstate corridor. Several white voters, including a Duke University law professor, attacked the constitutionality of that district in a U. S. District Court. They argued that the new district paid no attention to traditional districting concerns such as compactness, contiguousness, geographical boundaries, or existing political subdivisions. They asserted that the sole purpose was to create two districts that were likely to elect African American representatives. The District Court dismissed the complaint on the grounds that under a previous Supreme Court decision, favoring minority voters was not constitutionally discriminatory and the plan did not proportionally underrepresent white voters statewide. The plaintiffs then appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court ruled that Shaw and the other plaintiffs had stated a "claim upon which relief can be granted under the Equal Protection Clause" of the Fourteenth Amendment. The majority thus invalidated North Carolina's plan on the grounds that any gerrymander based on race, even one designed to benefit a minority, is subject to strict scrutiny equal protection analysis.

United States v. Lopez (1995)

In 1990, basing its authority to do so on the Constitution's commerce clause of Article I, Section 8, the U. S. Congress adopted the Gun-Free School Zones Act. The law made it a federal crime to possess a firearm within 1,000 feet of a public or private school. Alfonso Lopez, a twelfth-grade student at Edison High School in San Antonio, Texas, was arrested for carrying a .38 caliber handgun into the school. Initially, he was charged with violating a Texas law forbidding firearm possession on school premises. However, those charges were dropped after federal agents charged him with violating Congress' Gun-Free School Zones Act. Lopez was convicted in a U. S. District Court, but on appeal, his attorneys argued that Congress' Gun-Free School Zones Act was unconstitutional because Congress exceeded its power under the commerce clause. A U. S. Court of Appeals agreed and reversed Lopez's conviction. The U. S. then appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court agreed with the Court of Appeals and ruled that Congress did not have constitutional authority under the commerce clause to pass the Gun-Free School Zones Act. The majority held that "the possession of a gun in a local school zone is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce."

This was the first time since 1937 that the Supreme Court had declared an act of Congress based on the commerce clause of Article I, Section 8 unconstitutional.

Bush v. Gore (2000)

The presidential election of 2000 was one of the closest in American history with the outcome depending on the narrow popular vote in Florida. At issue was the problem of so-called non-votes on punch card ballots. If a voter failed to punch through on the ballot and left a "hanging chad," then the vote might not be counted. If a voter failed to punch through on the ballot and left only an indent, then the vote might not count. On December 8, 2000, the Florida Supreme Court ordered a recount in some Florida counties and a recount in all the counties for these types of ballots.

On December 12 the U.S. Supreme Court reversed the decision of the Florida Supreme Court. By a 7-2 vote, the Court held that the Florida Supreme Court's decision violated the equal protection of the laws clause of the Fourteenth Amendment. By a different 5-4 vote, the Court held that there was no remedy available. Since December 13 was the deadline for states to verify their presidential election elections, the majority felt that it would be impossible to create a recount procedure that would be uniform throughout the state during that time, and thus, a recount was not possible without offending the Equal Protection clause. The recount standards and procedures would vary from county to county and even from one election judge to another. Under those circumstances, there was no guarantee that each vote would be treated equally.

What the majority of the Supreme Court did was to order a stop to any recount of the Florida vote. That in turn meant that since George W. Bush had slightly more popular votes in the state than did Al Gore, Bush won all of Florida's electoral votes. That in turn meant that Bush became President because, with all of Florida's electoral votes, he ended up with 271 electoral votes, one more than the 270 needed to win.

Kelo v. New London (2005)

Years of economic decline led the state of Connecticut in 1990 to designate New London, Connecticut "a distressed municipality." The city's unemployment was nearly double that of the rest of the state and the city's population was at its lowest since 1920. As a result, state and local officials targeted New London for economic revitalization. The pharmaceutical company Pfizer announced it would build a research facility in the Fort Trumbull area of New London. The hope was that this would draw new business to the area. This would not only create jobs but also generate new tax revenue. The New London City Council authorized the New London Development Corporation to purchase property or to acquire property by using the power of eminent domain in the city's name. The NLDC managed to purchase most real estate in the area, but when negotiations with some homeowners failed, the NLDC initiated condemnation proceedings against them under the city's eminent domain power. Susette Kelo lived in the area, and in December, 2000, she and some other homeowners of condemned property sued the city of New London in a state trial court. They argued that the taking of their property, even with just compensation, violated "the public use" requirement of the U. S. Constitution's Fifth Amendment because their property would not be used for a "public purpose" like building a road but would instead be sold to private parties for development that the city claimed would benefit the community economically. The trial court issued a restraining order prohibiting New London's taking of the property, but on appeal, the Connecticut Supreme Court for the city. Kelo and the others then appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court affirmed the Connecticut Supreme Court's decision and thus ruled against Susette Kelo and the other property owners. A majority of the Court "rejected a literal interpretation" of the term "public use" in the takings clause of the Fifth Amendment and ruled that the words "public use" can be interpreted to mean "public benefit." Consequently, the majority determined that government can take private property from an individual in order to turn it over to a private developer where the taking will result in "economic development" for the area.

McDonald v. City of Chicago (2010)
The City of Chicago had a law which effectively banned handgun possession by almost all private citizens. After the Supreme Court's decision in *District of Columbia v Heller* in 2008, Otis McDonald and some other citizens of Chicago filed suit in U. S. District Court against the City. They argued that Chicago's ban left them vulnerable to criminals and sought a declaration that the City's ban violated the Second Amendment. The District Court rejected their argument. A U. S. Court of Appeals affirmed the lower court's judgment, and McDonald appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court reversed the Court of Appeals judgment and ruled in favor of McDonald. The majority held that the due process of law clause of the Fourteenth Amendment "incorporates" the Second Amendment's right to keep and bear arms for self-defense and thus applies this right to state and local governments.

The Supreme Court thus for the first time in U. S. history ruled that the Second Amendment, like most of the other rights of the Bill of Rights, now applies to and limits the power of state and local governments through its "incorporation" by the Fourteenth Amendment's due process of law clause.

Citizens United v. Federal Election Commission (2010)
For nearly a century, in order to reduce the influence of big money in politics, Congress has restricted political campaign contributions in federal elections in a variety of ways. As adopted by Congress, the Bipartisan Campaign Reform Act of 2002, popularly known as McCain-Feingold, prohibited corporations and unions from using their general treasury funds to make independent expenditures for speech that expressly advocated the election or defeat of a specified candidate. This case arose as a result of a conservative, non-profit organization, Citizens United, wanting to air a film critical of Hillary Clinton and to advertise it during television broadcasts before the 2008 Democratic Party's primary elections in which Hillary Clinton was a candidate for the Democratic Party's nomination for President. This would have violated provisions of McCain-Feingold prohibiting certain electioneering communications near an election. Citizens United filed a motion in U. S. District Court for a preliminary injunction against enforcement of that provision of McCain-Feingold. The District Court denied Citizen United's motion and granted judgment for the Federal Elections Commission. Citizens United appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court overturned the lower court's judgment and ruled in favor of Citizens United. The majority held that portions of Congress' McCain-Feingold law were unconstitutional violations of the freedom of speech of the First Amendment. The majority declared that "if the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech." The majority noted that "corporations, as associations of individuals, have free speech rights. Spending money is essential to disseminating speech, and limiting a corporation's ability to spend money is unconstitutional because it limits the ability of its members to associate effectively and to speak on political issues." Finally, the majority noted, "speech would be suppressed in the realm where its necessity is most evident: in the public dialogue preceding a real election." Government

cannot make political speech a crime, the majority stated, and "yet this is the statute's purpose and design."

Shelby County v. Holder (2013)

Congress adopted the Voting Rights Act in 1965 to address entrenched racial discrimination in voting. Most sections of the law only applied to certain parts of the country. Section 4 of the law provided "the coverage formula" defining the "covered jurisdictions" as states or their political subdivisions that maintained tests or devices as prerequisites for voting and had low voter registration or turnout in the 1960s and 1970s. In these "covered jurisdictions," Section 5 of the law provided that no change in voting procedures can take effect until "pre-cleared" by specified federal authorities in Washington, D. C. Congress had renewed the Act several times without making changes to the original coverage area. Shelby County in "covered jurisdiction" Alabama sued U. S. Attorney General Eric Holder in U. S. District Court in Washington, D. C. seeking a declaratory judgment that Sections 4 and 5 were unconstitutional and an injunction against the enforcement of the Act. The District Court and the D.C. Circuit Court upheld the constitutionality of the law. Shelby County then appealed to the Supreme Court.

By a 5-4 vote, the Supreme Court reversed the judgment of the lower courts and declared Section 4 of the Act and its "coverage formula" unconstitutional. As a result, the majority confirmed, its formula can no longer be used as a basis for subjecting jurisdictions to the "pre-clearance" requirement of Section 5 of the Act. The majority noted that much has changed in the last 50 years. Literacy tests and other qualifying requirements have been banned for 40 years. The majority stated: "There is no denying, however, that the conditions that originally justified these measures no longer characterize voting in the covered jurisdictions." By 2009, the majority pointed out, "the racial gap in voter registration and turnout was lower in the states originally covered by Section 5 than it was nationwide." Furthermore, the majority noted, "African American turnout in 5 of the 6 states originally covered by the law has come to exceed white voter turnout."

Burwell v. Hobby Lobby Stores, Inc. (2014)

The Affordable Care Act passed by Congress and upheld by the Supreme Court in 2012 required for profit corporations with 50 or more workers which offer health insurance to their workers to provide contraceptive coverage as part of a preventive care package for their female employees. Twenty contraceptives were covered including four "morning after" contraceptives that work after conception. The Obama administration argued that the contraceptive mandate is about health care. It pointed out that the policy is based on an Institute of Medicine report which lists contraception as a "preventive service" that, like immunizations and cholesterol and diabetes screening and dozens of other services, should be provided by a comprehensive health insurance policy. Hobby Lobby and two other closely held for profit corporations challenged the requirement based on the Religious Freedom Restoration Act of 1993. This Act forbids government from imposing obligations on persons or corporations that violate their sincerely held religious beliefs. Hobby Lobby claimed that providing the four "morning after" contraceptives violated their sincerely held religious belief that life begins at conception.

By a 5-4 vote, the Supreme Court ruled that as applied to "closely held corporations" such as Hobby Lobby, the Department of Health and Human Services regulations imposing the contraceptive mandate of the Affordable Care Act violate the Religious Freedom Restoration

Act. In striking down the requirement, the majority held that the government had not shown that requiring the coverage was “the least restrictive means” of infringing on religious liberty.

Riley v. California (2014)

David Riley was driving a vehicle in San Diego, California, when a police officer stopped him because the vehicle’s registration tags were expired. The officer soon learned that Riley was also driving with a suspended driver’s license. The officer asked Riley to get out of the car because, following police department policy, he was going to impound the vehicle. Then, again in accordance with San Diego Police Department policy, when an automobile is being impounded, the officer was required to do a thorough search/inventory of the contents of the vehicle, including enumerating specifically parts of the auto under the hood. Searching under the hood, the officer found two handguns. After the guns were found, police arrested Riley and, among other things, seized several items found either in the auto or on Riley’s person, including his smart phone. A detective searching the contents of the cellphone found a number of items which were introduced as evidence to charge him with several criminal offenses and were also introduced as evidence at Riley’s trial in a San Diego trial court. Riley moved to suppress the evidence obtained in the warrantless search of his vehicle and his cell phone. The trial court denied his motion, and he was convicted and sentenced to a prison term of 15 years to life. A California Court of Appeals upheld the lower court’s judgment, and Riley appealed to the Supreme Court. The Supreme Court decided *Riley v California* along with a similar federal case, *United States v Wurie*.

By a 9-0 vote, the Supreme Court overturned the decisions of the California courts and decided that, as a general rule, under the Fourth Amendment, without a warrant, police may not search information on a cell phone seized from an individual who has been lawfully arrested. The Court emphasized that searches incident to a valid arrest are limited to the area within the immediate reach of the person arrested for police safety and to prevent the destruction of evidence, and the information on Riley’s cell phone could not pose a danger to officers and no evidence related to the weapons charge for which he was arrested was in danger of destruction. Therefore, the Court concluded, there being no “exigent circumstances” in this case to justify a warrantless search, the evidence was inadmissible.

Obergefell v. Hodges (2015)

Ohio defined marriage as a union between one man and one woman. James Obergefell met John Arthur decades ago, and they started a life together. In 2011, Arthur was diagnosed with an incurable disease. In 2013, the two men, resolving to marry before Arthur died, went to Maryland where they were legally wed. Three months later, Arthur died. Ohio law did not permit Obergefell to be listed as surviving spouse on Arthur’s death certificate. Obergefell brought suit in U. S. District Court to be shown as surviving spouse on Arthur’s death certificate. He challenged Ohio law on grounds that it denied same-sex couples the right to marry in the state or to have their out-of-state legal marriages recognized by Ohio and was thus a violation of the equal protection of the laws clause of the Fourteenth Amendment. The District Court ruled in Obergefell’s favor. At the same time, similar or identical cases arose and were decided by U. S. District Courts in Michigan, Kentucky, and Tennessee, and in every one of these, as in Obergefell’s case, the District Court ruled in favor of the plaintiffs challenging state laws like Ohio’s. All four cases arose in District Courts within the appellate jurisdiction of the same U. S.

Court of Appeals which consolidated the cases for decision purposes and reversed the decisions of all four District Courts. The four cases were then appealed to the Supreme Court which consolidated them for purposes of decision.

By a 5-4 vote, the Supreme Court rejected the judgment of the Court of Appeals in all four cases and ruled in favor of the plaintiffs. The majority ruled that the due process of law and equal protection of the law clauses of the Fourteenth Amendment require a state to license marriage between two people of the same sex and to recognize such marriages legally licensed and performed in other states. According to the majority, the hope of the couples in these cases "is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right."

Timbs v. Indiana (2019)

In January of 2013, Tyson Timbs bought a $42,000 Land Rover with the proceeds of his father's life insurance policy. Shortly after the purchase, Timbs began using the vehicle to transport heroin. Timbs was eventually arrested at a traffic stop and charged with felony distribution of a controlled substance and conspiracy to commit theft. He accepted a plea deal in order to dismiss part of the charges. The trial court sentenced Timbs to six years' confinement and to pay fees and costs totaling approximately $1,200. In addition to the sentence, the state of Indiana sought to take Timbs' Land Rover. The trial court denied the state's action, interpreting this as a violation of the Excessive Fine Clause of the Eighth Amendment and disproportionate to the seriousness of the offense. The court also pointed out that the maximum fine for Timbs' felony charge was $10,000 and that the vehicle was worth nearly four times that amount when Timbs bought it. The trial court ordered the state to return Timbs' vehicle immediately and the court of appeals affirmed. The Indiana Supreme Court, however, reversed the lower courts' decisions, stating that the US Supreme Court had never clearly incorporated the Eighth Amendment as to state action and that the state had justified their taking of the vehicle under state law.

The Supreme Court unanimously agreed with Timbs, incorporating the Excessive Fines Clause of the Eighth Amendment to apply to the states. In the opinion written by Justice Ginsburg, the Court stated that the Excessive Fines Clause had its origins in the Magna Carta and the English Bill of Rights and in state constitutions and is "fundamental to our scheme of ordered liberty."

Mahanoy Area School District v. BL (2021)

A student at Mahanoy Area High School, B.L. tried out for the school's varsity cheerleading team but made the junior varsity team instead. Over the weekend and away from school grounds, she posted a photo of herself on Snapchat making a vulgar gesture and with a vulgar caption, expressing frustration with the school and the school's cheerleading squad. Approximately 250 people potentially saw the photo, including both fellow students and cheerleaders. The cheer coach was notified and decided that B.L.'s snap violated both team and school rules and B.L. was subsequently suspended from the junior varsity team for a year.

In response to her suspension, B.L. sued the school in federal court, stating that the punishment violated the First Amendment because the school and team rules were overly broad and

unconstitutionally vague. The district court agreed with B.L. that the school had violated her First Amendment rights and the Court of Appeals affirmed the district court's decision.

The Supreme Court ruled in an 8-1 decision that the school district's suspension of B.L. from the cheerleading team for posting vulgar language about the school to social media violated the First Amendment. The majority opinion of the court recognized that while public schools may regulate student speech and conduct on and off campus, there are limitations to what the schools can regulate. Particularly, the court noted that B.L. spoke in circumstances where her parents and not the school had responsibility and that her speech did not cause "substantial disorder or invasion of the rights of others." The court determined that her speech was protected by the First Amendment and the school's punishment violated her First Amendment rights.

New York State Rifle and Pistol Association Inc v. Bruen (2022)

New York law, for about the last century, has required an individual applying for a license to carry a firearm in public to demonstrate a "proper cause" to justify the application. Proper cause has been associated with the idea of self-protection. So, in order to be licensed to carry a gun, the applicant must show a special need for self-protection.

Robert Nash & Brandon Koch were two men whose individual applications were denied for failing to demonstrate a heightened need for self-protection. The New York Rifle and Pistol Association, Inc, a 2nd Amendment gun rights interest group, joined Nash and Koch in a lawsuit against New York State.

The task before the Supreme Court was to determine whether New York's statutory license requirement to show "proper cause" (i.e., self-protection) to carry handguns in public violates the 2nd Amendment. In a 6-3 decision, the Court determined the century-old law was a direct violation of the Constitution. The Court, in its majority opinion, relied on a historic interpretation of the amendment. The Court held that the right to carry a firearm in public for self-defense is deeply rooted in American history, comparing it to the rights to free speech, free exercise of religion, and confrontation of witnesses, which may be exercised without first "demonstrating to government officers some special need." The Court also saw no distinction between gun rights at home versus in public but acknowledged that this does not prohibit states from imposing limitations on places where guns can be carried.

Trump v. United States (2024)

At the request of Special Prosecutor Jack Smith, a grand jury indicted Donald Trump in August 2023 for four counts arising from conduct that occurred on January 6, 2021, during his first presidential term. The indictment alleged that, after losing the 2020 election, he knowingly spread false claims of election fraud to obstruct certification of the election results. Trump moved to dismiss the indictments based on absolute presidential immunity. In a motion to dismiss, Trump argued that he could not be criminally prosecuted unless he were first impeached by the House and convicted by the Senate for that conduct. The government argued that a former President has no immunity from criminal prosecution.

The District Court denied Trump's claims of presidential immunity and denied the motion to dismiss; the Court of Appeals upheld the trial court's decision. Trump appealed to the Supreme Court.

A divided Supreme Court, 6-3, rejected both Trump's argument requiring impeachment before prosecution, and the government's argument that former Presidents have no immunity. The Supreme Court instead held that a former President has absolute immunity from criminal prosecution for actions within his "conclusive and preclusive" authority, has at least presumptive immunity for all official acts, and no immunity for unofficial acts.

Where the Constitution grants the President exclusive power, the legislature cannot criminalize actions and the courts cannot prosecute crimes based on that "conclusive and preclusive" power, due to constitutional separation of powers. The former President is immune from criminal prosecution for conduct within the exclusive presidential sphere of constitutional authority. Examples of exclusive powers include those defined in Article II, Section 2 of the Constitution, such as the power to grant reprieves and pardons.

The President is not above the law, but cannot be prosecuted for exercising core Constitutional powers, and is entitled to at least presumptive immunity from prosecution from official acts. In order to prosecute a former president for alleged criminal acts in office, the prosecution would have to rebut the presumption by proving that the criminal conduct was not an official act.

Loper Bright Enterprises v. Raimondo (2024)

Loper Bright Enterprises operates a fishing vessel in the Atlantic. The National Marine Fisheries Service (NMFS) acts under the authority of the Department of Commerce to administer federal fishing conservation and management law in the north-Atlantic region of the United States.

When creating federal agencies, the legislature can delegate some of its power to executive agencies. However, when delegating its powers, the legislature must specify what authority it gives the agency, and must place limits on the authority to avoid nondelegation issues. Within the delegation of legislative power, the executive agency can issue regulations that clarify, but do not expand, the powers granted by the legislature.

In the federal fishing regulations, the legislature allowed NMFS to require observation for compliance and to collect fees. However, the law was silent as to the methods of observation and fee collection. NMFS's regulations required fishing companies, including Loper Bright, to carry an observer on board to assure compliance, and required the companies to reimburse NMFS for the observer's salary.

Loper Bright challenged NMFS's regulation in an administrative hearing, arguing that NMFS's regulations violated the nondelegation doctrine. Loper Bright lost the administrative challenge and appealed to federal District Court.

The District Court dismissed the case and held that it could not review NMFS's decision because of well-established Supreme Court precedent dating back to 1984. *See Chevron vs. Natural Resources Defense Council, Inc.* (467 U.S. 837), *supra*. Under the *Chevron* analysis framework, a court could not review an agency's rule unless the rule expressly contradicted a federal statute,

because it could not substitute its judicial opinion for an executive action that did not contradict laws passed by the legislature. This deference effectively gave agency determinations the force and effect of a statute in the federal courts, unless the determinations exceeded the legislative powers delegated to the agency.

On appeal, the Supreme Court expressly overturned *Chevron*. The Court did not articulate the new standard to be applied, only that the standard the District Court used, applying *Chevron*, was incorrect. The Court remanded the case to the District Court to exercise its independent judgment and perform its own analysis when deciding whether NMFS acted within its statutory authority, and what constitutes the "best" reading of the statute. Although the Supreme Court cited the 1944 *Skidmore* case that articulated a pre-*Chevron* standard, the Court stopped short of holding that the *Skidmore* standard applied.

Mahmoud v. Taylor (2025)

A group of concerned parents challenged the language-arts curriculum set by Montgomery County, Maryland Public Schools. The district-approved 2022-23 curriculum included some storybooks featuring characters of non-heterosexual orientations who acted outside traditional gender roles; the curriculum also included books that featured heterosexual characters acting in traditional gender roles.

When the district announced the curriculum, some parents requested that their children be opted out of any school activities related to books featuring homosexual characters or those acting outside traditional gender roles. Teachers and principals initially made efforts to accommodate the parents, and the school district announced that it would allow parents to opt out of those lessons. Soon after, the district determined that permitting opt-outs for parents was not feasible or consistent with its curricular goals, and would violate anti-discrimination laws. The district cited classroom disruption, excessive absenteeism, and stigmatizing people whose identities were reflected in the books. The parents, who were of several religious backgrounds, sued alleging a violation of the First Amendment's Free Exercise clause. They sought an injunction to allow them to opt out of any discussions involving subjects they found violated their religious teachings. The trial court denied the injunction; the parents appealed.

On appeal, Justice Alito wrote for the 6-3 majority. The Supreme Court held that the restriction is subject to strict scrutiny, that an educational curriculum that included the storybooks as a requirement constituted an unconstitutional burden on the parents' rights to direct their children's educations if the parents could not opt their children out of the lessons, and so the Court reversed and remanded for the district court to reconsider the injunction based upon this analysis.

THE CONSTITUTION

Preamble

Preamble
The Preamble to the U.S. Constitution states: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

NOTE: Written by Gouverneur Morris of New York, the Preamble is the introduction to the Constitution. It explains the general purposes or goals of the government which it creates and declares that the Constitution is designed to secure those rights proclaimed in the Declaration of Independence. Its opening words, "We the People", clearly establish the principle of "popular sovereignty." In other words, the people are the source of the Constitution and the power of the government.

NOTE: The original draft of the Preamble considered at the 1787 Constitutional Convention was very different from the version finally adopted. If it had been adopted, the Preamble would have read: "We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, etc. …" It would thus have been very lengthy since the name of every state in the Union would have been included, and it would not have included the goals found in the version of the Preamble finally adopted by the convention.

Article I

Article I, Section 1: Legislative Branch - A Bicameral U. S. Congress
The lengthiest of the seven articles of the Constitution, Article I, Section 1 begins by providing that all legislative power is vested in a U. S. Congress which consists of a Senate and a House of Representatives.

Article I, Section 2: The House of Representatives
All Representatives serve a two-year term and are chosen by direct popular vote of the people of their state. There are three qualifications one must have to be eligible to be elected to the House: (1) twenty-five years of age; (2) a citizen of the U. S. for seven years; and (3) an inhabitant of the state from which elected.

NOTE: There is no requirement to be a resident of the district of the state from which elected.

Section 2 also contained the so-called “Three-Fifths Compromise.” A state’s total population would be used to determine how much direct taxes the state would have to pay to support the new national government and the number of members of the new House of Representatives to which a state would be entitled. A state’s population would be determined by counting each free person as one person, each indentured servant would be counted as one person, Indians would not be counted, and three-fifths of “all other persons” would be counted.

NOTE: Delegates at the constitutional convention who adopted this language understood that “all other persons” meant slaves.

NOTE: This part of Section 2 was changed when Section 2 of the Fourteenth Amendment was added to the Constitution.

Section 2 also provides for a census to be conducted every ten years for determining the population of each state. It provides as well that each state will have at least one Representative, that the House will choose its Speaker and other officers, and that the House has the sole power to bring impeachment charges against executive or judicial officials. It does not set the size of the House of Representatives.

NOTE: There is no requirement that the Speaker must be a member of the House.

NOTE: Congress itself by law set the number of members of the House at 435 in 1913. This is a fixed number which does not change except temporarily when Congress admits a new state to the union.

Article I, Section 3: The U. S. Senate

The Senate is made up of two senators from each state regardless of the state’s population. The term of office for each senator is six years. However, the terms of senators are staggered so that all senators are never up for election at the same time. Instead, only one-third of the members of the Senate are chosen every two years.

As written at the constitutional convention, the two senators from each state were elected by the state legislature of each state.

NOTE: This was changed in 1913 when the Seventeenth Amendment was added to the Constitution. That amendment provides for Senators to be elected by the people of the state.

There are three qualifications one must have to be a U. S. Senator: (1) 30 years of age; (2) a citizen of the U. S. for nine years; and (3) an inhabitant of the state from which chosen.

The Vice President of the United States serves as President of the Senate, but has no vote except when there is a tie.

The Senate chooses its other officers, including a President Pro Tempore to preside over the Senate when the Vice President is absent. The Senate has the sole power to try executive or judicial officials against whom impeachment charges have been voted on by the House of

Representatives. Conviction requires a two-thirds vote of the Senators present. When the President is being tried by the Senate, the Chief Justice of the U. S. presides over the trial. When the Senate convicts an individual, that individual is removed from office and can never hold another office in the federal government, without approval of the Senate. The individual may still be indicted, tried in a traditional court of law, and, if convicted, punished for violation of the law.

Article I, Sections 4, 5, and 6: Issues Concerning Both Chambers of Congress

Section 4 provides that the times, places, and manner of holding elections for both chambers of Congress shall be determined in each state by the state's legislature, but Congress may by law make or alter such regulations. Congress, it also provides, shall meet at least once every year beginning on the first Monday in December.

NOTE: The latter was changed to noon on the 3rd day of January when the Twentieth Amendment was added to the Constitution in 1933.

Section 5 provides: (1) that each house will be the judge of the elections, returns, and qualifications of its members; (2) that each house will determine its rules, punish its members for disorderly conduct, and by a two-thirds vote expel a member; and (3) that neither house during a session of Congress without consent of the other house shall adjourn for more than three days nor to any other place than that where the two houses are sitting.

Section 6 provides: (1) that senators and representatives shall be compensated for their services; (2) that except for treason, felony, and breach of the peace, members will be privileged from arrest during attendance at a session of Congress and in going to and returning from the same, and for any speech in either house they shall not be questioned in any other place; (3) that no member of either house during the time for which elected shall be appointed to any office under the authority of the U. S. which shall have been created or the payment thereof shall have been increased during such time; and (4) that no person holding another office in the U. S. government shall be a member of either house of Congress during the person's continuance in office.

Article I, Section 7: Bills for Raising Revenue, How a Bill Becomes a Law, The President's Legislative Powers

All bills intended to raise revenue (for example, all tax bills) must begin in the House of Representatives. However, the Senate must also pass such a bill for it to become law and may, of course, amend the bill.

NOTE: This means that the House has a larger voice in the passage of revenue bills since the Senate must react to what the House has already decided. Before they can become law, all bills must be passed in identical form by both the House of Representatives and the Senate and are then sent to the President. After a bill is presented to the President, he has ten days in which to take action. If the President approves the bill, he signs it into law. If he does not approve it, he vetoes the bill and returns it, along with his objections, to the chamber of Congress where it originated. If that chamber reconsiders the bill and passes it by a two-thirds vote, it is sent to the

other chamber. If the second chamber also passes the bill by a two-thirds vote, it becomes law, overriding the President's veto.
NOTE: The President does not have an item veto. In other words, the President must sign or veto the entire bill. The President cannot veto part or parts of a bill but approve the rest.

NOTE: Presidential vetoes are very rarely overridden because it requires a separate two-thirds vote in the House of Representatives and the Senate to override the veto. As long as most or all of the President's own party members stand by him, and they usually will do so, Congress cannot achieve the two-thirds vote required. If the President does not sign a bill and does not return it to Congress with his objections within ten days after it is presented to him (Sundays excepted) and Congress is still in session, it becomes law as if he had signed it. However, if the president has not signed the bill, and Congress has adjourned thus preventing the bill's return to reconsider, it does not become law.

NOTE: The latter means that the President has what is called a pocket veto in this situation.

Article I, Section 8: Delegated or Enumerated Powers of Congress
The longest single part of the entire Constitution (eighteen paragraphs), Article I, Section 8 lists what are referred to as the delegated or enumerated powers of Congress.

Some of the most important powers granted Congress by Article I, Section 8 are the following: (1) to lay and collect taxes and duties; (2) to pay the debts and provide for the common defense and general welfare of the U. S.; (3) to borrow money on the credit of the U. S.; (4) to establish a uniform rule of naturalization (how one can become a naturalized citizen of the U. S.; (5) to coin money and regulate the value thereof; (6) to fix the standard of weights and measures; (7) to establish courts below the Supreme Court; (8) to pass legislation concerning any area that becomes the seat of the government of the U. S. (the District of Columbia).

Article I, Section 8: Congress' Power to Declare War and Grant Letters of Marque and Reprisal
One of the most important powers specifically granted Congress in Article I, Section 8 is the power to declare war.

NOTE: It is a power, however, which Congress has formally used only five times in American history: War of 1812, Mexican-American War, Spanish-American War, World War I, and World War II. Thus, the last time Congress formally declared war was World War II even though the nation has been involved in other wars since then. This power given Congress by the Constitution has sometimes appeared to be in conflict with the power given the President in Article II, Section 2 to be the Commander in Chief of the armed forces of the U. S. Controversy surrounding the President's power to involve the nation in war without Congress having formally declared war led Congress in 1973 to adopt the War Powers Resolution over President Richard Nixon's veto.

Congress is also given the power to grant "Letters of Marque and Reprisal."

NOTE: This means that Congress is authorized to issue a government license to a private person to attack and capture enemy vessels and bring them before courts for condemnation and sale. The U. S. has not issued a Letter of Marque and Reprisal in over 200 years, but during the American Revolution, they played an important role for the American colonies.

Article I, Section 8: Congress' Power under the Commerce Clause
One of the most important and often used powers granted Congress by Article I, Section 8 is the power "to regulate commerce with foreign nations and among the several states."

NOTE: This so-called "commerce clause" has been the constitutional authority Congress has used to pass many landmark acts such as the Kansas-Nebraska Act, the Compromise of 1850, the Interstate Commerce Act, and the Civil Rights Act of 1964. Congress' power under the commerce clause has also been the issue in several landmark Supreme Court cases, such as *Gibbons v Ogden* (1824), *Heart of Atlanta Motel v U. S.*, *Katzenbach v McClung* (1964), *South Dakota v Dole* (1987), and *U. S. v Morrison* (2000). If Congress is unable to point to any other constitutional authority for the passage of a law, it can almost always point to the commerce clause. This is because in the modern world, nearly everything or everybody at some time or another crosses state boundary lines or moves between the U. S. and another nation, and if it does so, it is probably subject to Congress' power to legislate.

Article I, Section 8: Congress' Power to Grant Patents and Copyrights
Another very important and frequently used power given Congress by Article I, Section 8 is the power to "promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

NOTE: Congress carries out this power by issuing copyrights and patents. A copyright is the exclusive right to publish and make money from a written, musical, or other artistic work for a limited time. A patent provides the same protection for inventions. The purpose of copyrights and patents, as the Constitution says, is to promote the progress of science and the arts. Individuals have more incentive to create and invent if they know they can protect the fruits of their labor.

Article I, Section 8, Paragraph 18: The Necessary and Proper Clause
The 18th and final paragraph of Article I, Section 8 read as follows: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all others vested by this Constitution in the government of the United States or in any department or officer thereof."

NOTE: This paragraph of Article I, Section 8 is sometimes called "the elastic clause." This is because it has been understood and interpreted by the Supreme Court to "stretch" the powers of Congress beyond those which are specifically listed in the first seventeen paragraphs of Article I, Section 8. In the landmark 1819 Supreme Court case *McCulloch v Maryland*, Chief Justice John Marshall and the Supreme Court interpreted the Necessary and Proper Clause, when combined with other powers specifically listed in the first seventeen paragraphs of Section 8, to give Congress the power to establish a Bank of the U. S. even though such a power is not

specifically listed as being a power of Congress. As a result, it is frequently noted that Congress thus has what are called “implied powers.”

Article I, Section 9: Limitations on Congress’ Power

One limitation on Congress’ power in Article I, Section 9 provides that “the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to 1808 …”

NOTE: Without actually using the words, delegates at the 1787 Constitutional Convention understood that this meant Congress could not outlaw “the slave trade” before 1808 (twenty-one years after the writing of the Constitution). In 1808, Congress did exactly that and abolished the slave trade.

Another limitation in Section 9 provides that “the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.”

NOTE: The Latin term habeas corpus means “have the body.” It refers to the right of a person who has been arrested and jailed to be taken within a certain period of time before a neutral judge so that the judge may determine if the person is being detained for a lawful reason. The burden is on those holding the individual to persuade the judge that this is true. If the judge decides that this is not the case, the individual must be released.

NOTE: Only a few times in American history has this important protection for an accused person been suspended. One such occasion was during the Civil War when President Abraham Lincoln suspended the right in an area of the U. S. where there was no fighting. The Supreme Court in the 1866 case *Ex parte Milligan* declared Lincoln’s action unconstitutional.

Two more limitations provide that “no bill of attainder or ex post facto law shall be passed.”

NOTE: This prohibition on bills of attainder means that Congress cannot convict a person of a criminal offense. While Congress can pass criminal laws, only the courts can decide who may have violated those laws. The prohibition on ex post facto laws means that individuals cannot be convicted and punished for an act which when committed was not illegal.

Another limitation forbids Congress to lay any tax or duty on exports or to give preference to the ports of one state over those of another state.

One of the most important limits requires that Congress cannot spend any money from the U. S. Treasury except as a result of appropriations made by law, and a regular statement and account of receipts and expenditures of public money must be published from time to time.

Another limitation provides that the U. S. cannot grant any title of nobility.

A final limitation called “the emoluments clause” forbids any person holding any office in the government of the U. S. from accepting any present, “emolument,” office, or title of any kind from any king, prince, or foreign government without Congress’ consent.

Article I, Section 10: Limitations on the States"
Article I, Section 10 lists actions that states may not take as well as certain actions they can take only with the consent of Congress. NOTE: Some of the limitations are the same as those placed on Congress in Article I, Section 9.

No state can enter into any treaty, alliance, or confederation or grant Letters of Marque and Reprisal.

NOTE: An explanation of the meaning of Letters of Marque and Reprisal is found in the discussion of powers of Congress in Article I, Section 8 where Congress is given the power to issue such Letters.

No state can coin money or make anything but gold or silver coin payment for debts.

No state can pass any bill of attainder or ex post facto law. NOTE: See Article I, Section 9 for an explanation of these terms which are also prohibitions on Congress.

No state shall pass any law interfering with contracts nor shall any state grant any title of nobility.

Without Congress' consent, no state can place taxes on imports or exports except what may be absolutely necessary for enforcing the state's inspection laws, and the net result of any tax by any state on imports or exports is for the use of the U. S. Treasury, and all such laws are subject to revision and control of Congress.

No state without consent of Congress can keep troops or ships of war in time of peace or enter into agreement or compact with another state or with another nation or engage in war unless invaded or in such imminent danger that delay is not possible.

Article II

Article II, Section 1: The Executive Branch – President's Term of Office, Election, Qualifications, Vacancy in the Presidency, Compensation, and Oath of Office

NOTE: Article II is only approximately one-half as long as Article I and its discussion of the U. S. Congress.

Section 1 begins with a declaration that "the executive power shall be vested in a President of the United States of America" and that the term of office of both the President and the Vice President is four years.

NOTE: As written at the Constitutional Convention in 1787, there was no limit on the number of four year terms a President could serve. George Washington established the precedent that a President would only serve two terms when he declined to seek a third term. This remained true until Franklin D. Roosevelt ran for and was elected to a third term in 1940 and a fourth term in 1944.

Section 1 then describes how the President and the Vice President will be elected.

NOTE: In doing so, it makes no mention of the popular vote in choosing the President and Vice President nor does any other part of the Constitution.

Section 1 creates a body called the Electoral College comprised of individuals called electors which elects the President and Vice President. Each state chooses a number of electors who cast electoral votes in whatever way each state's legislature decides. The number of electors (electoral votes) to which each state is entitled is equal to the number of U. S. Senators from the state (two from each state as provided in Article I) plus the number of U. S. Representatives from the state (as provided in Article I, at least one from each state and the number above one determined by the state's population). Thus, each state has at least three electors (electoral votes). No U. S. Senator or U. S. Representative or person holding an office of profit or trust under the U. S. can serve as an elector.

NOTE: The following paragraph describing the presidential election process was replaced in 1804 when the Twelfth Amendment was added to the Constitution.

As written at the 1787 Constitutional Convention, electors met in their individual states and voted for two individuals, at least one of whom could not be from the same state as the electors. After the state's electors voted, the results were sent to the President of the Senate who in the presence of the Senate and House opened and counted the votes. The individual with the largest number of the electoral votes, if it was a majority of the whole number of electoral votes, became President. If more than one person had a majority and there was a tie, the House would choose the President. If no individual had a majority of the electoral votes, the House, voting by states with each state having one vote, would choose the President from among the top five electoral vote winners. To win this election in the House, the winning candidate would need a majority of the states' votes. After the President is chosen, the individual with the greatest number of electoral votes would be the Vice President, but if two or more have the same number of electoral votes, the Senate chooses the Vice President.

Section 1 specifically spells out only three qualifications which an individual must possess to serve as President: (1) a "natural born citizen" of the United States; (2) 35 years of age; and (3) a resident of the United States for fourteen years.

NOTE: There is general agreement among constitutional scholars that "natural born citizen of the U. S." means that at birth one must be a citizen of the U. S., not that one must have been born on the soil of the U. S. However, this requirement has never been tested in the courts, and therefore, there is no court ruling on its meaning. What it does clearly mean is that naturalized citizens of the U. S. are ineligible to be President or Vice President, although they are eligible to hold any other position in American government.

NOTE: The following paragraph regarding a presidential vacancy was changed when the Twenty-Fifth Amendment was added to the Constitution in 1967.

Section 1 also provided for what happened if the President were removed from office, died, resigned, or was unable to discharge his duties. In such a situation, the Vice President would become President. If both the President and the Vice President should be unable to perform the duties of the office of President for any reason, Congress by law would decide who would then act as President.

Section 1 also provides that the President shall be compensated for his service and that this compensation cannot be increased or decreased during the period for which the President is elected. Finally, it prescribes the oath or affirmation that the President must take before he assumes the office of President.

Article II, Section 2: Powers of the President
Section 2 of Article II lists the President's powers.

NOTE: These powers are fairly few in number, but they are written in very vague language and thus capable of interpretation and argument. Recall that important legislative powers are given to the President in Article I, Section 7.

One of the most important powers granted the President is that of Commander in Chief of the armed forces of the United States and of the militia of the several states when called into service for the United States.

NOTE: The President, among other things, chooses who occupies command positions in each branch of the armed forces. At the same time, the President can remove individuals from command positions as President Harry Truman did when he removed General Douglas MacArthur as Commander of American Forces during the Korean War.

NOTE: As has occurred several times in American history, the President can commit American troops abroad and involve them in conflict even though Congress has not formally declared war.

The President grants reprieves or pardons for offenses committed against the United States, but he cannot pardon an individual who has been impeached and convicted.

NOTE: The President cannot issue pardons for offenses against a state. The President has the power to make treaties with other nations, but these treaties must be approved by a two-thirds vote of the United States Senate.

NOTE: Presidents have gotten around this requirement for Senate approval of treaties by negotiating what are called "executive agreements" instead of treaties. These do not require Senate approval.

The President has the power to appoint ambassadors, other public ministers, and justices of the Supreme Court with the advice and consent of the Senate.

Article II, Sections 3 and 4: Duties of the President, Impeachment of the President/Vice President/and Other Officers

Article II, Section 3 provides that the President must give Congress information on the State of the Union and recommend to Congress measures he thinks necessary.

The President is authorized on extraordinary occasions to convene either or both houses of Congress, and where the two houses disagree on the time of adjournment, the President can adjourn them at a time he thinks proper.

The President receives foreign ambassadors and other public ministers.

NOTE: The President's power "to receive foreign ambassadors" means the President has an important power called "recognition." When he "receives" an ambassador from a foreign nation, the President "recognizes" on behalf of the United States the government of that nation which the ambassador represents as the legitimate, rightful government of that nation.

The President must "take care that the laws be faithfully executed."

NOTE: The President is thus authorized to take whatever action deemed necessary to enforce the laws of the U. S.

Section 4 of Article II provides that the President, the Vice President, and all civil officers of the United States can be removed from office if impeached for, and convicted of, "treason, bribery, or other high crimes and misdemeanors."

NOTE: What exactly "other high crimes and misdemeanors" means has been a subject of debate and controversy, and no one is certain about exactly what it means. The House of Representatives brings impeachment charges against an official by a majority vote of the House. Conviction and removal from office on the charges voted by the House requires a two-thirds vote of the Senate.

NOTE: In the nation's history, the House of Representatives has successfully voted impeachment charges against three Presidents – Andrew Johnson, Bill Clinton, and Donald Trump. A fourth President – Richard Nixon – resigned before the House could vote impeachment charges against him. In 2021, Donald Trump became the only President in U. S. history to have been impeached twice by the House of Representatives. The U. S. Senate has never convicted and removed from office any President.

Article III

Article III, Section 1: The Judicial Branch

NOTE: Article III is by far the shortest of the three articles creating the three branches of the U. S. government.

Section 1 of Article III vests the judicial power of the U. S. in one Supreme Court and in such U. S. courts below the Supreme Court as Congress may choose to establish.

NOTE: The Constitution thus specifically creates only one court – the U. S. Supreme Court. Congress has created all U. S. courts below the Supreme Court. Congress thus has more power over these lower courts than it does over the Supreme Court. Since Congress creates these courts, it decides all kinds of questions concerning them and can alter or eliminate them at any time.

NOTE: Section 1 does not specify the number of members of the Supreme Court even though it establishes the Court. Congress by law sets the number of members, and that number has varied throughout history. It has not always been an odd number. The first Supreme Court in 1789, for example, as set by Congress in the Judiciary Act of 1789, had only six members. Congress by law set the number of members at nine in 1869 and has not changed that number since then. The only serious but unsuccessful attempt to change the number occurred in 1937 when President Franklin D. Roosevelt tried to persuade Congress to change the number of justices.

NOTE: As noted, Articles I and II spell out qualifications which an individual must have to be eligible to serve as a member of the House and the Senate or as the President. However, Article III does not specify any qualifications which an individual must have for appointment as a Supreme Court Justice or a judge of one of the other courts created by Congress.

NOTE: The President's power to appoint Supreme Court Justices and judges of lower U. S. courts is granted in Article II.

Section 1 provides that Supreme Court Justices as well as judges of the lower U. S. courts created by Congress "shall hold their offices during good behavior."

NOTE: This means that these presidential appointees serve for life unless they seriously misbehave in which case they are subject to removal by Congress through the impeachment process. No Supreme Court Justice in American history has been impeached by the House and convicted and removed from office by the Senate. A few lower U. S. court judges have been impeached, convicted, and removed from office.

Finally, Section 1 provides that both Justices of the Supreme Court and lower court judges shall be compensated for their service and that this compensation cannot be reduced during the time they hold these offices.

Article III, Sections 2 and 3: Jurisdiction of the Courts, Trial by Jury, Treason

Section 2 of Article III spells out in detail the jurisdiction of the U. S. courts or, in other words, all the cases which these courts may hear. Of great significance, Section 2 provides that "in all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

NOTE: Original jurisdiction refers to those cases which begin at the Supreme Court or, in other words, those cases which the Supreme Court is the first court to hear. Of course, if a case begins

at this Court, it also ends there since there is no other court above the Supreme Court. Section 2 has been interpreted to mean that the only cases falling under the Supreme Court's original jurisdiction are: (1) cases involving foreign ambassadors or other foreign diplomatic personnel; and (2) cases between two or more states. There are very few original jurisdiction cases as indicated by the fact that in any given term, the Court hears at most only one or two such cases. In most terms, it hears no such cases. The Supreme Court is, therefore, primarily an appellate court which means that the overwhelming majority of cases it reviews each year come to it on appeal only after having first been heard and decided by a lower U. S. court or by a state court. The fact that Congress is authorized to regulate the Supreme Court's appellate jurisdiction, but not the Court's original jurisdiction, is therefore significant even though Congress has never used this power to any great extent. The Supreme Court in the 1803 case Marbury v Madison declared unconstitutional a part of an action of Congress which the Court interpreted as altering the Court's original jurisdiction.

NOTE: Article III does not specifically grant the Supreme Court the power called "judicial review" whereby it could rule the actions of the states or the other two branches of the national government as constitutional or not. There is some evidence, however, that most of the framers of the Constitution intended the Court to have such a power, and in Federalist No. 78, Alexander Hamilton makes clear his belief that the Court possessed such a power. In any case, the Supreme Court under the leadership of Chief Justice John Marshall established this important power for itself over the other two branches of the national government in the 1803 case *Marbury v Madison* and over actions of the states in *Fletcher v Peck* (1810), *Martin v Hunter's Lessee* (1816), and *Cohens v Virginia* (1821).

Section 2 also provides that, except for cases of impeachment, the trial of all crimes shall be by jury and that this trial shall be held in the state where the crime was committed

Section 3 of Article III defines treason as levying war against the U. S. or giving aid and comfort to the nation's enemies. It provides that no one can be convicted of treason except by the testimony of two witnesses to the overt act or by the individual's confession in open court.

NOTE: This is the only criminal offense defined in the Constitution.

Article IV

Article IV, Sections 1 and 2: Horizontal Federalism: State to State Obligations
Sections 1 and 2 of Article IV provide that there are three obligations which each state has to every other state (or to citizens of other states). First, each state must give "full faith and credit to the public acts, records, and judicial proceedings of every other state." Note: This means that each state must recognize and enforce such things as wills, divorces, marriages, etc. legally made in other states.

Second, each state must extend the same "privileges and immunities" to citizens of other states that the state extends to its own citizens.

NOTE: As a general rule, a state must treat citizens of other states who happen to be in that state the same way the state treats its own citizens. There are only a few exceptions to this general rule. For example, a state cannot deny citizens of other states the right to hunt and fish in the state, but it can charge out of state citizens more for a hunting or fishing license.

Third, a person charged in any state with a crime who flees and is found in another state, "shall on demand of the executive authority of the state from which he fled, be delivered up …"

NOTE: This is referred to as "extradition." Most of the time, when a governor of one state requests that the governor of another state to which a fugitive from justice has fled extradite the accused person back to the state from which the fugitive fled, it will be done.

Section 2 also provided that "no person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

NOTE: Those present at the 1787 Constitutional Convention understood that this so-called "fugitive slave clause" referred to slaves who had escaped from their owners. This portion of Section 2 was rendered inoperative when the Thirteenth Amendment was added to the Constitution.

Article IV, Sections 3 and 4: Admission of New States and Obligations of National Government to States

Section 3 of Article IV gives Congress full control over the admission of new states into the union. The only limitation on Congress' power is that a new state cannot be formed within the jurisdiction of an already existing state nor can a state be created by joining two or more existing states or parts of such without consent of Congress and the state legislatures involved.

NOTE: Congress can lay down one or more conditions which a territory seeking admission to the union as a state must meet before Congress will grant the admission.

Section 4 addresses the obligations the national government has to the states. The first such obligation provides that the national government must "guarantee every state a republican form of government."

NOTE: This is called "the guarantee clause." Its meaning has never been interpreted by the U. S. judiciary, and in fact, in the 1849 case *Luther v Borden* the Supreme Court declared that enforcement of the clause was "a political question" for Congress to decide and not a justiciable issue for the judiciary.

The second such obligation is that the national government shall protect the states against "invasion" and from "domestic violence" when requested by a state legislature or by a governor.

NOTE: If a state is invaded, the nation is invaded, and national government intervention would occur. Furthermore, if there is "domestic violence" in a state, the President may act even if he is not requested to do so by the state's governor or legislature, particularly if a U. S. law or court decision is involved.

Article V

Article V: Amending the Constitution
Article V spells out the two-step process by which the Constitution can be amended or changed. The first step is "proposing an amendment." Article V provides that there are only two ways to propose an amendment: (1) by a two-thirds vote of the members of both houses of the U. S. Congress; or (2) by a national convention called by Congress when two-thirds of the states petition Congress to do so. Once an amendment has been proposed by one of these two methods, the second step is "ratification of the proposed amendment." Article V provides that there are only two ways by which a proposed amendment can be ratified and that Congress decides which of the two ways shall be used: (1) by the state legislatures of three-fourths of the states; or (2) by special state conventions in three-fourths of the states.

Article V originally provided that there were two parts of the Constitution which were protected from being amended. One was that prior to 1808 no amendment could change that part of Article I, Section 9 which forbade Congress to interfere with "the slave trade." That limit is no longer valid today. Consequently, the only limit today provides that no state, without its consent, can be denied its equal representation in the U. S. Senate.

NOTE: The President has no formal role in the amendment process other than the fact that he can indicate his support for or his opposition to a proposed amendment. He does not possess a veto over proposed amendments.

NOTE: The national convention method for proposing an amendment has never been used, probably because there are too many unanswered questions about it. All amendments thus far added to the Constitution have been proposed by a two-thirds vote of both houses of Congress.

NOTE: Of the two methods by which a proposed amendment can be ratified, the special state convention method, as Congress decided, has only been used one time. The Twenty-First Amendment is the only amendment ever ratified by that method. The 21st Amendment is thus unique for two reasons, the second reason being that it is the only amendment ever added to repeal another amendment (the Eighteenth Amendment which had called for the prohibition of alcohol in the U. S.).

NOTE: Article V sets no time limit for the states to make up their minds whether to ratify after a proposed amendment is sent to them for ratification. However, Congress can set a time limit. For every recent proposed amendment, Congress has set a seven year time limit. If Congress does not set a time limit, since the Constitution does not, then the states have forever.

NOTE: In the history of the U. S. under this Constitution, there have been thousands of ideas for proposed amendments, but Congress has only proposed 33 amendments. Of those 33, the required number of states have ratified 27 which would seem to indicate that the most difficult step is getting an amendment proposed. The most recent proposed amendment which failed to be ratified by the required number of states was a proposed amendment which would have treated the District of Columbia as a state and given it representation in both houses of Congress.

NOTE: One of the most important uses of the amendment process has been to overrule a decision of the U. S. Supreme Court. Four of the twenty-seven amendments added to the Constitution have been added for that precise purpose: (1) Eleventh; (2) Fourteenth; (3) Sixteenth; and (4) Twenty-Sixth.

NOTE: Aside from the first ten amendments (the Bill of Rights), which were added to guarantee fundamental rights of the American people, another important reason for amending the Constitution has been for the purpose of extending the right to vote. These five amendments were added for that purpose: (1) Fifteenth; (2) Nineteenth; (3) Twenty-Third; (4) Twenty-Fourth; and (5) Twenty-Sixth.

Article VI

Article VI: Debts Contracted Under the Articles of Confederation, The Supremacy Clause, Religious Tests

Article VI contains three provisions. The first provision states that debts contracted under the Articles of Confederation before the adoption of the present Constitution were still valid. While important at the time, it is no longer of importance today.

The second provision in Article VI, Paragraph 2 is one of the most important principles of the entire Constitution. It is called “the supremacy clause” or “the supreme law of the land clause.” The three things which constitute the supreme law of the land are: (1) the U. S. Constitution itself; (2) laws of the U. S. made in pursuance of the Constitution; (laws of Congress so long as those laws are not in conflict with the Constitution); and (3) treaties. Furthermore, Paragraph 2 states that “judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.”

The third provision of Article VI states that U. S. Senators, U. S. Representatives, members of state legislatures, and all executive and judicial officers of the U. S. and the states are bound by oath or affirmation to support the Constitution.

In the only mention of religion in the original Constitution as written at Philadelphia, Article VI finally states that “no religious test shall ever be required as a qualification for holding any office or public trust under the United States.

Article VII

Article VII: Ratification of the Constitution
NOTE: Because the framers had spent the entire summer of 1787 writing the new Constitution, and because they believed that its adoption was essential to the nation's survival, they wanted to make certain as best they could that it would be ratified and thus take effect.

For the reasons noted above, the framers carefully spelled out the ratification procedure. Article VII reveals their strategy. First, the proposed new Constitution was not sent to the Congress of the Articles of Confederation for its approval. The framers understood that the Confederation Congress was not likely to approve a document that greatly increased the power of the national government by reducing the power of the states. Second, the proposed new Constitution was to be ratified by special state conventions in the states, not by the state legislatures. Third, for the Constitution to be adopted and thus take effect, ratification by the special state conventions of only nine states was required, rather than ratification by all thirteen states.

NOTE: It was generally understood, however, that ratification by the special state conventions of two states – Virginia and New York—was essential to the success of the endeavor. It was also true that opposition to the new Constitution was particularly strong in both of those states. The special state conventions in those two states did ratify the new Constitution, but the vote in both was very close.

NOTE: The framers' strategy in sending the proposed new Constitution to special state conventions, rather than to the state legislatures, was also smart because it meant that some of the framers could themselves then be elected as delegates to their state conventions and advocate for its adoption. For example, this was true in Virginia where James Madison, often called "the Father of the Constitution," was chosen as a delegate to the Virginia ratifying convention where he played a leading role in arguing for the adoption of the Constitution he had helped write.

Amendments 1-10

First Amendment: No Establishment of Religion Clause (1791)
The First Amendment contains two different guarantees relative to religion. The first one provides that "Congress shall make no law respecting an establishment of religion."

NOTE: It is most often referred to as "the establishment clause." Its meaning has been one of the most disputed issues in American history. There is general agreement among Americans that one thing "the Establishment Clause" certainly means is that government cannot establish a national religion or a national church. Beyond that, however, there is considerable disagreement about its meaning.

NOTE: Some Americans and some members of the Supreme Court have subscribed to Thomas Jefferson's view that the clause created "a wall of separation between church and state." The argument has been over how high that wall should be. The two questions or problems that have most frequently been involved in disputes involving "the establishment clause" are: (1) What kind of government aid to church schools, if any, is permissible? (2) What kind of religious activity on public property such as public schools, courthouses, or capitol grounds, if any, is permissible?

NOTE: In the early history of the U. S., "the establishment clause" was interpreted as only applying to and limiting the power of the national government, However, in the landmark 1947 case *Everson v Board of Education of Ewing Township*, the Supreme Court ruled that the clause was "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

First Amendment: Free Exercise of Religion Clause (1791)
The second of the two different religious guarantees of the First Amendment provides that "Congress shall make no law prohibiting the free exercise of religion."

NOTE: Like "the establishment clause," the meaning of the "free exercise clause" has been one of the most disputed issues in American history.

NOTE: In 1878 in *Reynolds v United States*, one of the earliest cases the Supreme Court heard and decided involving "the free exercise clause," the Court determined that an individual has an absolute right to believe anything or nothing in terms of religion but not an absolute right to act on or practice that belief. For example, one can believe in the name of one's religion in human sacrifice, but this does not mean that government cannot prevent action on that religious belief.

NOTE: One religious group in the twentieth century which was particularly active in bringing challenges to government actions on grounds of violation of "the free exercise clause" was Jehovah's Witnesses. For example, in the landmark 1943 case *West Virginia State Board of Education v Barnette*, Jehovah's Witnesses challenged a public school policy requiring students to participate in a daily Pledge of Allegiance and salute to the American flag as a violation of their sincerely held religious beliefs. The Supreme Court ruled in favor of Jehovah's Witnesses.

NOTE: Like "the establishment clause," in the early history of the U. S., "the free exercise clause" was interpreted as only applying to and limiting the power of the national government. However, in another landmark case initiated by Jehovah's Witnesses, the 1940 case of *Cantwell v Connecticut*, the Supreme Court ruled that the clause was "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

First Amendment: Freedom of Speech (1791)
This third guarantee of the First Amendment states that "Congress shall make no law abridging freedom of speech."

NOTE: Throughout American history, this has been one of the most important and often litigated issues. Some of the most important and often quoted Supreme Court opinions have been written in these cases.

NOTE: Like the other guarantees of the First Amendment, in the early part of the nation's history, the freedom of speech guarantee only applied to and limited the national government. However, in the landmark 1925 case *Gitlow v New York*, the Supreme Court ruled that the freedom of speech was "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

NOTE: One important issue which the Supreme Court has had to resolve concerning the freedom of speech guarantee is the nature of speech, and specifically if it is restricted in meaning only to oral, spoken words. The Court on several occasions has ruled that speech does not have to be oral, spoken words. Rather, it has ruled that "symbolic speech" is also protected by the freedom of speech guarantee. For example, in the landmark 1989 case *Texas v Johnson*, the Court ruled that burning the American flag as a means of protesting government policy was speech and was protected by the First Amendment.

NOTE: One of the most important and frequently used tests devised by members of the Supreme Court to judge freedom of speech cases is called the "clear and present danger test" enunciated by Justice Oliver Wendell Holmes, Jr. in the landmark 1919 case *Schenck v United States*. Holmes wrote: "But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater and causing a panic. …The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger …"

NOTE: Another important freedom of speech issue has concerned the question of whether public school students enjoy freedom of speech in the schoolhouse. In the landmark 1969 case *Tinker v Des Moines* School District, the Supreme Court ruled that students do enjoy freedom of speech in the schoolhouse when it stated: "Neither students nor teachers shed their constitutional rights at the schoolhouse gate." However, the Court in that case as well as in others has made it clear that the freedom of speech rights of students in the public schools are not the same as they are in the world outside the public school.

First Amendment: Freedom of the Press (1791)
The fourth guarantee of the First Amendment provides that "Congress shall make no law abridging the freedom of the press."

NOTE: From the colonial period of American history to the present day, the press has played an important role in American democracy in informing the public about what is going on in the nation and the world, and particularly in informing the public about the actions of their government and government officials. In early American history, the word "press" was limited in meaning to newspapers, pamphlets, magazines, and books. Today, "press" has a much broader meaning such as "media" and includes not only those earlier means of communication but also radio, television, the Internet, Facebook, Twitter, etc.

NOTE: Like the other guarantees of the First Amendment, in the early part of the nation's history, the freedom of press guarantee only applied to and limited the national government. However, in the landmark 1931 case *Near v Minnesota*, the Supreme Court ruled that freedom of the press was "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

NOTE: A variety of issues involving the freedom of press guarantee have arisen throughout American history including libel, prior restraint, and freedom of the press v the right to a fair trial. Libel is usually defined as written defamation, a false statement that harms a person's reputation in written form. The Supreme Court has ruled that what one has to prove in order to win a libel suit depends on who or what one is. Most Americans are considered "private citizens" and have to prove less than do "public officials" who hold governmental positions. "Public officials" must prove what the Court calls "actual malice." They must not only prove that what was published was false but also that it was published with knowledge that it was false or with "reckless disregard" of whether it was false. The media today thus have more protection where "public officials" are concerned.

NOTE: A freedom of the press issue on which the Supreme Court has taken the most steadfast position concerns what is called "prior restraint" which refers to the government interfering with the media by attempting to prevent something from being published in the first place. The Court has made it very clear that "prior restraint" by government is hardly ever allowed.

First Amendment: Freedom of Assembly (1791)
The fifth guarantee of the First Amendment provides that "Congress shall make no law abridging the right of the people peaceably to assemble."

NOTE: Like the other guarantees of the First Amendment, in early American history the freedom of assembly guarantee only applied to and limited the national government. However, in the landmark 1937 case *DeJonge v Oregon*, the Supreme Court ruled that the freedom assembly was "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

NOTE: If one thinks about the freedom of assembly, it quickly becomes apparent that it is closely tied to other freedoms of the First Amendment such as speech and religion. Unless one only seeks to speak to oneself or only views religion in terms of one individual, it is obvious that these freedoms are intertwined. Freedom of speech and free exercise of religion also involve freedom of assembly.

NOTE: The principle issues the Supreme Court has had to deal with concerning freedom of assembly involve where, when, and how people can assemble peaceably. Like the other First Amendment freedoms, it is not an "absolute" right. Government can place reasonable time, place, and manner restrictions on the freedom of peaceable assembly.

First Amendment: Freedom to Petition (1791)
The sixth guarantee of the First Amendment provides that "Congress shall make no law abridging the right of the people to petition the government for a redress of grievances."

NOTE: The Supreme Court ruled in the 1939 case *Hague v CIO* that the right to petition is "incorporated" by the due process of law clause of the Fourteenth Amendment and thus now also applies to the actions of state and local governments.

NOTE: Individuals have the right to petition government to express their views and ask for change. The framers of the Constitution and the Bill of Rights brought with them a strong tradition from the colonial period of petitioning government in the face of tyranny. More than once the colonists petitioned the English to cease what they considered oppressive and unfair English behavior. It is not surprising, therefore, when the time came to frame our own Constitution that the right to petition government would be included among the freedoms of the people.

Second Amendment: Keep and Bear Arms (1791)
The Second Amendment provides: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

NOTE: The Second Amendment is the only amendment with what is called a "preamble" which refers to the opening words of the amendment: "A well-regulated militia, being necessary to the security of a free state." It is this "preamble" which has led to strong and lasting disagreement about the meaning of the amendment. Interpretation of the Second Amendment differs between those who believe the amendment protects an individual right and those who argue that the "preamble" renders it a group right, namely that of a "well-regulated militia."

NOTE: For much of this nation's history, the Supreme Court and other U. S. courts sided with those who argued that it was not an individual right but rather that of "a well-regulated militia." Furthermore, the amendment was viewed as applying only to the national government and not to state and local governments. This changed, however, in 2010 when the Supreme Court in the landmark case *McDonald v City of Chicago* ruled not only that the right to keep and bear arms is an individual right but also that it now applies to and limits state and local government actions.

Third Amendment: Quartering of Soldiers (1791)
The Third Amendment provides: "No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."

NOTE: The framers of the Constitution brought with them a legacy of guarding their homes against what they saw as unreasonable and tyrannical government intrusion. In the Declaration of Independence, for example, one of the charges against the king was that without colonists' consent he had "quartered large bodies of armed troops among us." Since Americans did not like this when the English government was doing it, it is not surprising that they did not want their own government doing it either.

NOTE: There has never been a single Supreme Court case involving the Third Amendment. Along with the Seventh Amendment, the Supreme Court has never directly addressed the

meaning of the Third Amendment. However, in the 1965 case *Griswold v Connecticut*, the Court cited the Third Amendment as one part of the Bill of Rights that creates "zones of privacy" and thus a constitutional right to privacy.

NOTE: Because there has never been a Supreme Court case involving the Third Amendment, this explains why it is often referred to as "the forgotten amendment." It also explains why the Third Amendment, regardless of what it says, even today only applies to and limits the national government, not state and local governments. In other words, it is one of only three parts of the Bill of Rights which has never been "incorporated."

Fourth Amendment: Unreasonable Searches and Seizures (1791)
The Fourth Amendment provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

NOTE: The amendment does not prohibit all searches and seizures but only those which are unreasonable.

NOTE: One of the most important parts of this amendment is "probable cause." If law enforcement officers wish to search a home or other place, they must first convince a judge that they are in possession of information that such a search would produce evidence that a criminal offense has been committed. Furthermore, a lawful warrant must specifically describe the place to be searched and the person or things to be seized. This part of the amendment was most likely included to prevent our own government from doing what occurred in the colonial period of our history when English officials had used general search warrants called "writs of assistance" to search anywhere, at any time, for anything.

NOTE: The Supreme Court has ruled, however, that there are some situations where a search and seizure is permissible without a warrant. One such situation is where an individual has voluntarily consented to a search. Another is that police without a warrant can legally carry out a limited "pat down" of an individual behaving suspiciously. A warrant, the Court has also ruled, is not needed when police are "in hot pursuit" of a suspect, or when an officer sees incriminating evidence of the commission of a criminal offense "in plain sight."

NOTE: In early American history, the Fourth Amendment, like other guarantees of the Bill of Rights, was interpreted as only applying to and limiting the national government, not state and local governments. However, in the landmark 1949 case *Wolf v Colorado*, the Supreme Court ruled that the amendment now also applies to and limits actions of state and local officers. Nevertheless, the Court also ruled in this case that evidence seized in violation of the amendment by state and local officers was still admissible against the accused in a state court. It was not until 1961 in the landmark case *Mapp v Ohio* that the Supreme Court ruled that the so-called "exclusionary rule" now also applies to and limits state and local courts – namely, that evidence seized in violation of the amendment is inadmissible against the accused.

NOTE: Another important issue involving the Fourth Amendment concerns its application in the public school environment: Do public school students enjoy the protection of the Fourth Amendment? The Supreme Court's answer has been "yes," but the Court has made it clear that there is at least one important difference in the public school environment. In the 1984 landmark case *New Jersey v TLO*, the Court ruled that public school officials only need "reasonable suspicion" rather than "probable cause" to conduct a legal search and seizure.

Fifth Amendment: Grand Jury Clause (1791)
The Fifth Amendment provides several protections for the accused person in criminal cases. The first protection provides: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury …"

NOTE: The function of a grand jury is not to determine the innocence or guilt of an accused person but rather to determine if the government has enough evidence against the accused to proceed to trial. If the grand jury decides that enough evidence exists, it returns an indictment or, in other words, a "true bill." The accused has no legal right to appear before a grand jury to argue the accused's case, and therefore, the grand jury only hears the prosecution's side of the case. Consequently, it is no surprise that grand juries almost always do what the prosecution wishes and returns a "true bill."

NOTE: Because many believe that grand juries do not serve the function for which they were originally established, namely to serve as a check on arbitrary actions by the government, most states do not use grand juries. The Supreme Court long ago ruled that states are not required to do so and has not changed its position. In other words, the Court has not "incorporated" the grand jury clause into the due process of law clause of the Fourteenth Amendment and thus made it apply to the state and local governments.

Fifth Amendment: No Double Jeopardy Clause (1791)
The second protection afforded an accused person in a criminal case by the Fifth Amendment provides: "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb."

NOTE: This means that the same government cannot try a defendant for the same offense more than once. However, some criminal offenses may be a violation of both state and national law. If that is true, then both governments can accuse and try the individual, and that is not double jeopardy.

NOTE: In early American history, like other amendments of the Bill of Rights, the no double jeopardy clause only applied to and limited the national government. However, in the landmark 1969 case *Benton v Maryland*, the Supreme Court "incorporated" the clause into the due process of law clause of the Fourteenth Amendment and thus ruled that the clause now also applies to and limits state and local governments.

Fifth Amendment: No Self Incrimination Clause (1791)
The third protection afforded an accused person in a criminal case by the Fifth Amendment

provides: “nor shall any person be compelled in any criminal case to be a witness against himself.”

NOTE: Government thus cannot force an accused person to testify against himself. By allowing people to refuse to answer questions that might make them seem guilty, the Fifth Amendment resolves the conflict between defending oneself and telling the truth. As noted by the English jurist, Sir William Blackstone, this protection has its roots in English legal tradition.

NOTE: In the early history of the U. S. this protection against compulsory self-incrimination only applied to and limited the national government. However, in the landmark 1964 case *Malloy v Hogan*, the Supreme Court “incorporated” the protection into the due process of law clause of the Fourteenth Amendment and thus ruled that it now also applies to and limits state and local governments.

NOTE: Furthermore, in the landmark 1966 case *Miranda v Arizona*, the Court reinforced its 1964 decision when it ruled that the protection requires the police to inform criminal suspects of their right to remain silent prior to any questioning, and that failure to do so would render a confession thus obtained inadmissible against the accused at trial.

Fifth Amendment: Due Process of Law Clause (1791)
The fourth protection afforded an accused person in a criminal case by the Fifth Amendment provides: “nor shall any person in any criminal case be deprived of life, liberty, or property, without due process of law.”

NOTE: This is the first of two due process of law clauses found in the U. S. Constitution. They both say the same thing. The difference is that the due process clause in the Fifth Amendment applies to the national government whereas the one in the Fourteenth Amendment applies to state and local governments.

NOTE: The due process of law clause means that government has to follow certain rules and established procedures in everything it does in proceeding with a criminal case against an individual. Due process consists of many things, including many of the protections found in other amendments such as a fair trial by an impartial jury of one’s peers, no self-incrimination, no double jeopardy, right to counsel, etc. Due process, as many scholars have noted, has its roots, among other sources, in 1215’s Magna Carta where the English monarch was compelled to agree that “no free man shall be taken or imprisoned … or in any way destroyed … except by the lawful judgment of his peers or by the law of the land.”

NOTE: The Supreme Court used the Fifth Amendment’s due process of law clause when it put an end to racial segregation in the public schools of the nation’s capital, the District of Columbia. When the Court used the equal protection of the laws clause of the Fourteenth Amendment to declare racial segregation by law in the states unconstitutional in the landmark 1954 case *Brown v Board of Education of Topeka, Kansas*, racial segregation also existed in the public schools of the nation’s capital. The problem was that the Constitution has no equal protection of the laws clause aimed at the national government. Therefore, what the Supreme Court did in order to render racial segregation in the District’s public schools unconstitutional is called “reverse

incorporation." The Court used the due process of law clause of the Fifth Amendment to make the equal protection of the laws clause of the Fourteenth Amendment apply to the national government.

Fifth Amendment: Takings Clause (1791)
The fifth and final protection of the Fifth Amendment is unlike the amendment's other four protections which were directed to the rights afforded an accused person in a criminal case. This fifth protection is called the "Takings Clause." It provides: "nor shall private property be taken for public use without just compensation."

NOTE: This generally accepted power of government to take privately-owned property in order to build such things as roads, schools, libraries and other public facilities is called "eminent domain." Government is required by the clause to pay the private property owner "just compensation" which is usually understood to mean the fair market value of the property when it uses this power of "eminent domain" to take the property for public use. The compensation provided has not often been the cause of dispute concerning the "takings clause."

NOTE: The "takings clause" was the first protection of the Bill of Rights to be incorporated and applied to the state and local governments by the Supreme Court in the 1897 case *Chicago, Burlington, & Quincy Railroad v Chicago*.

NOTE: The most recent dispute concerning the "takings clause" arose as a result of a Supreme Court decision in the 2005 case *Kelo v City of New London*. In this case, the Supreme Court stirred controversy by its different interpretation of the meaning of the term "public use." The Court interpreted the term to mean "public benefit" such as anticipated economic development in a region as a result of government's taking private property.

Sixth Amendment: Speedy, Public Trial, By an Impartial Jury (1791)
The Sixth Amendment spells out seven different rights of the accused in "all criminal cases."

NOTE: The Supreme Court has "incorporated" and thus applied to the state and local governments all seven of these rights.

The first three rights are "a speedy and public trial by an impartial jury …" Note: The right to a speedy trial does not refer to how long a trial lasts but rather to the amount of time that passes between the time the accused is arrested, charged, indicted, and then is actually placed on trial. For example, if ten years passes and the accused is not brought to trial, this was not a speedy trial. The right to a public trial simply means that the accused cannot be tried behind closed doors in private. The public, including the media, must have access to the trial.

NOTE: The right of the accused "in all criminal cases" to a trial by an impartial jury has given rise to several important questions which the Supreme Court has had to answer. The right does not apply to what are called "petty offenses" usually defined as offenses punishable by six months or less confinement. The Court has ruled that a traditional twelve-person jury is not always required. For less serious criminal cases six-person juries are permissible. The same is true of the traditional requirement of unanimous jury verdicts. In some instances, a jury verdict

need not be unanimous. Another important issue involves a possible collision between the accused's right to a trial by an impartial jury and the freedom of the press under the First Amendment to cover a trial's proceedings. The Supreme Court has ruled that the accused's right to a trial by an impartial jury is so important that a judge can and should impose certain restrictions on how the press covers the trial. Another important issue relative to the right to a trial by an impartial jury concerns the composition of a jury. The traditional rule is that a jury should be made of one's peers which has been interpreted to mean that as close as possible the composition of a jury should reflect the population of the area where the trial is being held. For example, if the population of an area where a trial is being held is overwhelmingly African American, then it could not be a trial by a jury of one's peers if African Americans were excluded from jury service.

Sixth Amendment: Informed of Nature and Cause of Accusation, Confrontation Clause, Compulsory Process for Favorable Witnesses (1791)

Three more rights of the accused in all criminal cases according to the Sixth Amendment are "to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor."

NOTE: "To be informed of the nature and cause of the accusation" simply means that a defendant has the right to know the specific charge against him and cannot be convicted of one crime on an indictment charging a very different crime. "The confrontation clause" means that the defendant has a right to be present at his trial and to cross-examine witnesses against him. Those accusing a defendant of having committed a criminal offense must face him "eyeball to eyeball" in the courtroom. Only for compelling reasons can there be an exception to this confrontation right, and traditionally that exception involves situations where children are crime victims and could suffer traumatic consequences if forced to face an individual accused of having committed a serious offense against them. Even in this situation, however, confrontation must still occur in some form, perhaps through closed circuit television. The right "to have compulsory process for obtaining favorable witnesses" simply means that the defendant is entitled to subpoena or summon witnesses who could possibly produce testimony favorable to the defendant.

Sixth Amendment: Right to Counsel (1791)

The seventh and final right of the accused in all criminal cases provided by the Sixth Amendment is "to have the assistance of counsel for his defense."

NOTE: Many constitutional scholars consider this to be the most important right of an accused person in criminal cases. The reason is that many accused persons are not aware of all their constitutional rights, and if they are not aware of what these rights are, they cannot assert them. Counsel not only knows the rights of the accused and thus allows the accused to assert them but also knows how to assert those rights and others in a court of law.

NOTE: For much of American history, all this right meant, however, was that the accused had a right to the assistance of counsel if the accused could afford one. In 1938, however, the Supreme Court ruled that in any criminal case in a federal court, the U. S. government must supply counsel for indigent or poverty-stricken defendants. The Court has since extended that rule to felony criminal cases in state courts and more recently to any criminal case in a state court where a jail

sentence of any length, even one day, is possible. The rule has not yet been extended to those criminal cases where only a fine is the possible punishment. The most recent issue concerning the assistance of counsel concerns not just the right to counsel but the right to "effective counsel" which means the defendant has a right to have counsel who knows what he should do and actually does it. In several instances in recent years, the Supreme Court has overturned defendants' convictions because in the Court's view, the defendant had "ineffective counsel."

Seventh Amendment: Jury Trial in Some Civil Cases (1791)
The Seventh Amendment provides that in civil cases "where the value in controversy shall exceed $20, the right of jury trial shall be preserved …"

NOTE: Together with the Third Amendment, the Seventh Amendment is often referred to as "the forgotten amendment." There has never been in U. S. history a single Supreme Court case involving the Seventh Amendment. Unlike most of the other rights of the Bill of Rights, the Supreme Court has never "incorporated" the amendment. As a result, the Seventh Amendment has no application to state and local courts.

Eighth Amendment: No Excessive Bail or Fines and No Cruel and Unusual Punishment (1791)
The Eighth Amendment contains two important protections for the accused in criminal cases: (1) no "excessive bail or fines;" and (2) no "cruel and unusual punishments."

NOTE: Without much attention or publicity given it, the Court in Schilb v Kuebel (1971) appears to have "assumed" incorporation of the protection against excessive bail. Most recently, in Timbs v Indiana (2019), the Court "incorporated" the no excessive fines protection of the Eighth Amendment.

NOTE: The Supreme Court has "incorporated" the "no cruel and unusual punishment" protection into the due process of law clause of the Fourteenth Amendment, and thus today it does apply to state courts. Through the years the Supreme Court has heard and decided several important issues involving the "no cruel and unusual punishment" prohibition. The Court has ruled, for example, that capital punishment or the death sentence, does not violate the prohibition. However, it has ruled that executing those who are mentally retarded, no matter what they may have done, does violate the prohibition. It has also ruled that executing those who were under the age of 18 when they committed a criminal offense does violate the prohibition. At the same time, the Court has ruled that corporal or physical punishment like paddling in the public schools does not violate the prohibition.

Ninth Amendment: Other Rights of the People (1791)
The Ninth Amendment provides: "The enumeration in the Constitution of certain rights should not be construed to deny or disparage others retained by the people."

NOTE: The people may have other rights besides those which are specifically listed in the Constitution. This was James Madison's response to the argument that listing the rights of the people could be dangerous because it might lead to the belief that the rights listed were the only rights the people had. For most of this nation's history, the Ninth Amendment, like the Third and Seventh Amendments, was "a forgotten amendment." Only in the modern era has the

amendment been resurrected. Though the Supreme Court has been reluctant to decide cases based solely on the Ninth Amendment, it has been cited particularly by some justices as establishing a constitutional right to "privacy" even though that term never appears anywhere in the Bill of Rights. In fact, in the 1965 case *Griswold v Connecticut*, Justice Arthur Goldberg in a concurring opinion became the first justice in U. S. history to base a vote in a case solely on the Ninth Amendment.

Tenth Amendment: Reserved Powers of States or the People (1791)
The Tenth Amendment provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people."

NOTE: The Tenth Amendment has sometimes been called "the states' rights" amendment. It is a key part of the Constitution on which states have relied when they have argued that the national government has exceeded its power under the Constitution. Of the amendments demanded by Anti-Federalists in the state conventions called to ratify the Constitution, one calling for "a reserved powers clause" for the states was by far the most common. The language of the Tenth Amendment echoes language James Madison wrote in Federalist No. 45. There Madison wrote that the powers of the national government would be "few and defined" and would mainly be external powers whereas powers reserved to the states would be "numerous and indefinite." It is thus not surprising that when Madison authored the Bill of Rights, he would include one attempting to reassure the opponents of the Constitution that the states would continue to occupy an important role under the new Constitution.

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Eleventh Amendment: Denial of Jurisdiction for U. S. Courts in Certain Cases (1795)
The Eleventh Amendment added to the Constitution in 1795 provides: "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

NOTE: The Eleventh Amendment was the first amendment added to the Constitution to change a part of the original Constitution and, at the same time, the first amendment added to overturn a Supreme Court decision.

NOTE: As written at the 1787 Constitutional Convention, Article III, Section 2 extended the jurisdiction of U. S. courts to cases "between a state and citizens of other states" and to cases "between a state, or the citizens thereof, and foreign states, citizens, or subjects." In the debate over the ratification of the new Constitution, some opponents argued against these provisions on the grounds that they violated "the doctrine of sovereign immunity" which asserts that a sovereign government cannot be sued without its consent. In 1793, the Supreme Court under its first Chief Justice John Jay heard *Chisholm v Georgia*, a case brought by a citizen of South Carolina against the state of Georgia. The Court ruled in Chisholm's favor. After Georgia vigorously protested the Court's action, Congress by overwhelming votes in both houses proposed what became the Eleventh Amendment, and three-fourths of the states quickly ratified

it. The amendment alters Article III, Section 2 and specifically denies federal courts jurisdiction to hear suits brought by citizens of one state (or of another nation) against another state.

Twelfth Amendment: Presidential/Vice Presidential Election (1804)

NOTE: Under the presidential election system established in Article II, Section 1 of the 1787 Constitution, each elector of the Electoral College voted two times, but was not required to state for whom he was voting for President and for whom he was voting for Vice President. The framers' idea was that the electors, free of any political alliances, would simply cast their votes for "the best man." The individual who received a majority of the electoral votes, became President, and the individual who received the second largest number of electoral votes automatically became Vice President.

NOTE: In the nation's first two presidential elections (1788 and 1792) the system worked because of George Washington and because the nation had only one political group, the Federalists. By 1796, however, there were two political groups, the Federalists and the Democratic-Republicans, and George Washington had departed the nation's government. The fourth presidential election in 1800 revealed problems with the 1787 presidential election system. For the only time in the nation's history, there was a tie in the electoral vote between Thomas Jefferson and Aaron Burr, both members of the Democratic-Republican Party. Pursuant to the Constitution, the election was thrown into the House of Representatives controlled by the Federalists who preferred neither Jefferson nor Burr. Finally, voting by states, as provided by the Constitution, on the 36th ballot, the House chose Jefferson to be the nation's third President. In 1803, Congress proposed the Twelfth Amendment, and it was ratified by three-fourths of the states in June,1804.

The Twelfth Amendment made these major changes in Article II's presidential election system: (1) Each elector in the electoral college has one electoral vote for President and one electoral vote for Vice President, and voting by the electors for President is separate and distinct from their voting for Vice President; (2) if no candidate for President wins a majority of the electoral votes for President, the House of Representatives voting by states with each state having one vote chooses the President from among the top three electoral vote winners, instead of from the top five as Article II had originally provided: (3) if no candidate for Vice President receives a majority of the electoral votes for Vice President, the Senate, with each senator having one vote, chooses the Vice President from the top two electoral vote winners; and (4) no person constitutionally ineligible to be President can be Vice President.

Thirteenth Amendment: Abolition of Slavery (1865)

Section 1 of the Thirteenth Amendment added to the Constitution in 1865 provides: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

NOTE: The "fugitive slave" provision of Article IV, Section 2 of the 1787 Constitution was thus repealed.

Section 2 provides: "Congress shall have power to enforce this article by appropriate legislation."

NOTE: Congress began debating a proposed constitutional amendment abolishing slavery in the entire nation in 1864, and the proposed amendment passed the Senate. However, not until 1865 were the Republicans in the House able to persuade enough Democrats to vote for the proposed amendment and secure the required two-thirds vote. Disagreement arose immediately over the meaning of the amendment, particularly the extent of Congress' authority to enforce it through "the enforcement clause" of Section 2. Some argued that all the amendment did was to end the "master-slave" relationship and that consequently no more federal action was needed or warranted. Others argued that the amendment required further action by Congress to assure full and equal rights for former slaves.

Fourteenth Amendment: Section 1- Definition of Citizenship (1868)
The first sentence of Section 1 of the Fourteenth Amendment added to the Constitution in 1868 states: "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."

NOTE: For several reasons, many constitutional scholars argue that, aside from the Bill of Rights, the Fourteenth Amendment is the most used, significant, and far-reaching amendment ever added to the Constitution.

NOTE: As written at the 1787 Constitutional Convention, the Constitution said nothing about who was a citizen of the United States. In the 1857 case *Dred Scott v Sanford*, the Supreme Court declared that slaves were property and were not and could never be citizens of the U. S. The first sentence of the Fourteenth Amendment for the first time in the Constitution defines American citizenship, and, for only the second time in American history, the constitutional amendment process was used to overturn a Supreme Court decision, namely the Court's decision in *Dred Scott v Sanford*.

Fourteenth Amendment: Section 1 -- Limitations on the States – Privileges or Immunities Clause (1868)
The remainder of Section I of the Fourteenth Amendment provides three important limitations on state governments. The first of the three declares that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

NOTE: Article IV of the Constitution has an identical phrase, but it guarantees that states will treat out-of-state citizens the same way they treat their own citizens.

NOTE: This first of these three important limitations on the states speaks of "the privileges or immunities of citizens of the United States" while the other two limitations spelled out in Section 1 speak of the states being forbidden to deny "any person" due process of law or the equal protection of the laws.

NOTE: The Framers of the Fourteenth Amendment viewed the privileges or immunities clause as the most important of the three clauses placing limitations on the states. They believed that the privileges or immunities clause required the states to respect all of the rights specifically listed in the first ten amendments (the Bill of Rights). The Supreme Court in the 1873

Slaughterhouse Cases rejected that view and interpreted the clause so narrowly that, as a result, the clause was made virtually useless forever.

Fourteenth Amendment: Section 1 -- Limitations on the States – Due Process of Law Clause (1868)
The second of the three limitations imposed on the states by Section 1 provides: "nor shall any state deprive any person of life, liberty, or property, without due process of law."

NOTE: The Fifth Amendment also contains a due process of law clause. The difference is that it applies to and thus limits the government of the United States whereas this same provision in Section 1 of the Fourteenth Amendment applies to and limits the states.

NOTE: Beginning in the early decades of the twentieth century, a majority of the Supreme Court, through a process called "incorporation," began using the due process of law clause of Section 1 to make most of the individual rights of the Bill of Rights apply to and limit the states. In other words, the Court has used the due process clause to largely overturn the Supreme Court's decision in the 1833 case *Barron v Baltimore* where the Court ruled that the Bill of Rights only applied to and limited the national government, not the states. This is sometimes called "the due process revolution" or "the second Bill of Rights." For example, all of the specific rights of the Bill of Rights except for (1) the Third Amendment, (2) the grand jury clause of the Fifth Amendment, and (3) the Seventh Amendment today apply to and limit the states just as they have applied to and limited the national government since they were written.

Fourteenth Amendment: Section 1 -- Limitations on the States – Equal Protection of the Laws Clause (1868)
The third of the limitations imposed on the states by Section 1 provides: "nor shall any state deny to any person within its jurisdiction the equal protection of the laws."

NOTE: In the late nineteenth century, the Supreme Court interpreted the "equal protection of the laws clause" very narrowly. For example, the Court declared Congress' Civil Rights Act of 1875 outlawing racial discrimination in public accommodations such as hotels and restaurants unconstitutional. The Court reasoned that Congress could only prohibit discrimination by "state action," not private discrimination as was being done by private individuals who owned hotels and restaurants.

NOTE: In the same time period, the Supreme Court in the 1896 case *Plessy v Ferguson* ruled that a state law requiring racial segregation on railway cars did not violate the equal protection of the laws clause as long as "the separate facilities were equal." It was not until much later that the Court took a broader view of the equal protection of the laws clause and overruled some of the Court's own earlier decisions such as *Plessy*. In addition, in the later decades of the twentieth century, the Court also began to interpret the equal protection of the laws clause to prohibit gender discrimination as well as discrimination in other areas such as voting or the drawing of legislative districts.

Fourteenth Amendment: Sections 2-5 (1868) – Other Provisions
The meaning of Section 2 of the Fourteenth Amendment was very clear. It repealed the so-called "three-fifths compromise" of Article I, Section 2 of the original Constitution and provided for a reduction of representation in the U. S. House of Representatives for any state denying the right to vote to males over 21 years of age.

NOTE: Section 2 for the first time introduced the word "male" into the Constitution and served to anger leaders of the women's rights movement.

The meaning of Section 3 was also very clear. Anyone who had held office in the government of the U. S. or any state and had taken an oath to support the U. S. Constitution but then committed treason by supporting the Confederacy was forbidden to hold any U. S. or state office.

The meaning of Section 4 was also equally clear. Debts incurred by the Union during the Civil War would be honored, but any debt incurred by the rebellious southern states was not the responsibility of the U. S. or any state.

Section 5 of the amendment provides that "Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

NOTE: Congress has used this so-called "enforcement clause" of Section 5, for example, in adopting part of the Voting Rights Act of 1965 in which Congress forbade the states to deny the right to vote to any citizen who had completed the sixth grade in the U. S. regardless of his or her language. The Supreme Court upheld Congress' action using the enforcement clause.

Fifteenth Amendment: Denial of Right to Vote on Account of Race (1870)
Section 1 of the Fifteenth Amendment added to the Constitution in 1870 provides that "the right of citizens of the United States to vote shall not be abridged by the United States or by any state on account of race, color, or previous condition of servitude."

Section 2 provides that "the Congress shall have power to enforce this article by appropriate legislation."

NOTE: In 1869, when Congress began to consider what became the Fifteenth Amendment, a few members advocated that the amendment should extend the vote to women as well as African Americans. Another version would not only have protected the right to vote but also the right to hold office. In an effort to secure the amendment's passage, its supporters adopted the least aggressive version. Instead of granting a positive or absolute right to vote, the proposed amendment which Congress adopted was framed in terms of a prohibition on the use of race, color, or previous condition of servitude to deny the right to vote. Noticeably, the amendment does not mention gender which meant that male, former slaves could not be denied the right to vote, but women of all races could still be denied that right. Congress later used the enforcement clause of Section 2 to pass the Civil Rights Acts of 1957 and 1960 as well as the Voting Rights Act of 1965.

Sixteenth Amendment: Income Tax (1913)
The Sixteenth Amendment added to the Constitution in 1913 provides that "Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

NOTE: Article I, Section 8 of the original Constitution gave Congress the power to "lay and collect taxes," but Article I, Section 9 forbade Congress from "laying capitation, or other direct tax" unless such tax was apportioned among the states in "proportion to the Census." If an income tax was a "direct tax," it would thus be unconstitutional because it could not be apportioned among the states in proportion to their population. For that reason, before the Civil War, most revenue for the government of the U. S. was raised through tariffs (taxes on imported products.) In 1861, Congress passed the Revenue Act of 1861, the nation's first tax on personal incomes, to help pay for Civil War expenses, but that law was repealed in 1872. In 1894, Congress passed another income tax law, the Revenue Act of 1894, which placed a flat two per cent tax on incomes above $4,000. In the 1895 case *Pollock v Farmers Loan and Trust Company*, the Supreme Court declared that this was a direct tax that was not apportioned among the states in proportion to the Census and was therefore unconstitutional as a violation of Article I, Section 9. In 1907, Republican President Theodore Roosevelt gave his support to an income tax, and in 1908, the Democratic Party's platform endorsed the idea. In 1909, the Sixteenth Amendment giving Congress the power to levy and collect an income tax and altering Article I, Section 9 was proposed by Congress, and in 1913 was added to the Constitution after being ratified by three-fourths of the states.

NOTE: For only the third time in U. S. history, Congress thus used the formal amendment process to overturn a decision of the Supreme Court.

NOTE: Just a few months after adoption of the Sixteenth Amendment, Congress passed an income tax with a top rate of 7 percent for those in the highest income bracket. Replacing the tariff, the personal and corporate income tax quickly became the major source of revenue for the national government.

Seventeenth Amendment: Popular Election of U. S. Senators (1913)
Article I, Section 3 of the Constitution written at the 1787 Constitutional Convention provided that the two U. S. senators from each state would be chosen by the state legislature of each state. Adopted in 1913, the Seventeenth Amendment changed the method by which these senators are chosen. It provides that the two senators from each state will be "elected by the people thereof." The amendment thus changed part of Article I, Section 3.

NOTE: As the Constitution was originally written in 1787, the House of Representatives was the only one of the four parts of the new national government to be chosen by direct, popular vote. The Populist Party in 1892 became the first political party in the U. S. to support popular election of U. S. senators. In the so-called "Progressive Era" of American history, the reform idea caught on, and the Democrats and Republicans, the two major parties, came around to supporting the idea. The Seventeenth Amendment providing for direct, popular election of senators thus became reality in 1913.

Eighteenth Amendment: Prohibition (1919)
Section 1 of the Eighteenth Amendment added to the Constitution in 1919 provided: "After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

Section 2 provided: "The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation."

NOTE: Efforts to limit or ban alcohol consumption began in the United States long before the prohibition movement of the early years of the twentieth century. In the 1870s, women formed the Women's Christian Temperance Union and tended to dominate the temperance (abstinence from alcohol) movement until the formation of the Anti-Saloon League in 1893 which soon became the leading national organization promoting prohibition. Many women involved in the women's rights movement were also active in the temperance movement. The prohibition movement had much support in the South where between 1907 and 1915, eight states adopted prohibition laws. By 1917, fourteen more states in the West had adopted such laws. When the two houses of Congress adopted the proposed Eighteenth Amendment in 1917, most of the opponents were from urban areas of the North.

NOTE: The Eighteenth Amendment is the only successful effort to convert a social policy into a constitutional mandate. It is also the only amendment that sought to restrict the rights of the people. The Eighteenth Amendment is also the only amendment which has been repealed by a later amendment, namely the Twenty-First Amendment. Prohibition, as provided by the Eighteenth Amendment, has sometimes been called "the noble experiment."

Nineteenth Amendment: Suffrage for Women (1920)
The Nineteenth Amendment added to the Constitution in 1920 provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. Congress shall have power to enforce this article by appropriate legislation."

NOTE: At the end of the Civil War and with the adoption of the Thirteenth Amendment, women's rights advocates who had worked for slavery's abolition believed that it opened the door for also securing rights for women. Instead, their male allies focused on securing civil and political rights for male, former slaves. When the framers of the Fourteenth Amendment incorporated the word "males" in that amendment and then omitted the word "sex" from the Fifteenth Amendment, women's rights advocates were understandably upset. In 1869, Elizabeth Cady Stanton and Susan B. Anthony formed the National Women's Suffrage Association. Leaders of the women's rights movement adopted a new strategy by deciding to push for women's suffrage at the state level. Between 1890 when Wyoming was admitted to the union and was the first state to grant women suffrage and 1919 when Congress proposed the Nineteenth Amendment and sent it to the states for ratification, thirty states had granted women some form of suffrage. Thirteen of those states only permitted women to vote in presidential elections, but seventeen states permitted women to vote in all elections. Eighteen states, including all of the southern states, did not allow women to vote at all.

NOTE: World War I helped accelerate the movement for women's suffrage after women played key roles in the war effort. After having previously opposed the amendment, President Woodrow Wilson changed his position and supported it as a war measure which made it more acceptable to some members of Congress.

NOTE: The Nineteenth Amendment is often called "the Susan B. Anthony Amendment" after one of its earliest and most enthusiastic supporters.

Twentieth Amendment: Dates for End of Terms of President, Vice President, Congress, Presidential Succession (1933)

Section 1 of the Twentieth Amendment added to the Constitution in 1933 provides: "The terms of the President and Vice President shall end at noon on the 2oth day of January, and the terms of Senators and Representatives at noon on the 3rd day of January … and the terms of their successors shall then begin."

Section 2 provides: "The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day."

Section 3 deals with situations where a President-elect dies before inauguration or where the nation does not choose a President before the newly set inauguration date. It specifies that the newly elected Vice President will serve in those situations. Section 4 authorizes Congress to adopt laws to handle situations where one of the presidential or vice-presidential nominees dies before Congress can break a deadlock in the electoral college.

NOTE: The Constitution as adopted at the 1787 Constitutional Convention did not set a date for the election of the President, Vice President, U. S. Senators, or U. S. Representatives nor a date for the beginning of their terms. Early in the nation's history under this Constitution, Congress by law set these dates: the first Tuesday after the first Monday in November as the date for all national elections and the first Wednesday in March as the date when the terms of the President, Vice President, and members of both chambers of Congress would begin. As a result, although elected in November, newly elected officials did not take office until the following March, and those defeated in November correspondingly did not leave office until March. Also, Article I, Section 4 of the original Constitution provided that Congress would assemble at least once each year beginning on the first Monday in December.

NOTE: Often called the "lame duck amendment," the Twentieth Amendment shortens the time that so-called "lame duck" Presidents, Vice Presidents, and legislators (that is, those defeated in November) remain in office. While there is still a "lame duck" period between November and January, it is shorter than the previous November to March "lame duck" period.

Twenty-First Amendment: Repeal of Prohibition (1933)

Section 1 of the Twenty-First Amendment added to the Constitution in 1933 provides: "The eighteenth article of amendment to the Constitution of the United States is hereby repealed."

Section 2 provides: “The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.”

NOTE: The Twenty-First Amendment is the only amendment ever added that repeals another amendment, the Eighteenth. It is also the only amendment ever ratified by special state conventions in the states as directed by Congress when it proposed the amendment. Congress feared that rural dominated state legislatures would reject the proposed amendment. It also demonstrates how quickly public opinion can change. Although the Eighteenth Amendment had resulted in a reduction in alcohol consumption, it also stirred great resistance. Government prosecution of bootleggers manufacturing and selling liquor illegally clogged the courts, and organized crime flourished. In addition, the alcohol industry was a potential source of employment and tax revenue at a time when the nation was confronting the Great Depression. Section 2 of the amendment allowed states to continue to regulate alcohol if they chose to do so, and many states in turn allowed local governments to decide policy in this matter.

Twenty-Second Amendment: No Third Term for the President (1951)
Section 1 of the Twenty-Second Amendment added to the Constitution in 1951 limits an individual from serving as President for more than two four-year terms (eight years), or in the case of a Vice President who serves one day more than two years of another President’s term to one full four-year term (six years and one day). Correspondingly, if a Vice President serves less than two years of another President’s term, then that individual can if elected serve two full terms of his own (absolute maximum an individual can thus serve as President is ten years).

NOTE: The framers of the Constitution as adopted at the 1787 Constitutional Convention debated the question of limiting the number of four -year terms a President could serve, but decided not to impose such a limit. For most of our history, the precedent set by George Washington, the nation’s first President, not to seek a third term even though he could have done so stood. Washington’s precedent lasted until 1940 when Democrat Franklin D. Roosevelt sought and won a third term as President and then in 1944 sought and won a fourth term. Republicans, with the support of some southern Democrats unhappy with Franklin Roosevelt, began a successful movement to propose an amendment limiting how long a President may serve. The amendment did not apply to President Harry Truman, the President when the amendment was adopted. The first President limited by the 22nd Amendment was Dwight Eisenhower, the first Republican President since 1933.

Twenty-Third Amendment: Right to Vote for President/Vice President for District of Columbia (1961)
Section 1 of the Twenty-Third Amendment added to the Constitution in 1961 grants the District of Columbia, the nation’s capital, three electoral votes in the Electoral College for the purpose of choosing the President and Vice President of the United States.

NOTE: Before 1961 when the Twenty-Third amendment was added to the Constitution, residents of the nation’s capital had no vote for President and Vice President of the U. S. even though they must pay taxes and follow the laws of the U. S. As adopted at the 1787 Constitutional Convention, electoral votes in the Electoral College created to choose the President and Vice

President were apportioned to the states. The number assigned each state was determined by adding the number of a state's U. S. Senators (two per state) and the number of a state's U. S. Representatives (at least one for each state and above one determined by a state's population). The District of Columbia is not a state and hence has no senators and no representatives. (Today it does have a non-voting delegate in the House but still no senators.) The Twenty-Third Amendment assigns the District three electoral votes which is the number the smallest state has. Today the District has a total population greater than that of several states. In 1978, Congress proposed the D. C Voting Rights Amendment which would have treated the District as if it were a state and given it voting representation in both the House and the Senate, but the proposed amendment was not ratified by the required number of states and therefore failed.

Twenty-Fourth Amendment: Prohibition on Poll Tax For Voting (1964)
Section 1 of the Twenty-Fourth Amendment added to the Constitution in 1964 provides: "The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax," and Section 2 authorizes Congress to enforce this amendment by appropriate legislation.

NOTE: In the era after the Civil War, southern states used the poll tax to keep African Americans from voting, and by the 1890s, some states were using it to discourage poor whites from voting. By 1908, all of the southern states had adopted the poll tax as a requirement for voting. In some states, it was cumulative which meant that if a citizen wished to vote, that citizen not only had to pay the poll tax for voting in the coming year but also had to pay the poll tax for previous years. By 1953, six of the eleven southern states had abolished the poll tax. As the civil rights movement developed and flourished in the 1950s and 1960s, a movement to ban the poll tax as a requirement for voting gained support. In 1962, Congress proposed the Twenty-Fourth Amendment banning the poll tax as a requirement for voting in national elections, and it was ratified in 1964 by the required number of states but without approval by any of the southern states.

NOTE: The amendment only forbade the use of the poll tax as a requirement for voting in national elections. Consequently, some southern states still tried to use it as a requirement for voting in state elections. In 1966, the Supreme Court ruled that a poll tax requirement for voting in state elections violated the equal protection of the laws clause of the Fourteenth Amendment.

Twenty-Fifth Amendment: Presidential Disability, Vacancy in Vice Presidency (1967)
NOTE: Based on the language of Article II, Section 1, everyone understood that the Vice President became President on the death of the President or his resignation or removal from office. This had occurred prior to the adoption of the 25th amendment on eight occasions. Several important issues, however, were either unclear or not answered by Article II. For example: (1) Would the Vice President become Acting President if the President was unable to function?; (2) Could the President resume his office on recovering from his disability, and, if so, how?; (3) Who determines if the President is disabled if not the President himself?; (4) What happens if there is a vacancy in the vice presidency?; (5) What exactly was the Vice President's position when he took over for the President? The nation should have been aware of the silence or lack of

clarity of the original Constitution on these issues. For example, several times in our history there had been a vacancy in the vice presidency. Also President James Garfield had lingered for 80 days before he finally succumbed to an assassin's bullet. President Woodrow Wilson was a bedridden invalid for the final 18 months of his presidency. President Dwight Eisenhower had suffered a heart attack and had to leave Washington to recover. However, it was President John Kennedy's assassination in 1963 which finally persuaded many individuals that the Constitution needed to be amended to clarify or answer the issues left unanswered by Article II. The 25th Amendment was proposed by both chambers of Congress in July, 1965, and by February, 1967, three-fourths of the states had ratified it.

Section 1 of the Twenty-Fifth Amendment makes it clear that when the President is removed from office, dies, or resigns, the Vice President becomes President.

Section 2 provides that if there is a vacancy in the office of Vice President, the President appoints a new Vice President with approval by a majority vote of both houses of Congress.

Section 3 addresses those situations where the President knows ahead of time that he is going to be disabled. When the President communicates in writing to the President Pro Tem of the Senate and the Speaker of the House that he is going to be disabled, the Vice President becomes Acting President until the President communicates in writing to the same two officials that he has recovered.

Section 4 addresses those situations where the President is unable to communicate his disability or there is disagreement about his disability. The Vice President becomes Acting President if the Vice President and a majority of the Cabinet … communicate in writing to the President Pro Tem of the Senate and the Speaker of the House their decision that the President is unable to perform his duties.

When the President communicates in writing to the same two officials that he has recovered, the President resumes his office unless the Vice President and a majority of the Cabinet … communicate in writing to the same two officials in four days their judgment that the President is still disabled.

When this disagreement occurs, if Congress is not in session, it must assemble in 48 hours to decide the dispute.

Congress has 21 days to resolve the dispute. A two-thirds vote in each house is required for the Vice President to win the dispute and remain Acting President. Anything less, and the President resumes his office.

NOTE: Not very many years after the amendment was added to the Constitution, part of the amendment was used not once but twice. In 1973, Vice President Spiro Agnew was forced to resign as Vice President, and President Richard Nixon appointed long-time U. S. Representative Gerald Ford with easy approval by both houses of Congress to be the new Vice President. In 1974, when President Nixon became the first President in history to be forced to resign the

presidency rather than be impeached, Vice President Ford became President Ford and then appointed Nelson Rockefeller to succeed himself as Vice President.

Twenty-Sixth Amendment: Lowering Voting Age to 18 (1971)
Section 1 of the Twenty-Sixth Amendment added to the Constitution in 1971 provides: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age. Section 2 gives Congress power to enforce the amendment by appropriate legislation.

NOTE: Since the founding of the United States, in a carryover from colonial and English precedents, states had been consistent in setting the voting age at 21. The U. S. Constitution adopted at the 1787 Constitutional Convention made little mention of the right to vote and did not grant the right to anyone. During or after every major war in the nation's history, there had been an effort to lower the voting age based on the argument that anyone old enough to fight and perhaps die for the country was old enough to participate in voting for those who made the decision to go to war. For a long time, the movement made little or no progress in the face of the prevailing notion that 21 was the age of maturity. During and after World War II, several states considered lowering their voting age, but Georgia was the only state which did so. In the 1950s and 1960s, several groups pushed the states to lower their voting age, but only Kentucky, Alaska, and Hawaii did so. The Vietnam War apparently changed the situation. Congress in the Voting Rights Act of 1965 lowered the voting age in all elections to 18. When that provision in the Voting Rights Act was challenged, the Supreme Court in 1970 ruled that Congress could do this for voting in national elections but not state elections. The result was that in national elections the voting age in all states was 18, but in most states, the voting age in state elections was still 21. Congress moved quickly and proposed the 26th Amendment.

NOTE: A constitutional amendment has never been proposed and ratified as quickly as the 26th Amendment. This is also the fourth, and thus far last, amendment added to overturn a Supreme Court decision.

Twenty-Seventh Amendment: Congressional Pay Raises (1992)
Added to the Constitution in 1992, the Twenty-Seventh Amendment provides: "No law varying the compensation for the services of the Senators or Representatives, shall take effect, until an election of Representatives shall have intervened."

NOTE: The amendment means that if Congress votes itself a pay raise, and it can, it must wait two years before members can begin collecting that raise, meanwhile all members of the House and one-third of the Senate will have to face the voters

NOTE: In 1789, Representative James Madison, as he had promised in the debate over ratification of the new Constitution, introduced in the House of Representatives several proposed amendments to the Constitution. The House and the Senate adopted twelve of Madison's proposed amendments and sent them to the states for ratification. Article V of the Constitution sets no time limit within which the states must act. Congress can do so, but did not do so when it proposed these twelve amendments. In 1791, three-fourths of the states at that time ratified ten of Madison's proposed amendments. Two of Madison's proposed amendment were not

ratified by three-fourths of the states and thus failed of ratification. For most Americans, these two were long forgotten. One of these two concerned the size of the House of Representatives, is still forgotten, and in the judgment of most scholars will never be adopted. The other long forgotten proposed amendment concerned the salary of members of the two chambers of Congress which Congress by law sets for itself. Through the years states had continued to ratify the proposed amendment. In the late 1970s and 1980s Congress had given itself several pay raises which stirred opposition, and a movement to ratify Madison's long forgotten amendment began. In May, 1992, the state legislature of the state of Michigan became the last state needed to achieve the three-fourths majority needed.

Principles of the Constitution

Checks and Balances

The Framers of the U. S. Constitution created a government with three separate and independent branches, each with distinct powers, different constituencies, chose in different ways, and with competing interests. If one branch attempts to act outside its constitutional bounds, one or more of the other branches can stop, or check, that overreach of power. Some examples of the checks and balances are: the President's veto power over bills passed by the two chambers of Congress; Congress' ability to override a President's veto by a two-thirds vote of both chambers; the requirement that the Senate by a two-thirds vote must ratify treaties negotiated by the President; the Supreme Court's power to declare acts of the president or acts of Congress unconstitutional; Congress' control of the nation's treasury and thus money the other two branches need to operate; and the Senate's approval of judicial appointments made by the President. These checks and balances provide some of the "auxiliary precautions" against the abuse of power that James Madison spoke of in Federalist No. 51. In framing a government based on separation of powers along with checks and balances, the framers of U.S. government were influenced by the thinking of the French philosopher Baron de Montesquieu and his The Spirit of the Laws.

Separation of Powers

Influenced by the writings of the French philosopher Baron de Montesquieu, the English philosopher John Locke, and other political theorists, the Framers of the U. S. Constitution created a system of government with power divided among three distinct branches. Montesquieu argued that if there was concern about anyone having too much power, the answer was simple. Because government, he noted, has three major functions -- making law, enforcing or executing law, and interpreting law and settling disputes – the way to prevent anyone from having too much power was to create three separate branches and assign each branch one of the three functions. The Framers believed this type of governmental system would best protect the liberty of the people.

The U. S. Constitution outlines the powers of the legislative (or lawmaking) branch in Article I, the powers of the executive (law enforcement or law execution) branch in Article II, and the powers of the judicial (law interpretation and settlement of disputes) branch in Article III.

Federalism
Federalism is a system of government with dual sovereignty. The U. S. Constitution divides power between the national and state governments. This is what James Madison called a "double security." The Constitution specifically lists the powers of the legislative branch of the national government in Article I, the powers of the executive branch in Article II, and the powers of the judicial branch in Article III. The Tenth Amendment reserves to the states or the people powers not denied to the states and not delegated to the national government.

As the Framers anticipated, the power struggles that have sometimes occurred between the national and state governments have also served as part of the system of checks and balances designed to prevent abuse of power and protect individual rights.

A federal system of government such as that found in the U. S. and a few other nations can be compared to a unitary system of government that Great Britain and most nations of the world have. In a unitary system all power is in the central government, and local governments have only those powers granted them by the central government. A federal system is also very different from what the U. S. had under its first national constitution, the Articles of Confederation, where all the power was lodged in the state governments. A federal system is thus a compromise between a confederation system and a unitary system.

Popular Sovereignty
Influenced by philosophers such as Thomas Hobbes, John Locke, and Jean Jacques Rousseau, the framers of the U. S. Constitution believed in the doctrine of popular sovereignty which asserts that the people are the source of government power. Actions of government and the laws it makes should represent the will of the people. Thomas Jefferson articulated this doctrine in the Declaration of Independence when he wrote "…to secure these [inalienable] rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

In Federalist No. 22, Alexander Hamilton wrote: "The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow from that pure, original fountain of all legitimate authority." Of course, the clearest endorsement of the fundamental importance of the doctrine of popular sovereignty in the American Constitution is the opening words of the Constitution's Preamble "We the people of the United States … do ordain and establish this Constitution of the United States."

Limited Government
Another fundamental principle of the American system of government is limited government which means government is not all powerful. The ultimate power is in the hands of the people as the words of the Preamble of the U.S. Constitution indicate. The U. S. Constitution as written at the constitutional convention in 1787 placed several limits on the power of either the national government or the state governments or both. For example, Article I, Section 9 lists several limitations on the power of the national government, and Article I, Section 10 lists certain limitations on the powers of the states.

Amendments added to the Constitution over time have also placed important limitations on government. The Bill of Rights originally placed certain very basic limitations on the national government only. However, using the due process of law clause of the Fourteenth Amendment, the Supreme Court through a doctrine called “incorporation” has made most of those limitations of the Bill of Rights also apply to and limit the power of the state governments. In addition, Section 1 of the Fourteenth Amendment placed three major limitations on the power of state governments. The Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments limit the power of both national and state governments as far as the right to vote is concerned.

Individual Rights (Majority Rule versus Minority Rights)
The Framers of the U. S. Constitution and the American system of government believed in the natural rights theory which holds that the rights of the people do not come from government but rather come from nature or from God. Here the Framers were greatly influenced by some of the great “natural rights” philosophers such as the Englishman John Locke. The majority of the people accordingly are limited in their ability to vote away or otherwise abridge or restrict the natural rights of political, ethnic, or religious minorities.

The Framers had great respect for the will of the majority, but also understood, as James Madison wrote in Federalist No. 10, that “the great danger in republics is that the majority will not respect the rights of minority.” President Thomas Jefferson proclaimed in his First Inaugural Address: “All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.” An early example of legislation designed to protect religious minorities was the Virginia Statute For Religious Freedom, and a modern example of legislation intended to protect the political and civil rights of women and ethnic minorities was the Civil rights Act of 1964.

An independent judiciary composed of judges who are appointed and serve for life is an important way to help ensure justice and the protection of minorities. Throughout American history, what minorities cannot accomplish by action of the elected branches of government, they can often accomplish through the judiciary. A prime example of this is the U. S. Supreme Court’s ending racial segregation in the nation’s public schools by the Court’s decision in *Brown v Board of Education*. At the same time, ordinary citizens can help insure minority rights by believing in and practicing such civic values as toleration and respect in their daily lives.

Republicanism
Their study of the Ancient Republics and great philosophers such as Aristotle, Locke, Hobbes, Rousseau, and others led the framers of the U. S. Constitution to their belief that republican government, also called representative government, mixed government, or indirect democracy, was most conducive to a good way of life. The people are the source of government power. Since they are too numerous to govern themselves directly, they elect representatives who make and enforce laws to serve the peoples’ interests and the common good. James Madison, the so-called Father of the U. S. Constitution, explained: “We may define a republic to be…a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior.”

Further evidence of the Framers' belief in the value of republican government is that portion of Article IV of the Constitution which provides that the national government will guarantee each state a republican form of government.

Nullification
The doctrine of nullification refers to the claimed power of a state to refuse to enforce a national government law the state deems unconstitutional.

In the Kentucky Resolution, Thomas Jefferson argued that when the national government passes a law a state considers unconstitutional, the rightful response is for a state to nullify, or refuse to enforce it. Jefferson argued that "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 sovereignties, of all unauthorized … is the rightful remedy."

In the period before the American Civil War, the foremost champion of the doctrine of nullification was John C. Calhoun of South Carolina who was met with strong opposition to his advocacy of nullification by President Andrew Jackson. The debate over a state's ability to nullify a national law was ultimately resolved by the Union victory in the Civil War.

Delegated, Implied, Denied, Concurrent, and Reserved Powers
The American system of government provided by the U. S. Constitution provides for a variety of different types of powers. Some powers of the national government are delegated or enumerated in the Constitution. The Supreme Court has ruled that the national government also has what are called "implied powers." These are powers which are not specifically listed in the Constitution but can be traced to certain key parts of the document such as the "necessary and proper clause" of Article I, Section 8, the "Commander in Chief" clause of Article II, Section 2, and the "take care that the laws be faithfully executed" clause of Article II, Section 3. Powers denied the national government are listed in Article I, Section 9. Powers denied state governments are listed in Article I, Section 10. Several amendments to the Constitution also deny power to both the national and state governments. Concurrent or shared powers are those which are held by both the national and the state governments. A good example of a concurrent power is the power to tax. Reserved powers are those of the states or the people as indicated by the Tenth Amendment which provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

CIVIC VALUES AND SKILLS

Compromise
Compromise means looking for solutions to problems that allow all to benefit, even if it requires setting aside one's own personal interests. Citizens compromise in politics by looking for solutions that satisfy the concerns of many different groups and by practicing moderation. Citizens compromise in personal relationships by collaborating with others to achieve common goals.

President Dwight D. Eisenhower once said, "People talk about the middle of the road as though it were unacceptable. Actually, all human problems, excepting morals, come into the gray areas. Things are not all black and white. There have to be compromises."

Compromise in politics allows progress in dealing with problems whereas without compromise progress might end and beneficial outcomes might not be extended to all individuals or groups. The Founders compromised, for example, in the battle over ratification of the new U. S. Constitution written at the constitutional convention at Philadelphia in 1787. James Madison promised the Anti-Federalists that a bill of rights would be added to the Constitution after ratification, even though at first he personally did not favor doing this.

On the other hand, compromising one's values is not always a virtue. Refusing to compromise can be a sign of integrity. For example, some Anti-Federalists such as George Mason refused to sign the new U. S. Constitution because they believed it did not adequately protect rights. Another example is John Dickinson who did not believe declaring independence from England to be the best course of action and thus left Philadelphia rather than sign the Declaration of Independence.

Some examples of significant compromises in early American history in this Study Guide are the Connecticut Compromise, the Missouri Compromise, and the Compromise of 1850.

Consideration
Consideration means being thoughtful, courteous, having good manners, and showing respect for different ideas even if one does not agree with them. Citizens show consideration for others by not saying hurtful things, by being quiet when others are talking, showing good sportsmanship, offering senior citizens seats on public transportation, and respecting others' words, actions, ideas, values and backgrounds.

The Founders knew that consideration of new ideas was beneficial to individuals and society. Benjamin Franklin, for example, said, "I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions…" Thomas Paine observed, "New opinions are always suspected, and usually opposed, without any other reason but because they are not already common."

In a society that guarantees free speech, individuals and institutions must be considerate. Government cannot simply ban words or ideas that it does not agree with. Citizens have a responsibility to give consideration to others' points of view. Similarly, people exercising their First Amendment rights to free speech, press, and assembly, have a responsibility to do so in ways that are within the law and considerate of others' rights.

Courage
Courage means taking action in spite of feeling afraid and being strong in the face of danger. Individuals exhibiting courage can bring about political change and ensure justice.

Citizens exhibit courage when they engage in political speech, serve in the military, and stand up for their rights and the rights of others.

President Andrew Jackson said, "One man with courage makes a majority." In his "Duty Honor, Country" Address, General Douglas MacArthur described the temperament of the American soldier as a "predominance of courage over timidity."

The Founders displayed courage by issuing the Declaration of Independence, fighting the Revolutionary War, and framing a republican government in the new U. S. Constitution.

Equality
Various individuals and documents in American history have asserted that all persons are created equal and have the same natural rights. For example, the Declaration of Independence declared that "all men are created equal" and are endowed by their Creator with certain unalienable rights including life, liberty, and the pursuit of happiness.

Abraham Lincoln echoed the Declaration of Independence in the *Gettysburg Address* when he declared that America is "dedicated to the proposition that all men are created equal." Alice Paul said of the women's suffrage movement, "I never doubted that equal rights was the right direction. Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality." Martin Luther King, Jr. expressed his hope for a society more dedicated to equality in his "I Have a Dream" speech.

Industry
Industry means working hard with resources that are available, as well as finding or creating the resources one needs. Individuals are industrious when they work hard on whatever they choose to do or are required to do in life.

The Founders saw industry and property rights as critical to the happiness of society. Thomas Jefferson remarked that good government will "leave men free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned…" James Wilson asserted that "private industry…is the basis of public happiness." James Madison agreed, holding that protecting "property as well as personal rights is an essential object of the laws, which encourage industry by securing the enjoyment of its fruits…"

Article I, Section 8 of the Constitution gives Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The Fifth Amendment requires the government to pay citizens just compensation when private property is taken for public use. These constitutional provisions demonstrate the Founders' views about industry.

Initiative
Initiative means acting independently and energetically, especially when taking the first steps toward a goal. A society dedicated to self-government requires that individuals take the initiative to ensure the happiness of society. Citizens have many opportunities to show initiative. For example, they do so by completing their home, school, or career responsibilities without being reminded, by starting their own businesses, by joining a political party, or by lobbying for new laws.

Thomas Paine celebrated the initiative of the Founders when he wrote in *Common Sense*, "We have it in our power to begin the world over again." Frederick Douglass remarked that his own initiative made the difference in gaining his freedom, "I prayed for twenty years but received no answer until I prayed with my legs." Several amendments to the Constitution, including the Fifteenth and Nineteenth, were drafted and eventually adopted as a result of the initiative of certain individuals and groups.

Integrity
Citizens exhibit integrity by being true to their word and following through on their promises. Refusing to compromise one's values can also be a sign of integrity.

President Dwight D. Eisenhower asserted, "The supreme quality of leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office.

Justice
Justice includes concepts such as the fair, equal, and reasonable treatment of individuals by the government, the fair enforcement of laws, and appropriate punishment for crimes.

Many individuals and documents in the Founding era of the United States were especially concerned with justice. William Penn explained that "Impartiality is the life of justice." The Declaration of Independence charged the King with being "deaf to the voice of justice." The Preamble declares that a purpose of the Constitution is to establish justice. The Fourth, Fifth, Sixth, Seventh and Eighth Amendments to the U. S. Constitution pertain to the administration of justice. The Thirteenth Amendment banned slavery and involuntary servitude, and the Fourteenth Amendment's Equal Protection Clause was adopted to ensure the equal legal treatment of all Americans.

Moderation
Moderation was a value especially prized in Ancient Republics such as Rome. It means to be mild and measured in actions and thoughts and to avoid extremes or excesses. Citizens practice

moderation by avoiding too much of anything: food, drink, work, play, sleep, emotions, etc. When individuals or groups disagree, violent conflicts can be avoided by practicing moderation.

The Founders were committed to moderation as a value that would support public happiness. Thomas Paine said "Moderation in temper is always a virtue, but moderation in principle is always a vice." In his Autobiography, Benjamin Franklin advocated moderation when he advised avoiding extremes. In his Farewell Address, President George Washington urged moderation when dealing with foreign entanglements.

The U. S. Constitution's checks and balances system is designed to encourage moderation in government. Also, the Constitution's Eighth Amendment ban on cruel and unusual punishments displays the value of moderation.

Perseverance
Perseverance means sticking to one's goals and continuing to pursue them in the face of opposition or discouragement. Citizens persevere by continuing to pursue their goals even when facing obstacles.

President John Quincy Adams explained that with "courage and perseverance,…difficulties disappear and obstacles vanish into air." A little known American entrepreneur once said, "I do not think there is any other quality so essential to success of any kind as the quality of perseverance. It overcomes almost everything, even nature."

The American Founders persevered in expressing their grievances to the British Crown. They also persevered in their goal of establishing a republican form of government when they framed a new U. S. Constitution after the Articles of Confederation proved inadequate. The Anti-Federalist opponents of the new U. S. Constitution successfully persevered in their demands for a bill of rights. Many citizens have persevered through years of court struggles to secure their rights.

Philanthropy
Philanthropy is the act of private charitable giving: donating money, time, or resources to beneficial purposes. The word comes from the Greek and means "to love people."

Individuals act philanthropically by donating money and resources to charities they believe are beneficial as well as by volunteering their time.

The Founders believed philanthropy was important. For example, Thomas Jefferson said, "We are all doubtless bound to contribute a certain portion of our income to the support of charitable and other useful public institutions."

Responsibilities of Citizenship
The responsibilities of citizenship include both private and public responsibilities. Each citizen is responsible for taking care of oneself and one's family and for showing consideration for the welfare of others. These responsibilities are facilitated through the practice of private civic values

such as courage, initiative, industry, justice, integrity, moderation, perseverance, and respect that help ensure the happiness of society as a whole.
Involvement with local governments and other local institutions provide opportunities for individuals to act responsibly in their communities. In a republic based on popular sovereignty, citizens have the responsibility to stay informed about and engaged with government. They are responsible for knowing how government operates and what government is doing. Citizens also have the responsibility to know the law, pay taxes, and understand such constitutional principles as federalism, limited government, individual rights, and majority rule versus minority rights.

Voting, which Samuel Adams called “one of the most solemn trusts in human society,” is another important responsibility of citizens. Citizens should also be aware of other ways by which they can act responsibly: circulating and signing petitions, volunteering, speaking and writing for or against the passage of laws, working on political campaigns, serving on juries, serving in the military, or serving in government.

Systems of Government
Among nations of the world, a variety of systems of government can be found. Under the Articles of Confederation (the United States’ first national constitution), the U. S. had what is called a confederation system of government. In such a system, all power is in the smaller units of government (states or whatever they may be called). The national government has only those powers or duties given it by these smaller units of government. No nation in the world today has such a system of government. The closest thing to a confederation system today is the United Nations or perhaps the European Union. Great Britain and most nations of the world today have what is called a unitary system of government. Here the power is in the hands of the national government, and the smaller units of government (whatever they may be called) have only those powers or duties which the national government gives them. The United States and a few other nations of the world such as Canada and Mexico have what is called a federal system of government where power is divided between a national government and a series of smaller units of government called states (or provinces). Some things only the national government can do, and some things only the smaller units of government can do. For the framers of the 1787 U. S. Constitution, a federal system was a compromise between a confederation system and a unitary system.

Another important governmental difference among nations of the world today is between a parliamentary system such as that found in Great Britain and the largest number of nations and a so-called presidential system such as that found in the United States. In a parliamentary system, power is centered in the legislative branch of government. For example, in Great Britain power is in the hands of Parliament, more specifically the House of Commons. The Prime Minister (the British equivalent of the U. S. President) is a member of, is chosen by and can be removed at any time by a majority vote of the House of Commons. The Prime Minister is Head of Government, but a different person, namely the monarch, is Head of State. In a parliamentary system, there is in reality no such thing as separation of powers. In a presidential system, on the other hand, such as that found in the United States, separation of powers is a fundamental principle. The President is independent of and separate from the legislative branch. The President cannot at the same time be a member of the legislative branch, is not chosen by, and can only be removed for “high crimes and misdemeanors” by the legislative branch through a

constitutionally provided impeachment process. The President serves as both Head of State and Head of Government in the presidential system.

The Importance of an Independent Judiciary

In the Federalist No. 78, Alexander Hamilton wrote, “The complete independence of the courts of justice is peculiarly essential in a limited Constitution.” The U. S. Constitution provides for a judiciary which is independent in two ways – independent from the other two branches of government and independent from the majority of the electorate. Influenced by the French philosopher Baron de Montesquieu and his 1748 work *The Spirit of the Laws*, the framers of the new U. S. Constitution were careful to provide an independent judicial branch to interpret the law and settle disputes. The American system of checks and balances provides for judges (justices) to be nominated by the President and approved by the Senate. Once appointed and approved by the Senate, these judges (justices) serve for life (“on good behavior”). This system of checks and balances was designed to prevent abuses of power—not only by government but also by a majority of the people.

The framers saw the danger of the tyranny of the majority as a potential threat to the rights of the minority. Thomas Jefferson said, “a democracy is nothing more than mob rule, where 51% of the people may take away the rights of the other 49%.” James Madison said, “The danger in republics is that the majority may not sufficiently respect the rights of the minority.”

The natural rights theory of the Declaration of Independence holds that rights come from the Creator and are not created or “granted” by majority vote. Because judges at the national level in the U. S. hold their office for life (“on good behavior”), they do not have to fear being removed from office for unpopular decisions. As Alexander Hamilton explained, appointed judges who serve for life are more likely “to secure a steady, upright, and impartial administration of the laws…”