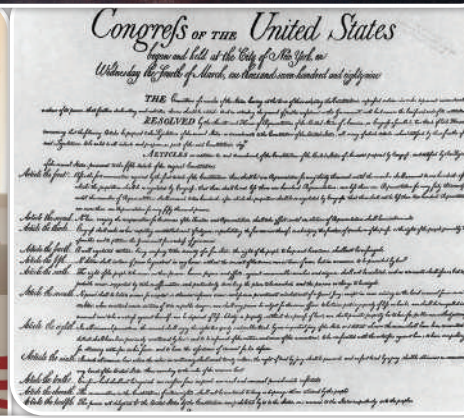


Foundations of Freedom DBQ Workbook

Student Edition



Foundations of Freedom

DBQ Workbook



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About Primary Sources

WHAT IS A PRIMARY SOURCE?

According to the Library of Congress, primary sources are the raw materials of history—original documents and objects that were created at the time under study. A primary source is a firsthand account of a historic event. Primary sources include letters, diaries, photographs, artifacts, interviews, and sound or video recordings. For example, letters written by James Madison concerning the ideas within the United States Constitution and oral traditions of the Chitimacha Tribe of Louisiana are both examples of primary sources, as are political cartoons and campaign posters.

Primary sources are different from secondary sources in that secondary sources are removed from the events of the past. Secondary sources often analyze, retell, or interpret historic events or people. Secondary sources are created by individuals who did not directly witness or experience the events they are discussing. These individuals rely on primary sources, such as historical documents, firsthand accounts, or scientific data, to inform their analysis. Secondary sources can include textbooks, journal and newspaper articles, books about historical topics, encyclopedias, and biographies.

WHY STUDY PRIMARY SOURCES?

Primary sources are a window to the past. They help us understand a time period or event because they were created by people who lived during it. They show or tell us what people thought, what they knew, how they felt, and how they lived.

HOW TO ANALYZE A PRIMARY SOURCE

A deeper understanding of a primary source and the historical event or time period from which it originates can be reached through a systematic examination of the source.

Describe the Source

When examining a primary source, start by describing it. One way to do this is to ask the following questions:

1. What type of primary source is this?
2. Who created this source? What do you know about them?
3. When and where was the source created?
4. What is the main idea expressed in the source?
5. What stands out to you about the source?
6. What seems to be missing from the source, if anything?

Connect the Source

Next, put the primary source in context. This means connecting it to the historical, social, and cultural environment in which it was created. This can be done by asking the following questions:

1. How does this source reflect the time and place in which it was created?
2. What historical events or situations might have influenced the creation of this source?
3. Who was the intended audience for this source?
4. How might other audiences interpret this source differently?
5. What themes or ideas in this source resonate with other historical events, themes, or figures?
6. What other primary or secondary sources can you connect with this source?

Understand the Source

Continue by understanding the primary source. This means comprehending and interpreting the primary source to gain insight into the time period or event being studied. This often includes summarizing or paraphrasing the content of the primary source. Then ask the following questions:

1. What was the creator's purpose in creating this source?
2. What biases, attitudes, or emotions does the source convey?
3. How do the creator and context of the source affect its reliability?
4. What questions does this source raise about its creator or historical context?

Draw a Conclusion from or About the Source

Finally, draw a conclusion from or about the primary source. Use the information you have gathered to arrive at a conclusion about the primary source's meaning or significance. Asking questions such as these helps create an informed understanding of the past:

1. What does this primary source reveal about its creator?
2. What does this primary source reveal about the time period or event being studied?
3. Why is this primary source important?
4. What do you still want to know?

from The Haudenosaunee Great Law of Peace

Background: The Haudenosaunee Confederacy (often known in English as the Iroquois) is a group of nations that are indigenous to eastern North America. The Great Law of Peace, originally passed down orally and later depicted on beaded belts called *wampum*, is the ancient constitution of the Haudenosaunee. It has sometimes been regarded as an influence on the Constitution of the United States.

The Mohawk, Seneca, Oneida, Cayuga, and Onondaga mentioned in the excerpt are the original Five Nations that formed the Confederacy; the Tuscarora joined later.

9. All the business of the Five Nations Confederate Council shall be conducted by the two combined bodies of Confederate Lords. First the question shall be passed upon by the Mohawk and Seneca Lords, then it shall be discussed and passed by the Oneida and Cayuga Lords. Their decisions shall then be referred to the Onondaga Lords, (Fire Keepers) for final judgement.

The same process shall obtain when a question is brought before the council by an individual or a War Chief.

10. In all cases the procedure must be as follows: when the Mohawk and Seneca Lords have unanimously agreed upon a question, they shall report their decision to the Cayuga and Oneida Lords who shall deliberate upon the question and report a unanimous decision to the Mohawk Lords. The Mohawk Lords will then report the standing of the case to the Fire Keepers, who shall render a decision as they see fit in case of a disagreement by the two bodies, or confirm the decisions of the two bodies if they are identical. The Fire Keepers shall then report their decision to the Mohawk Lords who shall announce it to the open council.

11. If through any misunderstanding or obstinacy on the part of the Fire Keepers, they render a decision at variance with that of the Two Sides, the Two Sides shall reconsider the matter and if their decisions are jointly the same as before they shall report to the Fire Keepers who are then compelled to confirm their joint decision.

Source: Adapted from “The Constitution of the Iroquois Nations: The Great Binding Law, Gayanashagowa.” Prepared by Gerald Murphy. Cybercasting Services Division, National Public Telecomputing Network (NPTN). <http://www.vlib.us/amdocs/texts/iroquois-const.html>.

Name _____

Date _____

***from* The Haudenosaunee Great Law of Peace**

How does the decision-making process described in this excerpt illustrate the nature of a confederacy?

How do the nations of the Haudenosaunee Confederacy make decisions that affect the confederacy as a whole?

What are the “Two Sides” to which the law refers?

What feature of the U.S. government do the Two Sides resemble, and how?

What part or parts of the U.S. government do the Fire Keepers resemble, and how?

from *The Republic*

Background: Greek philosopher Plato argued that a stable and prosperous society needed a class hierarchy in which some people ruled, others formed the military, and still others took part in agriculture or the trades. Here, he lays out the myth (the “magnificent lie”) by which he wishes to justify the differences in social class to people of all ranks.

In the legend of Cadmus, to which Plato refers in this excerpt from around 375 BCE, an ancient ruler created an army by sowing dragons’ teeth in the ground like seeds.

And now for one magnificent lie, in the belief of which, Oh that we could train our rulers!—at any rate let us make the attempt with the rest of the world. What I am going to tell is only another version of the legend of Cadmus; but our unbelieving generation will be slow to accept such a story. The tale must be imparted [told], first to the rulers, then to the soldiers, lastly to the people. We will inform them that their youth was a dream, and that during the time when they seemed to be undergoing their education they were really being fashioned in the earth, who sent them up when they were ready; and that they must protect and cherish her whose children they are, and regard each other as brothers and sisters. . . . There is more. . . . These brothers and sisters have different natures, and some of them God framed to rule, whom he fashioned of gold; others he made of silver, to be auxiliaries [helpers, supporters]; others again to be husbandmen [farmers] and craftsmen, and these were formed by him of brass and iron. But as they are all sprung from a common stock, a golden parent may have a silver son, or a silver parent a golden son, and then there must be a change of rank; the son of the rich must descend, and the child of the artisan rise, in the social scale; for an oracle [prophet or fortune teller] says “that the State will come to an end if governed by a man of brass or iron.”

Source: Plato. *The Republic*. Translated by Benjamin Jowett. 3rd ed. Oxford: Clarendon Press, 1888, p. 415.

Name _____

Date _____

from *The Republic*

What does it mean in Plato's myth to be made of "gold," "silver," or "brass and iron"?

Based on this passage, does Plato favor a hereditary monarchy? Why or why not?

What does Plato propose to do when a ruler's child is not suited for leadership or when a common person's child shows a talent for leadership?

Why might Plato use such a strange and fanciful story to explain a social structure?

[illegible]

John Locke and Patrick Henry on the Duty to Rebel

Background: John Locke's *Second Treatise of Government* expresses an idea later known as the social contract: People give up certain freedoms to gain certain protections. He argues that when a government violates people's rights instead of protecting them, the people are free to disobey.

When Patrick Henry spoke to the Virginia House of Burgesses in 1775, nearly ninety years after Locke published his *Second Treatise*, he urged his listeners to rebel against British rule. He argued that they had a moral—even a religious—duty to fight for their freedom.

Excerpt from *Second Treatise of Government*, John Locke, 1689 CE

The law of nature says that all people are equal and independent, and no one should harm another's life, health, liberty, or property.

In order for people to live together safely, comfortably, and peacefully, men join together to form a community. In this way, they protect their lives and their property. In forming this community, they are making a government, in which the majority makes the decisions for the group. Because men enter society to protect their natural rights, when the government tries to take away or destroy the people's life, liberty, or property, the government puts itself in a state of war with the people. When this happens, the people no longer need to obey the government.

Source: Adapted from Locke, John. *Two Treatises of Government*. London: C. Baldwin, 1824, pp. 133, 186, 261.

Excerpt from “Give Me Liberty or Give Me Death,” Patrick Henry, 1775 CE

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election [choice]. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission. . . . The war is inevitable—and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter [make it seem less serious]. Gentlemen may cry, Peace, Peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains . . . ? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Source: Henry, Patrick. “Give Me Liberty” speech. In *The True Patrick Henry*, by George Morgan. Philadelphia: J. B. Lippincott, 1907, pp. 189–191.

Name _____

Date _____

John Locke and Patrick Henry on the Duty to Rebel

According to John Locke, what is the law of nature, and why do individuals form governments?

How does Locke define the state of war, and under what circumstances do people have the right to disobey the government?

What argument does Patrick Henry acknowledge against rebelling, and how does he refute it?

How are the arguments in Henry’s speech similar to the arguments put forth by Locke, and how do they differ?

For Locke, the “state of war” is a result of the government’s failure to respect the rights of the people. Yet Patrick Henry exclaims, “The war is inevitable—and let it come!” How can these two statements be reconciled?

from “Sinners in the Hands of an Angry God”

Background: This sermon, delivered in 1741 by Jonathan Edwards, is a classic work of Great Awakening preaching. Edwards’s vivid and fiery imagery stressed his listeners’ dependence on the will of God and aimed to convert them by emotional appeals.

The Use may be of Awakening to unconverted Persons in this Congregation. This that you have heard is the Case of every one of you that are out of Christ. That World of Misery, that Lake of burning Brimstone [sulfur] is extended abroad under you. There is the dreadful Pit of the glowing Flames of the Wrath of God; there is Hell’s wide gaping Mouth open; and you have nothing to stand upon, not any Thing to take hold of: there is nothing between you and Hell but the Air; ’tis only the Power and meer [mere] Pleasure of God that holds you up.

You probably are not sensible [aware] of this; you find you are kept out of Hell, but don’t see the Hand of God in it, but look at other Things, as the good State of your bodily Constitution, your Care of your own Life, and the Means you use for your own Preservation. But indeed these Things are nothing; if God should withdraw his Hand, they would avail no more to keep you from falling, than the thin Air to hold up a Person that is suspended in it.

Source: Edwards, Jonathan. *Sinners in the Hands of an Angry God*. Boston: S. Kneeland and T. Green, 1741. p. 12.

Name _____

Date _____

***from* “Sinners in the Hands of an Angry God”**

What was Edwards’s goal in writing and delivering this sermon?

What does Edwards likely mean when he refers to people who are “out of Christ”?

The Great Awakening is often described as a move away from “academic” theology toward a more emotional style of preaching and writing. How does this excerpt illustrate this trend?

Why does Edwards say that people do not realize the danger of hell?

How does Edwards’s sermon exemplify the principle of equality that was widely preached during the Great Awakening?

from “Thoughts on Government”

Background: In this essay, written in the spring of 1776, John Adams outlines his philosophy on government. The individuals that Adams mentions at the beginning of this excerpt are famous British thinkers who supported—or at least could be cited to support—a republican form of government. Adams saw them as advocating rule by the people instead of by a monarch. The two best known today are the poet and essayist John Milton (1608–74) and the philosopher John Locke (1632–1704).

When Adams refers to “the wretched condition of this country,” he means the oppression of the colonies by the British government. The United States as a separate nation would come into being later that year with the Second Continental Congress.

A MAN must be indifferent to the sneers of modern Englishmen to mention in their company the names of Sidney, Harrington, Locke, Milton, Nedham, Neville, Burnet, and Hoadley. No small fortitude [courage] is necessary to confess that one has read them. The wretched condition of this country, however, for ten or fifteen years past, has frequently reminded me of their principles and reasonings. They will convince any candid mind, that there is no good government but what is Republican. That the only valuable part of the British Constitution is so; because the very definition of a Republic, is “an Empire of Laws, and not of men.” That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics.

Source: “III. Thoughts on Government, April 1776,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Adams/06-04-02-0026-0004>. [Original source: *The Adams Papers, Papers of John Adams*, vol. 4, February–August 1776, ed. Robert J. Taylor. Cambridge, MA: Harvard University Press, 1979, pp. 86–93.]

Name _____

Date _____

***from* “Thoughts on Government”**

Based on the source, how does Adams define a republic?

What is the meaning of the word *empire* in the phrase “an Empire of Laws,” as contrasted with “[an empire of] men”?

How does Adams describe the best form of government in the passage?

In your opinion, why does Adams believe that there is no good government except a republican form of government?

Think back to the Brutus essay in the Student Volume. How do Adams's views differ from those of the Anti-Federalists who wrote that essay?

from The Articles of Confederation

Background: The Articles of Confederation, in which the name “United States of America” was first formally used, took more than a year to draft between 1776 and 1777. It would be another three and a half years before the plan for government was ratified by all thirteen states in 1781. This “first constitution” consisted of thirteen articles of varying lengths, some of which are excerpted here.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds [wanderers] and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce. . . .

Article VI. No State, without the Consent of the united States, in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any King prince or state. . . .

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the united states, in congress assembled. . . .

No vessels of war shall be kept up in time of peace, by any state, except such number only, as shall be deemed necessary by the united states, in congress assembled, for the defence of such state, or its trade; . . . but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred [equipped]. . . .

No State shall engage in any war without the consent of the united States in congress assembled, unless such State be actually invaded by enemies. . . .

Article VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state. . . .

Article IX. The united states, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances. . . .

The united states, in congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the united states—regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the united States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states; making rules for the government and regulation of the said land and naval forces, and directing their operations. . . .

Article XIII. Every State shall abide by the determinations of the united states, in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

Source: Articles of Confederation (1777). Milestone Documents. U.S. National Archives.

Name _____

Date _____

from The Articles of Confederation

Explain the phrase “the united states” as used in the Articles of Confederation. What does its repeated appearance in the document indicate about its significance?

What does the content of Article VI tell you about the new country's feelings toward relationships with foreign nations, as well as state autonomy?

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible][illegible]

from “Reason: A Thought for the Delegates to the Convention, to Be Held at Philadelphia”

Background: This source was written anonymously in March 1787 to explain why there should be a convention to address the issues with the Articles of Confederation. The Articles of Confederation had been in effect for six years, and there had been several crises that showed their weaknesses. The Constitutional Convention (as it was later called) met in May 1787 to try to rectify some of the problems mentioned here.

Instead of attempting to amend the present articles of confederation with a view to retain them as the form of government, or instead of attempting one general government for the whole community of the United States, would it not be preferable to distribute the States into three Republics, who should enter into a perpetual League or Alliance for mutual defence. This league or alliance must as in all cases of compact between Independent Nations, depend on National Faith [trust or honesty].—Self preservation however would almost inevitably produce an observance, as each state would have much to apprehend from the subjugation of either of the others. . . . No possible amendment will prevent a disunion, and being wholly separated we shall be easily broken.—There are objections to the scheme of one general government.—The national concerns of a people so numerous, with a Territory so extensive will be proportionably difficult and important.—This will require proportionate powers in the administration, especially in the chief executive [the president]; greater perhaps than will consist with the principles of a democratic form.

Source: “Reason, *New York Daily Advertiser*, 24 March.” In *The Documentary History of the Ratification of the Constitution*, edited by John P. Kaminski and Gaspare J. Saladino. Vol. 13.1, *Commentaries on the Constitution: Public and Private; 21 February to 7 November 1787*. Madison: State Historical Society of Wisconsin, 1981, pp. 57–58.

Name _____

Date _____

***from* “Reason: A Thought for the Delegates to the Convention,
to Be Held at Philadelphia”**

What is the author’s main argument regarding the form of government for the United States, and what alternative solution do they propose?

According to the author, what would be the basis of the proposed league or alliance between the states, and why do they believe it would be effective?

What concerns does the author have about the idea of one general government for the United States, and what challenges do they foresee in managing the national affairs of a large and extensive country?

Why does the author argue that no possible amendment to the Articles of Confederation will prevent disunion, and what do they suggest could be the consequences of complete separation among the states?

In your opinion, has history proved the author correct about the Articles of Confederation? Why or why not?

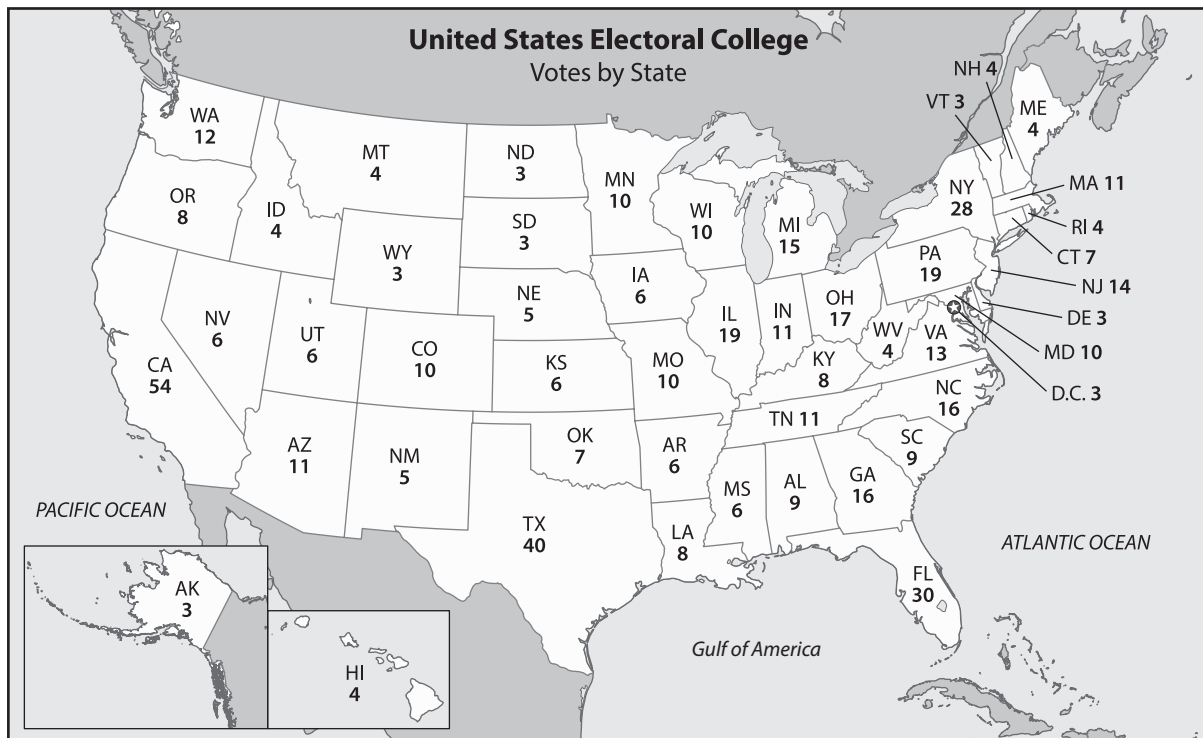
from Article II, Section 1, of the U.S. Constitution: The Electoral College

Background: Electoral College votes are assigned to states partly based on their population. Thus, they change as frequently as every ten years, after the U.S. Census is taken. This map shows the distribution of votes based on the most recent census.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President.

Source: The Constitution of the United States. U.S. National Archives.



Name _____

Date _____

***from* Article II, Section 1, of the U.S. Constitution: The Electoral College**

What does the Constitution specify about the appointment of electors in each state?

What is the procedure for counting the electoral votes, according to the Constitution?

Using the source and your knowledge of the founding of the United States, why might the Founders have chosen to elect a president using the Electoral College and not the popular vote?

According to the map, which four states have the most Electoral College votes, and what do they have in common?

Are the populations of these four states overrepresented in the Electoral College? Why or why not?

from Speech in the House Yard

Background: James Wilson (1742–98) was a Constitutional Convention delegate and coauthor of the Constitution who was later appointed to the United States Supreme Court. When the Constitution was presented to the public, it was met with criticism; Wilson delivered a public speech in Philadelphia in 1787 in defense of the new plan of government.

As Wilson explains in the second paragraph below, U.S. senators were originally chosen by state legislatures. Since the passage of the Seventeenth Amendment (1913), senators have been directly elected by the people of their respective states.

Mr. Chairman and Fellow Citizens, Having received the honor of an appointment to represent you in the late convention, it is perhaps, my duty to comply with the request . . . to explain and elucidate the principles and arrangements of the constitution, that has been submitted to the consideration of the United States. I confess that I am unprepared for so extensive and so important a disquisition; but the insidious [dishonest] attempts which are clandestinely and industriously made to pervert and destroy the new plan, induce me the more readily to engage in its defence. . . .

The next accusation I shall consider, is that which represents the foederal constitution as not only calculated, but designedly framed, to reduce the state governments to mere corporations, and eventually to annihilate them. . . . But upon what pretence can it be alleged that it was designed to annihilate the state governments? For, I will undertake to prove that upon their existence, depends the existence of the foederal plan. For this purpose, permit me to call your attention to the manner in which the president, senate, and house of representatives, are proposed to be appointed. The president is to be chosen by electors, nominated in such manner as the legislature of each state may direct; so that if there is no legislature, there can be no electors, and consequently the office of president cannot be supplied. The senate is to be composed of two senators from each state, chosen by the legislature; and therefore if there is no legislature, there can be no senate. The house of representatives, is to be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature,—unless therefore, there is a state legislature, that qualification cannot be ascertained [established], and the popular branch of the foederal constitution must likewise be extinct.

Source: Wilson, James. “James Wilson’s State House Yard Speech October 6, 1787.” In *Collected Works of James Wilson*, edited by Kermit L. Hall and Mark David Hall. Vol. 1. Indianapolis, IN: Liberty Fund, 2007.

Name _____

Date _____

***from* Speech in the House Yard**

Why does Wilson feel the need to explain and defend the principles of the Constitution to the public?

What concerns does Wilson address regarding the potential misrepresentations of the Constitution?

How does Wilson counter these misrepresentations of the Constitution to the public?

According to the source, what role do the states play in the appointment of the president, the Senate, and the House of Representatives?

from Letter from John Adams to Benjamin Rush

Background: In this 1805 excerpt, former president John Adams references *The Life of Cicero* (1741) by Conyers Middleton, an English historian and clergyman. Cicero was a Roman lawyer, scholar, and orator known for his defense of the republican form of government. The recipient of Adams's letter, Benjamin Rush, was a physician and a signer of the Declaration of Independence who served as treasurer of the U.S. Mint while Adams was in office.

The Period in the History of the World, the best understood, is that of Rome from the time of Marius to the Death of Cicero, and this distinction is entirely owing to Cicero's Letters and Orations [speeches]. There We See the true Character of the times, and the Passions of all the Actors on the Stage. Cicero, Cato and Brutus were the only three, in whom I can discern any real Patriotism. . . . Within a month past I have read Middletons Life of him [Cicero] again, and with more pleasure because with more Understanding than before. I Seem to read the History of all ages and Nations in every Page, and especially the History of our own Country for forty years past. Change the Names and every Anecdote [story] will be applicable to Us.

Source: Adams, John. Letter to Benjamin Rush, December 4, 1805. Founders Online. U.S. National Archives. <https://founders.archives.gov/documents/Adams/99-02-02-5110>.

Name _____

Date _____

***from* Letter from John Adams to Benjamin Rush**

Why does John Adams believe the period in the history of the world from the time of Marius to the death of Cicero is the best understood?

What does Adams mean when he says, “Change the Names and every Anecdote will be applicable to Us”?

How does this source reflect Adams’s perspective on historical events and their relevance to the period in which he lived?

Do you think that the writings of Adams and his contemporaries also give the “true Character” of their times? Why or why not?

The Federal Pillars

Background: After a majority of the delegates at the Constitutional Convention in Philadelphia approved the Constitution, it was sent to the states for ratification. It would take effect upon approval from nine of the thirteen states, but proponents of the Constitution wanted support from all the states. As they ratified the new plan for government in 1788, a publication called *The Massachusetts Centinel* published a series of cartoons called *The Federal Pillars*, celebrating the growing support for the Constitution. The third, and final, cartoon was published in August 1788. The poem included at the bottom right accompanied the cartoon.



Ratification of U.S. Constitution by State

December 7, 1787	Delaware
December 12, 1787	Pennsylvania
December 18, 1787	New Jersey
January 2, 1788	Georgia
January 9, 1788	Connecticut
February 6, 1788	Massachusetts
April 28, 1788	Maryland
May 23, 1788	South Carolina
June 21, 1788	New Hampshire (2/3 majority reached)
June 25, 1788	Virginia
July 26, 1788	New York
November 21, 1789	North Carolina
May 29, 1790	Rhode Island

The Federal Edifice

ELEVEN STARS, in quick succession rise—
 ELEVEN COLUMNS strike our wond'ring
 eyes,
 Soon o'er the *whole*, shall swell the
 beauteous DOME,
 COLUMBIA's boast—and FREEDOM's
 hallow'd home.

Here shall the ARTS in glorious
 splendour shine!
 And AGRICULTURE give her stores divine!
 COMMERCE refin'd, dispense us more
 than gold,
 And this new world, teach WISDOM to the
 old—
 RELIGION here shall fix her blest abode,
 Array'd in *mildness*, like its parent GOD!
 JUSTICE and LAW, shall endless PEACE
 maintain,
 And the "SATURNIAN AGE," return again.

Name _____

Date _____

The Federal Pillars

Why does the artist of this piece use pillars to represent each of the states that have ratified the Constitution?

Using the timeline of ratification, which state do you think is represented by the pillar on the far right? How is the pillar drawn, and why did the artist present it that way?

Describe how the North Carolina pillar is being placed. What does this imagery likely represent, and why did the artist make this choice?

What does the tone of the poem suggest about the author's attitude about the future of the country? What details support your answer?

from “Thoughts on Government”

Background: In January 1776, John Adams wrote a proclamation on behalf of the Massachusetts General Court that called citizens and leaders to discuss and debate the structure of a new state government. Facing a similar situation, the North Carolina Provincial Congress wrote to John Adams asking for his opinions about how best to draft their state constitution and organize their government. Adams responded in the spring of 1776 in his essay “Thoughts on Government.”

The dignity and stability of government in all its branches, the morals of the people and every blessing of society, depends so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The Judges therefore should always be men of learning and experience in the laws, of exemplary [exceptional] morals, great patience, calmness, coolness and attention. . . . To these ends they should hold estates for life in their offices, or in other words their commissions [terms in office] should be during good behaviour.

Source: “III. Thoughts on Government, April 1776,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Adams/06-04-02-0026-0004>. [Original source: *The Adams Papers, Papers of John Adams*, vol. 4, February–August 1776, ed. Robert J. Taylor. Cambridge, MA: Harvard University Press, 1979, pp. 86–93.]

Name _____

Date _____

***from* “Thoughts on Government”**

What constitutional principles is Adams describing in this excerpt?

Why did John Adams believe that the judicial branch should be separate from the other two branches?

What does Adams mean when he writes “as both should be checks upon that”?

What qualities did Adams believe judges should have?

How long does Adams suggest that judges serve for?

What does Adams’s letter reveal about his thoughts about the structure of government?

Preamble to the U.S. Constitution and Preamble to the Louisiana State Constitution

Background: The preamble is the first paragraph of the U.S. Constitution. Likewise, the preamble to the Louisiana State Constitution is the introductory paragraph of the state's constitution. Louisiana has had ten constitutions in its history; its current constitution was adopted in 1974.

Preamble to the U.S. Constitution

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

Source: The Constitution of the United States. U.S. National Archives.

Preamble to the Louisiana State Constitution

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

Source: "Constitution of the State of Louisiana of 1974." Louisiana State Legislature.

Name _____

Date _____

**Preamble to the U.S. Constitution
and
Preamble to the Louisiana State Constitution**

According to the preamble to the U.S. Constitution, who is the government for and by? How does this compare to the preamble to the Louisiana State Constitution?

What evidence suggests that the preamble to the Louisiana State Constitution was modeled after the preamble to the U.S. Constitution?

How does the opening of the preamble to the Louisiana State Constitution differ from the preamble to the U.S. Constitution?

How does the preamble to the Louisiana State Constitution expand upon ideas in the preamble to the U.S. Constitution?

What elements make the preamble to the Louisiana State Constitution distinct from the preamble to the U.S. Constitution? Why do you think Louisiana leaders included these elements and not the Founders?

from Remarks at the “We the People” Bicentennial Celebration

Background: On September 17, 1987, President Ronald Reagan delivered a speech at the “We the People” Bicentennial Celebration in Philadelphia, Pennsylvania, to commemorate the two hundredth anniversary of the signing of the U.S. Constitution.

Sometimes we’re tempted to think of the birth of our country as one such golden age, a time characterized primarily by harmony and cooperation. In fact, the Constitution and our government were born in crisis. The years leading up to our Constitutional Convention were some of the most difficult our nation ever endured. This young nation, threatened on every side by hostile powers, was on the verge of economic collapse. . . .

No, it wasn’t the absence of problems that won the day in 1787. It wasn’t the absence of division and difficulty; it was the presence of something higher—the vision of democratic government founded upon those self-evident truths that still resounded in Independence Hall. It was that ideal . . . that enabled them to rise above politics and self-interest, to transcend their differences and together create this document, this Constitution that would profoundly and forever alter not just these United States but the world. . . .

Checks and balances, limited government—the genius of our constitutional system is its recognition that no one branch of government alone could be relied on to preserve our freedoms. The great safeguard of our liberty is the totality of the constitutional system, with no one part getting the upper hand. And that’s why the judiciary must be independent. And that’s why it also must exercise restraint.

If our Constitution has endured, through times perilous as well as prosperous, it has not been simply as a plan of government, no matter how ingenious or inspired that might be. . . . One scholar described our Constitution as a kind of covenant. It is a covenant we’ve made not only with ourselves but with all of mankind.

Source: Reagan, Ronald. “Remarks at the ‘We the People’ Bicentennial Celebration.” September 17, 1987, Philadelphia, Pennsylvania. Ronald Reagan Presidential Library and Museum.

Name _____

Date _____

***from* Remarks at the “We the People” Bicentennial Celebration**

How does Reagan describe the context of the creation of the U.S. Constitution?

According to Reagan, how did the Founders move past their differences to create the Constitution? How does this reflect what you know about the Constitutional Convention?

Which document is Reagan referencing when he mentions “self-evident truths”? Why is this reference significant and relevant?

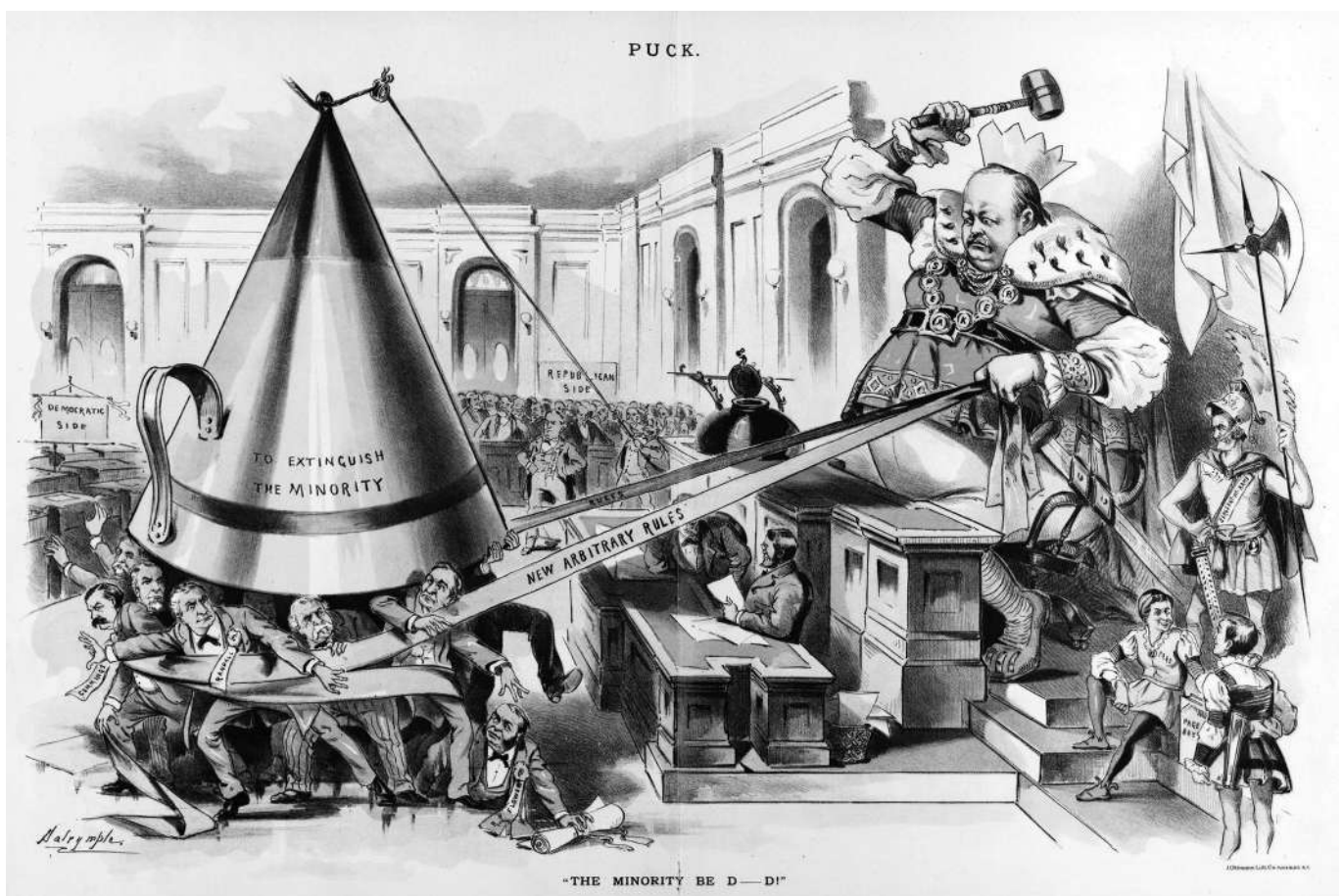
What constitutional principles does Reagan mention in his speech? How does Reagan’s view of these principles compare with the purposes and goals of the Constitution discussed in Topic 1?

“The Minority Be D—d!”

Background: Thomas Brackett Reed was a Republican congressman who served as Speaker of the House from 1889 to 1891 and again from 1895 to 1899. While Speaker, he made significant changes to the way the House of Representatives operates. Those changes are still in place today. Reed placed the majority party in charge of the House Rules Committee, the committee that determines the rules for how legislation is brought to the floor and passed by the House. The House Rules Committee then adopted the “Reed Rules”:

1. If a member is present in the House, they must vote on legislation, except for when the legislation benefits them financially.
2. All members present in the House—even those who aren’t voting—are counted toward quorum, or the minimum number of members needed for the House to conduct its business.
3. Practices meant to delay voting on bills are prohibited.

According to Reed, these measures were meant to make the House more efficient at doing its job; in practice, they increased the power of the Rules Committee and the power of the majority party. This political cartoon, created by Louis Dalrymple in 1890, shows Reed presiding over the House as President William McKinley watches in the background.



Name _____

Date _____

“The Minority Be D—d!”

Which party did Louis Dalrymple, the creator of the political cartoon, belong to? What evidence supports your conclusion?

According to the cartoon, what effect did the Reed Rules have on the House? Cite evidence to support your response.

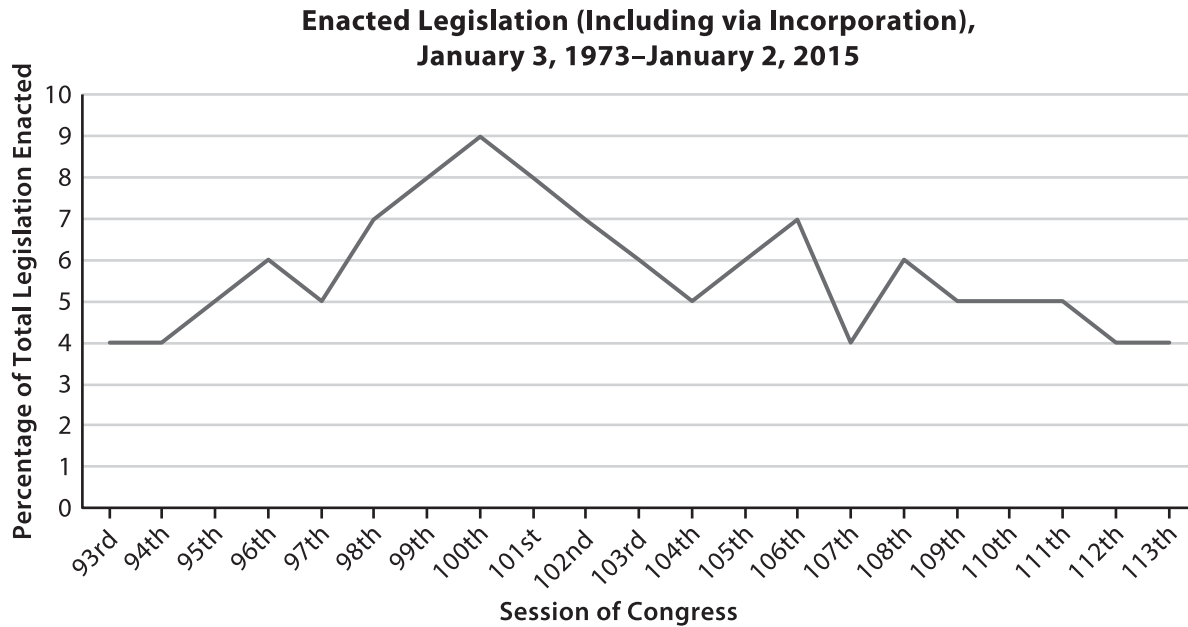
How does Dalrymple describe the Reed Rules?

Why does Dalrymple include President William McKinley in the background?

According to Dalrymple, what was Reed's motive for introducing new procedures to the House of Representatives? How does this compare with Reed's explanation?

Enacted Legislation, 1973–2015

Background: Thousands of bills are introduced to Congress each year; however, only a small percentage of them are actually enacted into law. In some instances, bills are introduced to change existing laws; when such bills are passed, they are “incorporated” into the existing law. This graph shows the percentage of enacted legislation, including via incorporation, from the 93rd Congress (January 3, 1973–December 20, 1974) through the 113th Congress (January 3, 2013–January 2, 2015).



Source: “Statistics and Historical Comparison.” GovTrack.us.

Name _____

Date _____

Enacted Legislation, 1973–2015

What is the lowest percentage of legislation enacted between 1973 and 2015? During which Congresses did this occur? During which Congress did the percentage of enacted legislation reach its peak?

What trend occurs between the 94th Congress and the 100th Congress?

What might account for this trend?

Consider what you learned about the role that political parties play in Congress. Why do you think the percentage of enacted legislation slows and then levels off between the 110th Congress and the 113th Congress?

Executive Order 10730: Desegregation of Central High School

Background: The Supreme Court decision in *Brown v. Board of Education* made segregation in public schooling illegal. Despite this, states and school districts around the country resisted desegregation, including in Little Rock, Arkansas, where nine African American students, known as the Little Rock Nine, attempted to integrate Little Rock Central High School in 1957. On September 2, Arkansas governor Orval Faubus called up the state's National Guard under the pretense of maintaining the peace; in reality, he ordered them to bar the nine youths' entry to the school when they arrived for their first day on September 4. Each day, the Little Rock Nine were confronted by angry white mobs on their way to school. On September 23, following a riot outside of Central High School, President Dwight D. Eisenhower issued an executive order that brought the Arkansas National Guard under the control of the federal government and deployed U.S. Army troops to protect the Little Rock Nine.

WHEREAS on September 23, 1957, I issued Proclamation No. 3204 reading in part as follows:

“WHEREAS certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have willfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

“WHEREAS such wilful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

“WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

“NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, . . . do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith;” and

WHEREAS the command contained in that Proclamation has not been obeyed and wilful obstruction of enforcement of said court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, . . . it is hereby ordered as follows:

SECTION 1. I hereby authorize and direct the Secretary of Defense to order into the active military service of the United States as he may deem appropriate to carry out the purposes of this Order, any or all of the units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders.

SEC. 2. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstruction of justice in the State of Arkansas with respect to matters relating to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas. In carrying out the provisions of this section, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to Section 1 of this Order.

SEC. 3. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Eastern District of Arkansas, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this Order.

DWIGHT D. EISENHOWER
THE WHITE HOUSE,
September 24, 1957

Source: Exec. Order No. 10730. 22 Fed. Reg. 7628 (September 24, 1957).

Name _____

Date _____

Executive Order 10730: Desegregation of Central High School

In which presidential capacity is Dwight D. Eisenhower acting by issuing this order? How do you know?

According to Eisenhower, how has the Arkansas state government violated constitutional principles?

What is the purpose of Section 1 of the executive order?

According to Section 2, why did Eisenhower issue Executive Order 10730?

What does this executive order show about the federal system of the United States?

from *Marbury v. Madison*

Background: *Marbury v. Madison* (1803) was a landmark U.S. Supreme Court case that established the principle of judicial review in the United States, meaning that American courts have the power to strike down laws and statutes they determine to violate the Constitution of the United States.

Majority Opinion, Chief Justice John Marshall

The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. . . .

Between these alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature illimitable.

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.

This theory is essentially attached to a written constitution, and is consequently to be considered, by this court, as one of the fundamental principles of our society. . . .

It is emphatically the province and duty of the judicial department [branch] to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. . . .

Those then who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that the courts must close their eyes on the constitution, and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void; is yet, in practice, completely obligatory. It would declare, that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

Source: *Marbury v. Madison*. 5 U.S. 137 (1803).

Name _____

Date _____

from *Marbury v. Madison*

How does Chief Justice Marshall describe the Founders' views of the Constitution?

What role does Marshall assign to the judicial branch in interpreting the law?

How does Marshall interpret and establish the concept of judicial review?

What argument does Marshall make about the relationship between the Constitution and the law? Cite evidence to support your response.

Using the source and your knowledge of American government, how did Marshall’s views impact the division of powers among the branches of government?

The Cabinet

Background: The cabinet is a panel of advisors to the president. It is composed of the leaders of fifteen executive departments, who advise the president on matters of law and policy. Cabinet members are also in the line of succession to the presidency, following the vice president and the Speaker of the House.

The Cabinet

Executive Department	Year Created	Responsibilities
State	1789	<ul style="list-style-type: none"> • Develop and carry out the president's foreign policy initiatives • Represent the United States to other countries • Foster diplomatic ties to other countries
Treasury	1789	<ul style="list-style-type: none"> • Maintain the financial infrastructure of the United States • Promote economic well-being for all Americans • Produce the country's currency, collect taxes, and borrow money
Justice	1789	<ul style="list-style-type: none"> • Enforce U.S. laws • Protect public safety by preventing and managing crime • Promote justice in judicial proceedings • Pursue punishment for those who break the law • Oversee the Federal Bureau of Investigation, the Drug Enforcement Agency, and the U.S. Marshals
Interior	1849	<ul style="list-style-type: none"> • Conserve and preserve America's natural resources • Oversee the country's national parks • Protect endangered plant and animal species • Manage public lands, dams, and reservoirs • Honor the federal government's obligations and responsibilities to Native Americans and other Indigenous peoples
Agriculture	1889	<ul style="list-style-type: none"> • Develop and implement federal policies related to agriculture, farming, and food • Promote agricultural production and trade • Promote food safety • Protect natural resources • Provide domestic and foreign aid to end hunger
Commerce	1903	<ul style="list-style-type: none"> • Promote economic growth • Support American businesses and industries • Enforce trade agreements with other countries • Issue patents and trademarks • Collect data about the country's economy and demographics

Executive Department	Year Created	Responsibilities
Labor	1913	<ul style="list-style-type: none"> • Create and administer federal programs to strengthen the country's workforce, including the regulation and provision of job training, compensation, and prohibitions against employment discrimination • Enforce safe conditions for workers
Defense*	1947	<ul style="list-style-type: none"> • Oversee the Army, Navy, and Air Force • Provide for the defense and security of the United States • Deter conflicts with other countries • Provide peacekeeping and humanitarian services
Health and Human Services	1953	<ul style="list-style-type: none"> • Protect the health of people living in the United States • Provide services to underserved populations • Administer health coverage through Medicare and Medicaid • Oversee the Centers for Disease Control and Prevention, the Food and Drug Administration, and the National Institutes of Health
Housing and Urban Development	1965	<ul style="list-style-type: none"> • Develop policies and oversee programs related to housing needs • Enforce fair housing laws • Promote equal access to housing through mortgage and loan insurance and grants • Promote economic development in communities
Transportation	1967	<ul style="list-style-type: none"> • Maintain and promote U.S. transportation systems to benefit Americans and the country's interests
Energy	1977	<ul style="list-style-type: none"> • Promote energy security • Promote developments in clean and cost-effective energy sources • Fund scientific research
Education	1979	<ul style="list-style-type: none"> • Promote access to educational opportunities • Enforce civil rights laws to ensure equal learning opportunities • Administer financial aid • Establish standards and guidelines for educational institutions
Veterans Affairs	1988	<ul style="list-style-type: none"> • Oversee benefit programs for veterans and their families and survivors, including medical care, home loans, education, and pensions
Homeland Security	2003	<ul style="list-style-type: none"> • Protect people living in the United States from domestic and foreign threats • Assist in recovery from natural disasters • Oversee a variety of agencies, including the U.S. Secret Service, the Transportation Security Administration (TSA), U.S. Citizenship and Immigration Services, and the U.S. Coast Guard

*The Department of Defense was originally created as the War Department in 1789 and was reestablished in its current form in 1947 following World War II. As a result, the secretary of defense is third in the cabinet (fifth overall) in the line of succession for president.

Name _____

Date _____

The Cabinet

What does the expansion of membership in the cabinet indicate about the role of the executive branch and the federal government as a whole?

Examine the dates that cabinet departments were created. Were more departments added in certain time periods than in others? Using your knowledge of history, why do you think this is?

The Constitution states that the vice president is the successor to the president; in 1948, Congress passed the Presidential Succession Act to determine the continuation of the line of succession. Why do you think Congress decided that cabinet members, starting with the State, Treasury, Defense, and Justice Departments, should be next in line for the presidency after the vice president and Speaker of the House?

Is there a cabinet department you would expect to see in the list that is not there? What would this department focus on? How would its work aid the rest of the executive branch?

Proclamation 94: Suspending the Writ of Habeas Corpus

Background: According to Article I, Section 9, of the Constitution, “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.”

On September 24, 1862, President Abraham Lincoln suspended the writ of habeas corpus; this allowed the federal government to bypass due process to arrest and detain suspected Confederate sympathizers and those who interfered with the draft for the Union Army.

By the President of the United States of America,

A Proclamation.

Whereas, it has become necessary to call into service not only volunteers but also portions of the militia of the States by draft in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure and from giving aid and comfort in various ways to the insurrection;

Now, therefore, be it ordered, first, that during the existing insurrection and as a necessary measure for suppressing the same, all Rebels and Insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by Courts Martial or Military Commission:

Second. That the Writ of Habeas Corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority or by the sentence of any Court Martial or Military Commission.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty fourth day of September, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the 87th.

Abraham Lincoln.

[Signed] By the President:

William H. Seward.

Secretary of State.

Source: Proclamation No. 94. 13 Stat. 730 (September 24, 1862).

Name _____

Date _____

Proclamation 94: Suspending the Writ of Habeas Corpus

What purpose does the first paragraph of the source serve?

What purpose does the second paragraph in the source serve?

What words does Lincoln use to describe people supporting the Confederacy? Why do you think he chose these words?

How did Lincoln’s actions challenge the system of checks and balances laid out in the Constitution?

Based on Article I, Section 9, of the Constitution, do you think Lincoln’s actions were justified? Why or why not?

from *Plessy v. Ferguson*

Background: In 1890, Louisiana passed a law that segregated railroad cars within the state, separating African American passengers from white passengers. This law was a symbol of the collapse of African American civil and political rights and the rise of Jim Crow laws throughout the South in the late 1800s. Homer Plessy, an African American, challenged the law, arguing that it violated the Fourteenth Amendment's equal protection clause. In 1896, by a 7–1 vote, the U.S. Supreme Court upheld the Louisiana law, concluding that laws requiring separate facilities for African Americans and white Americans were consistent with the Constitution if the facilities were equal. Thus was born the doctrine of “separate but equal.”

Note: This decision reflects racist sentiments common in the late 1800s and uses language that is considered insensitive and offensive by today's standards.

Majority Opinion, Justice Henry Billings Brown

The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. . . .

We consider the underlying fallacy of the plaintiff's [Plessy's] argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured . . . except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals. . . .

Dissenting Opinion, Justice John Marshall Harlan

In respect of civil rights, common to all citizens, the Constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. . . . Indeed, such legislation, as that here in question, is inconsistent not only with that equality of rights which pertains to citizenship, National and State, but with the personal liberty enjoyed by every one within the United States.

The Thirteenth Amendment does not permit the withholding or the deprivation of any right necessarily inhering in freedom. It not only struck down the institution of slavery as previously existing in the United States, but it prevents the imposition of any burdens or disabilities that constitute badges of slavery or servitude. It decreed universal civil freedom in this country. This court has so adjudged. But that amendment having been found inadequate to the protection of the rights of those who had been in slavery,

it was followed by the Fourteenth Amendment, which added greatly to the dignity and glory of American citizenship, and to the security of personal liberty. . . .

It was said in argument that the statute of Louisiana does not discriminate against either race, but prescribes a rule applicable alike to white and colored citizens. But this argument does not meet the difficulty. Every one knows that the statute in question had its origin in the purpose, not so much to exclude white persons from railroad cars occupied by blacks, as to exclude colored people from coaches occupied by or assigned to white persons. . . . The thing to accomplish was, under the guise of giving equal accommodation for whites and blacks, to compel the latter to keep to themselves while travelling in railroad passenger coaches. No one would be so wanting in candor as to assert the contrary. The fundamental objection, therefore, to the statute is that it interferes with the personal freedom of citizens. “Personal liberty,” it has been well said, “consists in the power of locomotion, of changing situation, or removing one’s person to whatsoever places one’s own inclination may direct, without imprisonment or restraint, unless by due course of law.” . . . If a white man and a black man choose to occupy the same public conveyance on a public highway, it is their right to do so, and no government, proceeding alone on grounds of race, can prevent it without infringing the personal liberty of each.

Source: *Plessy v. Ferguson*. 163 U.S. 537 (1896).

Name _____

Date _____

from *Plessy v. Ferguson*

According to Justice Brown's majority opinion, how did the Supreme Court justices interpret the protections of the Fourteenth Amendment in regard to racial equality?

How does Justice Harlan's dissenting opinion challenge the majority's interpretation of the Fourteenth Amendment?

How does the majority opinion explain how it is possible that separate facilities for African Americans could be equal?

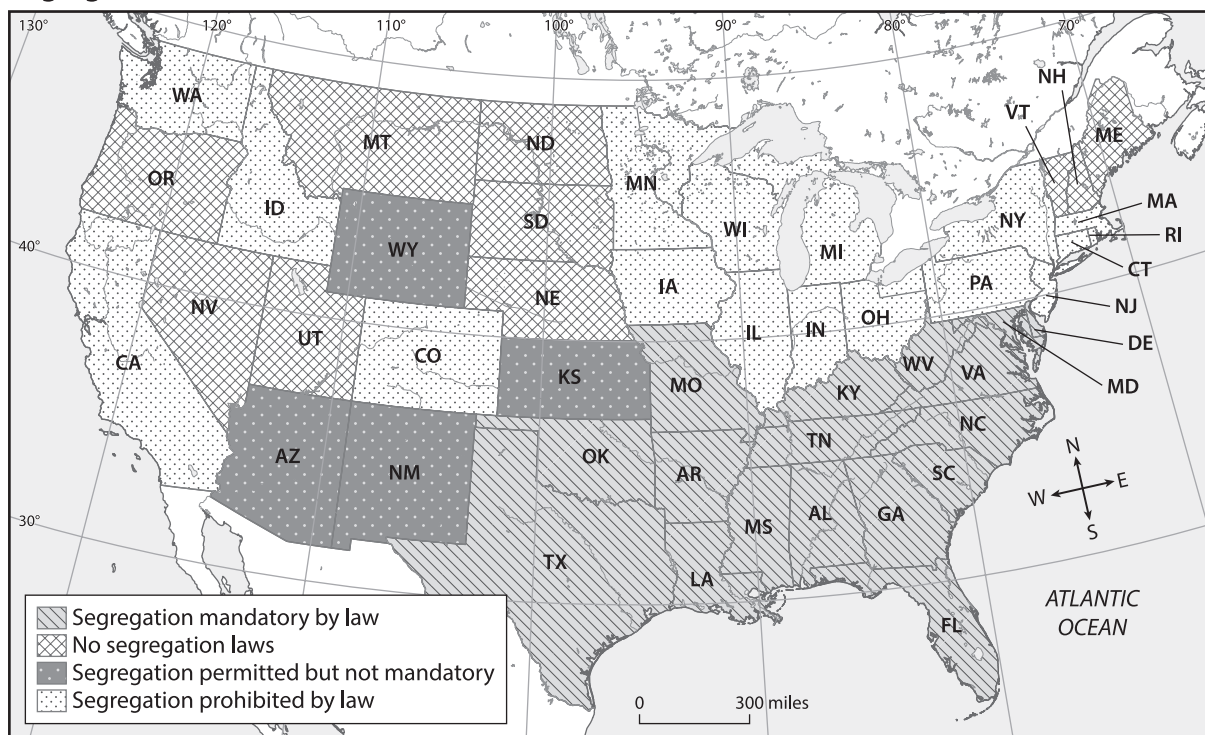
How does Justice Harlan’s dissenting opinion challenge the notion of separate but equal facilities?

What do the two opinions demonstrate about how the majority of the Supreme Court saw the role of the federal government in securing social equality for African Americans at the time of the *Plessy v. Ferguson* decision?

Segregation in U.S. Public Schools Before *Brown v. Board of Education* and from *Brown v. Board of Education*

Background: In its milestone decision in *Brown v. Board of Education* (1954), the Supreme Court ruled that separating children in public schools on the basis of race was unconstitutional. This decision signaled the end of legalized racial segregation in the schools of the United States, overruling the “separate but equal” principle set forth in the 1896 *Plessy v. Ferguson* case.

Segregation in U.S. Public Schools Before *Brown v. Board of Education*



***Brown v. Board of Education*, Majority Opinion, Chief Justice Earl Warren**

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

. . . To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the . . . plaintiffs:

“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.”

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

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. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Source: *Brown v. Board of Education of Topeka, Kansas*. 347 U.S. 483 (1954).

Name _____

Date _____

Segregation in U.S. Public Schools Before *Brown v. Board of Education*
and
from *Brown v. Board of Education*

Based on the map, how did the laws in the South compare to other parts of the country?

Based on both sources, where did the ruling in *Brown v. Board of Education* have the greatest impact?

According to the excerpt, why did the court reject the findings of *Plessy v. Ferguson*?

According to the excerpt, why is education important in a democratic society? Cite evidence from the opinion to support your response.

The Interracial Marriage Club and from *Loving v. Virginia*

Background: Richard Loving (a white man) and Mildred Jeter (an African American woman) got married in Washington, D.C., in 1958. They then moved back to the state of Virginia, where they were charged with and found guilty of violating a state law that prohibited white people from marrying people of other races. The Lovings were given the choice of going to jail for a year or moving out of the state of Virginia for twenty-five years. They appealed the state court's ruling, and in 1967, the Supreme Court ruled unanimously in *Loving v. Virginia* that state bans on interracial marriage violate the equal protection clause of the Fourteenth Amendment.



Members of the Interracial Marriage Club protest laws banning interracial marriages in Washington, D.C., in 1963. Miscegenation clubs, or organizations with multiracial membership, first developed during the early 1900s to provide support to interracial families.

***Loving v. Virginia*, Majority Opinion, Chief Justice Earl Warren**

This case presents a constitutional question never addressed by this Court: whether a statutory scheme adopted by the State of Virginia to prevent marriages between persons solely on the basis of racial classifications violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment. For reasons which seem to us to reflect the central meaning of those constitutional commands, we conclude that these statutes cannot stand consistently with the Fourteenth Amendment. . . .

Virginia is now one of 16 States which prohibit and punish marriages on the basis of racial classifications. Penalties for miscegenation arose as an incident to slavery and have been common in Virginia since the colonial period. . . .

. . . The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious [objectionable] racial discrimination in the States. . . .

There can be no question but that Virginia's miscegenation statutes rest solely upon distinctions drawn according to race. The statutes proscribe generally accepted conduct if engaged in by members of different races. Over the years, this Court has consistently repudiated "[d]istinctions between citizens solely because of their ancestry" as being "odious to a free people whose institutions are founded upon the doctrine of equality." . . . At the very least, the Equal Protection Clause demands that racial classifications . . . be subjected to the "most rigid scrutiny," . . . and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate. . . .

There is patently no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification. The fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy. We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause. . . .

Marriage is one of the "basic civil rights of man," fundamental to our very existence and survival. . . . To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.

These convictions must be reversed.

Source: *Loving v. Virginia*. 388 U.S. 1 (1967).

Name _____

Date _____

**The Interracial Marriage Club
and
from *Loving v. Virginia***

Based on the photograph, which Supreme Court ruling that you have learned about supports the protestors’ goal? Cite evidence to support your response.

Why do you think the Interracial Marriage Club would hold a demonstration in a place where interracial marriage was legal?

According to the excerpt from the *Loving* decision, how many states, including Virginia, had banned interracial marriage at the time of the ruling? Why do you think Chief Justice Earl Warren includes this detail and the information that follows it?

According to the excerpt, what is the purpose of the Fourteenth Amendment?

What reasoning does the court use to support its ruling in favor of the Lovings?

from Hurricane Relief Address from New Orleans

Background: Following the devastation of Hurricane Katrina in late August 2005, President George W. Bush spoke from Jackson Square in New Orleans on September 15 to address those affected by the natural disaster. In his speech, he outlined plans for rebuilding and recovery in Louisiana and other impacted regions.

In the task of recovery and rebuilding, some of the hardest work is still ahead, and it will require the creative skill and generosity of a united country. . . .

To carry out the first stages of the relief effort and begin rebuilding at once, I have asked for, and the Congress has provided, more than \$60 billion. This is an unprecedented response to an unprecedented crisis, which demonstrates the compassion and resolve of our nation. . . .

And the federal government will undertake a close partnership with the states of Louisiana and Mississippi, the city of New Orleans, and other Gulf Coast cities, so they can rebuild in a sensible, well-planned way. Federal funds will cover the great majority of the costs of repairing public infrastructure in the disaster zone, from roads and bridges to schools and water systems. Our goal is to get the work done quickly. And taxpayers expect this work to be done honestly and wisely—so we'll have a team of inspectors general reviewing all expenditures.

In the rebuilding process, there will be many important decisions and many details to resolve, yet we're moving forward according to some clear principles. The federal government will be fully engaged in the mission, but Governor Barbour, Governor Blanco, Mayor Nagin, and other state and local leaders will have the primary role in planning for their own future. Clearly, communities will need to move decisively to change zoning laws and building codes, in order to avoid a repeat of what we've seen. And in the work of rebuilding, as many jobs as possible should go to the men and women who live in Louisiana, Mississippi, and Alabama.

Source: Bush, George W. "Hurricane Relief Address from New Orleans." September 15, 2005, New Orleans, Louisiana. Miller Center, University of Virginia.

Name _____

Date _____

from Hurricane Relief Address from New Orleans

How does President George W. Bush acknowledge the breadth of the crisis brought about by Hurricane Katrina? Cite evidence from the speech.

What does Bush say about the federal government's involvement in the relief efforts?

How is the idea of federalism expressed in this speech? What details underscore the relationships among various levels of government?

What are likely the biggest benefits of federalism during times of national crisis? Are there drawbacks as well? Provide examples to explain your answer.

from Louisiana State Constitutions of 1868 and 1879

Background: The Louisiana Constitution of 1868 was adopted during Reconstruction by a constitutional convention comprising African American delegates and white delegates who supported the rights of formerly enslaved people. When Reconstruction came to an end, Louisiana adopted the Constitution of 1879, which restricted the rights of Black Louisianans.

Louisiana Constitution of 1868

Art 98.—Every male person, of the age of twenty-one years or upwards, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last ten days within the parish in which he offers to vote, shall be deemed an elector, except those disenfranchised by this Constitution. . . .

Art. 99. The following persons shall be prohibited from voting and holding any office: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable in the penitentiary. . . . All persons who are estopped from claiming the right of suffrage, by abjuring [renouncing] their allegiance to the United States Government, or by notoriously levying war against it, or adhering to its enemies, giving them aid or comfort, but who have not expatriated [exiled] themselves, nor have been convicted of any of the crimes mentioned in the first paragraph of this article, are hereby restored to the said right, except the following: Those who held office, civil or military, for one year or more, under the organization styled “the Confederate States of America;” those who registered themselves as enemies of the United States; those who acted as leaders of guerrilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. No person included in these exceptions shall either vote or hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it. . . .

Art. 100.—Members of the General Assembly, and all other officers, before they enter upon the duties of their offices shall take the following oath or affirmation: “I, (A. B.), do solemnly swear (or affirm) that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men; that I will support the Constitution and laws of the United States, and the Constitution and laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——— according to the best of my ability and understanding. So help me God.”

Source: Louisiana. *Constitution Adopted by the State Constitutional Convention of the State of Louisiana, March 7, 1868.* New Orleans: New Orleans Republican, 1868.

Louisiana Constitution of 1879

Art. 185. Every male citizen of the United States, and every male person of foreign birth who has been naturalized, or who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is twenty-one years old or upwards, possessing the following qualifications, shall be an elector and shall be entitled to vote at any election by the people, except as hereinafter provided:

1. He shall be an actual resident of the State at least one year next preceding the election at which he offers to vote.
2. He shall be an actual resident of the parish in which he offers to vote at least six months next preceding the election.
3. He shall be an actual resident of the ward or precinct in which he offers to vote at least thirty days next preceding the election. . . .

Art. 187. The following persons shall not be permitted to register, vote or hold any office or appointment of honor, profit or trust in this State, to wit:

Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, illegal voting, or other crime punishable by hard labor or imprisonment. . . .

Art. 188. No qualification of any kind for suffrage or office, nor any restraint upon the same, on account of race, color or previous condition shall be made by law.

Source: Louisiana. *Constitution of the State of Louisiana: Adopted in Convention, at the City of New Orleans, the Twenty-Third Day of July, A.D. 1879.* New Orleans: Jas. H. Cosgrove, 1879.

Name _____

Date _____

from Louisiana State Constitutions of 1868 and 1879

How are the voting requirements in the Constitutions of 1868 and 1879 similar and different?

Which groups do both constitutions exclude from voting?

What other groups does the 1868 constitution exclude from voting that the 1879 constitution does not?
Based on your knowledge of history, what would be the effect of permitting these individuals to vote again starting in 1879?

What amendment to the U.S. Constitution does Article 188 of the 1879 constitution reflect?

Based on the two documents, how did the Constitution of 1879 work to limit the civil rights of Black Louisianans? Cite evidence from the sources to support your response.

from *Cherokee Nation v. Georgia* (1831)
and
from *Worcester v. Georgia* (1832)

Background: In the case of *Cherokee Nation v. Georgia*, the Cherokee Nation asked the Supreme Court to stop the state of Georgia from denying them their rights and forcing them to move from their land. The Cherokee argued that these actions violated previous treaties between the Cherokee Nation and the United States. The court refused to rule on the case, arguing that the Cherokee were not a foreign nation. This action extended the judicial power of the United States to cases between a state and a foreign nation.

One year later, the court ruled in *Worcester v. Georgia* that the Cherokee Nation was a separate, sovereign political entity that could not be regulated by the state of Georgia and that only the federal government had authority to regulate the use of Indian land. Despite the ruling, the state of Georgia ignored the Supreme Court's decision in *Worcester v. Georgia*. President Andrew Jackson refused to enforce the decision of the court. The federal government began forcing Cherokee off their land in 1838. This forcible removal and the route Cherokee were forced to take became known as The Trail of Tears.

***Cherokee Nation v. Georgia*, Majority Opinion, Chief Justice John Marshall**

The condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence. In the general, nations not owing a common allegiance are foreign to each other. The term *foreign nation* is, with strict propriety, applicable by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions which exist no where else.

The Indian territory is admitted to compose a part of the United States. In all our maps, geographical treaties, histories, and laws, it is so considered. In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians and foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are imposed upon our own citizens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them, and managing all their affairs as they think proper; and the Cherokees in particular were allowed by the treaty of Hopewell, which preceded the constitution, "to send a deputy of their choice, whenever they think fit, to congress." . . .

Though the Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our government; yet it may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile, they are in a state of pupillage. Their relation to the United States resembles that of a ward to his guardian.

They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the president as their great father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connexion with them, would be considered by all as an invasion of our territory, and an act of hostility.

Source: *Cherokee Nation v. Georgia*. 30 U.S. (5 Pet.) 1 (1831).

***Worcester v. Georgia*, Majority Opinion, Chief Justice John Marshall**

The Cherokee nation, then, is a distinct community occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, 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.

The act of the state of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. . . .

[The acts of Georgia] interfere forcibly with the relations established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our constitution, [is] committed exclusively to the government of the union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guaranty to them all the land within their boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognize the pre-existing power of the nation to govern itself.

Source: *Worcester v. Georgia*. 31 U.S. (6 Pet.) 515 (1832).

Name _____

Date _____

from *Cherokee Nation v. Georgia*
and
from *Worcester v. Georgia*

According to the sources, how do treaties shape the interactions between tribal nations and the United States government?

According to *Cherokee Nation v. Georgia*, how does the Supreme Court define the relationship between the Cherokee and the federal government?

How did the Supreme Court change its view of the relationship between the Cherokee and the federal government in *Worcester v. Georgia*?

How does the court's view of territory differ in *Cherokee Nation v. Georgia* and *Worcester v. Georgia*?

How do the views in these cases reflect or differ from the ways tribal governments interact with the federal system today?

from Chitimacha Comprehensive Code of Justice, Title I-A: Peacemaker Court

Background: Many tribal governments share elements with the federal and state governments, including a judicial branch. Through its Comprehensive Codes of Justice, the Chitimacha Tribe of Louisiana establishes a court system consistent with the tribe's traditional values and methods of governance.

Chapter 1. GENERAL PROVISIONS

Sec. 101. Purpose and Construction

(a) The intent of these rules is to provide formal support, structure and enforcement to traditional American Indian methods of resolving disputes through mediation, restorative justice and the use of traditional ways.

(b) These rules shall be interpreted liberally and informally with the goal of providing a fair, informal, inexpensive and traditional means of resolving disputes. The rules shall be used and applied in as close in accordance with Chitimacha tradition and custom as possible.

Sec. 102. Establishment of Peacemaker Court

The Chitimacha Peacemaker Court of the Chitimacha Tribe of Louisiana is hereby established as part of the Chitimacha Tribal Court System. The Chief Judge of the Chitimacha Tribal Court shall supervise the activities of the Chitimacha Peacemaker Court and shall exercise supervisory control over any Peacemaker appointed pursuant to these rules. . . .

CHAPTER 2. PEACEMAKERS

Sec. 201. Appointment and Qualifications

(a) General Qualifications. Any person who has the respect of the Chitimacha tribal community, an ability to work with Reservation residents and Tribal members, a reputation for integrity, honesty, humanity and an ability to resolve local problems shall be eligible to be appointed as Peacemaker, except that no person shall be eligible for appointment while serving as a member of the Chitimacha Tribal Council.

(b) Appointment. The Chitimacha Tribal Council may select and certify the names of individuals as proposed Peacemakers to the Chitimacha Tribal Court. . . .

(d) Agreement as to Peacemaker. The parties to any dispute may by mutual agreement have a specified individual serve as Peacemaker for the resolution of their dispute if the Chitimacha Tribal Court so approves. In such cases, the Peacemaker need not appear on the roll of Peacemakers kept by the Chitimacha Tribal Court and need not be a member of the Chitimacha Tribe of Louisiana.

Source: "Title I-A: Chitimacha Peacemaker Court." Chitimacha Comprehensive Codes of Justice, adopted December 5, 1989. Chitimacha Tribe of Louisiana.

Name _____

Date _____

***from* Chitimacha Comprehensive Code of Justice, Title I-A: Peacemaker Court**

According to the source, what is the intent of the rules for the tribal court system? Is this similar to or different from the U.S. federal judicial system?

According to the source, who can be a Peacemaker?

Do Peacemakers have to be appointed or certified by the Chitimacha Tribal Council?

What does this document reveal to you about the values of the Chitimacha and their goals for government?

from “Lobbyists”

Background: This 1987 speech, later revised as an essay, was part of a long-running project by Senator Robert C. Byrd to document the U.S. Senate’s history, functions, and public image. After extensively surveying the two-hundred-year history of congressional lobbying, Byrd turned his attention to modern problems.

Today’s lobbying is more diverse than ever before, with an organized lobby formed, seemingly, around virtually every aspect of American social and economic life. No longer do the lobbying groups come solely from Washington’s great law firms and associations. Public relations companies, consulting groups, and specialized accounting, medical, and insurance firms have joined their ranks. All these, and others, engage in a multitude of activities, from raising money for election campaigns to conducting technical studies, with the ultimate goal of influencing the course of legislation and government policy.

Modern technology has made it possible for far-flung group members to stay in almost constant contact with their lobbying representatives in Washington. The explosion in the electronic media and the televising of House and Senate debates have resulted in better-informed interest groups, who, in turn, more readily communicate their message to their members, legislators, and other targets. Congressional offices are frequently flooded with telegrams, telephone calls, letters and postcards (sometimes preprinted), as a “grassroots” campaign moves into full swing, mobilized by one or another interest group on a given issue. . . .

The need for congressional campaign financing reform is, likewise, obvious. But just because it is obvious does not mean that it is easy to attain. . . .

Another problem is that special interest groups often wield an influence that is greatly out of proportion to their representation in the general population. This type of lobbying, in other words, is not exactly an equal opportunity activity. One-person, one-vote does not apply when the great body of citizens is under-represented in the halls of Congress compared to the well-financed, highly organized special interest groups, notwithstanding the often plausible objectives of such groups.

It should be clear from my remarks that Congress has always had, and always will have, lobbyists and lobbying. We could not adequately consider our work load without them. We listen to representatives from the broadest number of groups: large and small; single-issue and multi-purposed; citizens groups; corporate and labor representatives; the public spirited and the privately inspired. They all have a service to fulfill. At the same time, the history of this institution demonstrates the need for eternal vigilance to ensure that lobbyists do not abuse their role, that lobbying is carried on publicly with full publicity, and that the interests of all citizens are heard without giving special ear to the best organized and most lavishly funded. As for the lobbyists themselves, they would probably agree with Sam Ward, the nineteenth-century King of the Lobby, that the disappointments are greater than the successes. They spend many hours and considerable shoe leather trying to convince 535 members of Congress of the wisdom or folly of certain legislation. They face vigorous competition. They still bear the brunt of press criticism and take the blame for the sins of a small minority of their numbers. But they have a job to do, and most of them do it very well indeed. It is hard to imagine Congress without them.

Source: Byrd, Robert. “Lobbyists.” Speech, United States Senate, September 28, 1987, Washington, D.C.

Name _____

Date _____

from “Lobbyists”

What was Senator Byrd’s main purpose in making this speech?

A grassroots campaign is an often political movement beginning with and coming from ordinary people. In the second paragraph, Byrd puts the word *grassroots* in quotation marks. Why does he do so, and what does this imply about his attitude toward these lobbying campaigns?

In what ways does Byrd consider lobbyists to be beneficial?

Overall, is Byrd in favor of lobbyists, against them, or neither? How can you tell?

Byrd delivered his speech in the late 1980s, a time when computers were widely used in business and government but the Internet was not yet a fixture of everyday life. According to this excerpt, how did technology influence lobbying practices in that era of American history?

Letter to Vice President Johnson

Background: In this 1961 letter to Vice President Lyndon B. Johnson, President John F. Kennedy calls for progress on communications satellites. Four years earlier, the Soviet Union had launched *Sputnik*, the first artificial satellite. Johnson, formerly the chair of the Senate's Special Committee on Space and Astronautics, was tasked with managing the United States' participation in the ensuing "space race" that would lead to the Apollo program and, ultimately, the moon landing of 1969.

By the early 1960s, the American military had proof-of-concept satellites that could be used for navigation. The completion of the first major U.S. satellite project took until 1968, and the modern GPS (Global Positioning System) came about almost three decades later.

Dear Lyndon:

I will appreciate your having the Space Council undertake to make the necessary studies and government-wide policy recommendations for bringing into optimum use at the earliest practicable time operational communications satellites. The Federal agencies concerned will provide every assistance which you may request.

I am anxious that this new technology be applied to serve the rapidly expanding communications needs of this and other nations on a global basis, giving particular attention to those of this hemisphere and newly developing nations throughout the world. Such communications needs include both governmental and non-governmental requirements. Throughout this analysis, public interest objectives should be given the highest priority.

Policy proposals should include recommendations not only as to the nature and diversity of ownership and operation of communications systems and parts thereof, but also proposed objectives. Effective utilization of both our public and private resources needs to be assured, as well as close cooperation with other countries and their communications systems. Continuing coordination of the governmental agencies responsible for regulatory, space, military, and other aspects of this field is essential.

I will appreciate receiving recommendations from you on these and other matters bearing on the development and use of communications satellites just as promptly as possible. Research and development should proceed at an accelerated pace while this study is in progress.

Sincerely,

John F. Kennedy

Source: Kennedy, John F. "Letter to the Vice President on the Need for Developing Operational Communications Satellites." June 24, 1961. The American Presidency Project, University of California, Santa Barbara. <https://www.presidency.ucsb.edu/documents/letter-the-vice-president-the-need-for-developing-operational-communications-satellites>.

Name _____

Date _____

Letter to Vice President Johnson

According to this letter, what will the vice president's role be in the development of the communications satellites?

This letter was sent during the Cold War, a period of serious political tension between the United States and the Soviet Union. Given this context, why might Kennedy have been interested in providing satellite technology for use by "newly developing nations?"

What possible "public interest objectives" might Kennedy be referring to?

Using evidence from the source, what claim can be made about the executive branch’s role in creating domestic policy? What evidence supports that claim?

Today, there are thousands of satellites orbiting Earth, and more than half are privately owned or operated. With this development in mind, do you think Kennedy was right to involve the government in launching and maintaining satellites? Why or why not?

from *The Wealth of Nations*

Background: *The Wealth of Nations* is often considered to mark the birth of economics as a distinct social science. In this 1776 treatise, Adam Smith explains the workings of a market economy and the various ways in which countries can promote or suppress a free market. True to the title, Smith's overarching concern is to identify policies and conditions that contribute to making a country wealthy. Elsewhere in the book, Smith shows that he is broadly, though not absolutely, in support of free trade as one such policy.

Smith's views have been challenged and refined over the centuries, but the basic concepts presented in Smith's book remain cornerstones of economic reasoning. The Founders, including James Madison, Alexander Hamilton, and Thomas Jefferson, read and appreciated his work, which Jefferson called "the best book extant" on political economy. Smith's ideas have also remained important to the self-concept of American policymakers, who continue to describe the United States as at its heart a free-market or capitalist economy, despite some government intervention.

The "invisible hand," Smith's colorful metaphor for market forces, is mentioned only once in *The Wealth of Nations*; however, the concept recurs throughout Smith's writings and in those of many subsequent economists.

But the annual revenue of every society is always precisely equal to the exchangeable value of the whole annual produce of its industry, or rather is precisely the same thing with that exchangeable value. As every individual, therefore, endeavours as much as he can, both to employ his capital in the support of domestic industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it. By preferring the support of domestic to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain; and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. By pursuing his own interest, he frequently promotes that of the society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the public good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it.

Source: Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: T. Nelson, 1852.

Name _____

Date _____

from *The Wealth of Nations*

What are some examples of what Smith means by *produce*?

Why does Smith say that a person might prefer to invest in companies and projects in their own country (“domestic industry”) rather than abroad?

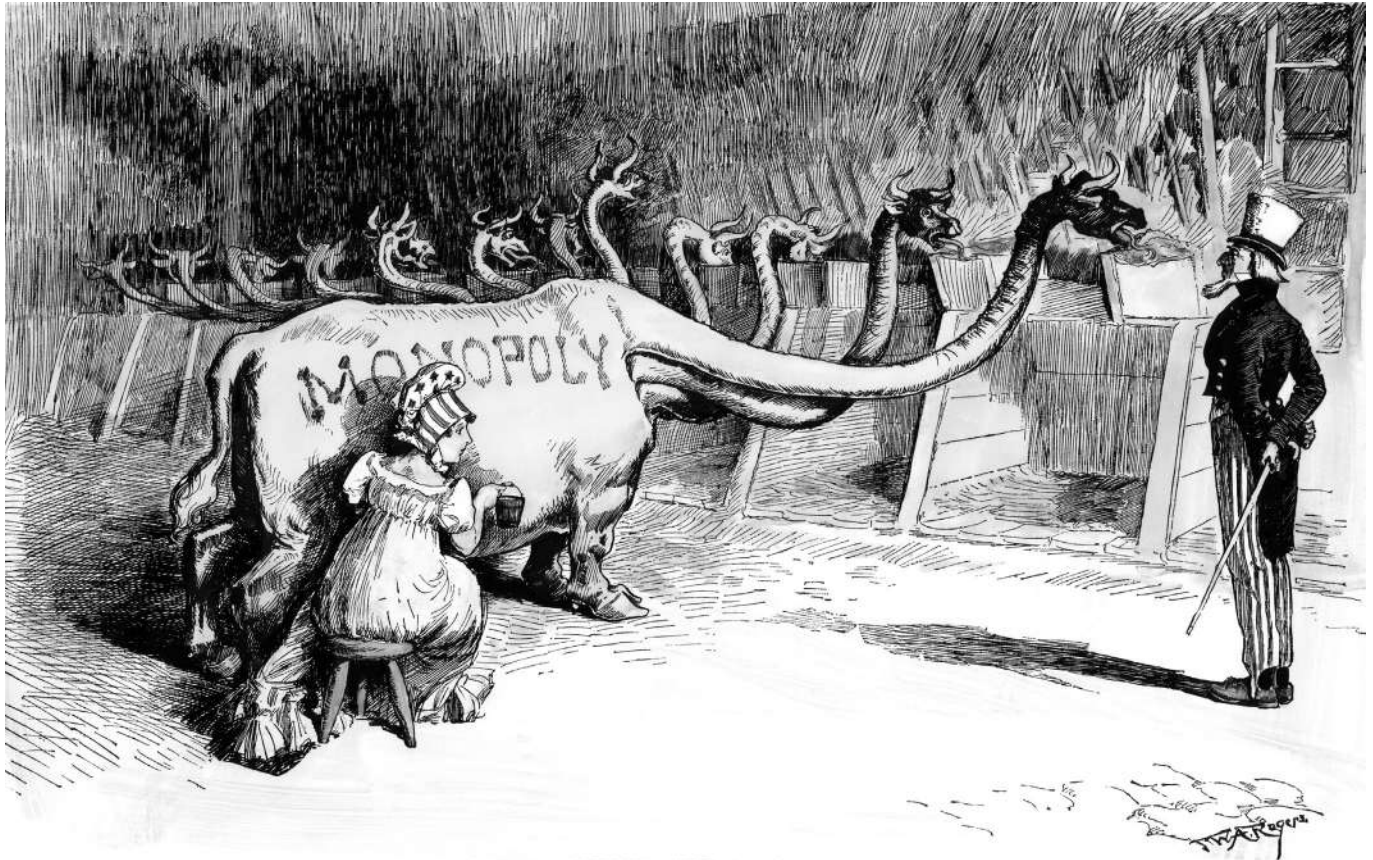
Based on the answer to the above question, what would you expect Smith to think about global trade, and why?

According to Smith, does a person need to consciously work for the public good in order to be of benefit to society? Why or why not?

Why does Adam Smith claim that individuals in a market economy operate as if they were guided by an invisible hand?

“A Huge Feeder, but a Poor Milker”

Background: This 1887 political cartoon by W. A. Rogers depicts a monopoly as a fanciful beast somewhere between a dairy cow and the many-headed Hydra of Greek mythology. Uncle Sam stands by sternly as the creature eats voraciously from a dozen troughs. At left, a milkmaid dressed as Lady Liberty (wearing a stars-and-stripes bonnet) holds up a comically small pail.



A HUGE FEEDER, BUT A POOR MILKER.

UNCLE SAM (*loq.*). “If the beast cannot yield enough to fill that little pail, the sooner my stable is quit of her, the better.”

Name _____

Date _____

“A Huge Feeder, but a Poor Milker”

What does the expression “a huge feeder, but a poor milker” mean in reference to monopolies?

Why do you think Rogers depicted the “beast” as belonging to Uncle Sam, even though the monopolies of the day were typically privately owned?

Examine the cartoon’s caption. What would it mean for Uncle Sam’s “stable” to be “quit of” (rid of) this creature?

What law did the United States government make during this period to control monopolies? What resulted?

Do you think this cartoon does an effective job of showing the problems caused by monopolies in the late nineteenth century? Why or why not?

***from* Message to Congress on the National Highway Program**

Background: This 1955 message to Congress was also circulated to American journalists and disseminated to the public via newspapers and broadcast media. In it, President Eisenhower calls for the expansion of the Interstate Highway System, then in its infancy. He points out that many American highways are dangerous and/or in need of repair and outlines a ten-year budget for the construction of new interstate highways and other federally funded roadways.

The Nation's highway system is a gigantic enterprise, one of our largest items of capital investment. Generations have gone into its building. . . . But, in large part, the network is inadequate for the nation's growing needs.

In recognition of this, the Governors in July of last year at my request began a study of both the problem and the methods by which the Federal Government might assist the States in its solution. I appointed in September the President's Advisory Committee on a National Highway Program, headed by Lucius D. Clay, to work with the Governors and to propose a plan of action for submission to the Congress. At the same time, a committee representing departments and agencies of the national Government was organized to conduct studies coordinated with the other two groups. All three were confronted with inescapable evidence that action, comprehensive and quick and forward-looking, is needed.

First: Each year, more than 36 thousand people are killed and more than a million injured on the highways. To the home where the tragic aftermath of an accident on an unsafe road is a gap in the family circle, the monetary worth of preventing that death cannot be reckoned. . . .

Second: The physical condition of the present road net increases the cost of vehicle operation, according to many estimates, by as much as one cent per mile of vehicle travel. . . . The cost is not borne by the individual vehicle operator alone. It pyramids into higher expense of doing the nation's business. . . .

Third: In case of an atomic attack on our key cities, the road net must permit quick evacuation of target areas, mobilization of defense forces and maintenance of every essential function.

Source: Eisenhower, Dwight D. "Special Message to the Congress Regarding a National Highway Program." February 22, 1955. The American Presidency Project, University of California, Santa Barbara. <https://www.presidency.ucsb.edu/documents/special-message-the-congress-regarding-national-highway-program>.

Name _____

Date _____

***from* Message to Congress on the National Highway Program**

Why did President Eisenhower choose to bring this information before Congress?

Eisenhower, through his press secretary, also released this message to the American public via print and broadcast media. Why did he choose to share this particular message so widely?

What were the major findings of the groups that Eisenhower tasked with studying the highway system?

In this excerpt, Eisenhower gives three reasons that the national highway system needs to be upgraded, repaired, and expanded. In your opinion, which reason makes the most compelling case for federal government intervention?

Because the interstate highway system is now several decades old, it can be hard to imagine life without it. What are some reasons that members of Congress or the public might have opposed Eisenhower’s plan?

from Commencement Address at Massachusetts Institute of Technology

Background: These remarks were delivered by President Bill Clinton to the Massachusetts Institute of Technology (MIT) class of 1998. Clinton's main topic is challenges and opportunities in the new millennium. He identifies technological change as an area of special interest to his listeners.

The "e-rate" program mentioned by President Clinton is an initiative to provide Internet access to schools and libraries. Authorized by a 1996 law and administered by the Federal Communications Commission, it has remained in effect ever since.

We cannot allow this age of opportunity to be remembered also for the opportunities that were missed. Every day, we wake up and know that we have a challenge; now we must decide how to meet it. Let me suggest three things.

First, we must help you to ensure that America continues to lead the revolution in science and technology. . . .

In just the past four years, information technology has been responsible for more than a third of our economic expansion. Without government-funded research, computers, the Internet, communications satellites wouldn't have gotten started. . . .

The second thing we have to do is to make sure that the opportunities of the Information Age belong to all our children. Every young American must have access to these technologies. Two years ago in my State of the Union address, I challenged our nation to connect every classroom to the Internet by the year 2000. Thanks to unprecedented cooperation at national, state, and local levels, an outpouring of support from active citizens, and the decreasing costs of computers, we're on track to meet this goal. . . .

But it is not enough to connect the classrooms. The services have to be accessed. You may have heard recently about something called the e-rate. It's the most crucial initiative we've launched to help connect our schools, our libraries, and our rural health centers to the Internet. Now some businesses have called on Congress to repeal the initiative. They say our nation cannot afford to provide discounts to these institutions of learning and health by raising a billion dollars or so a year from service charges on telecommunications companies—something that was agreed to in the Telecommunications Act of 1996 that passed with overwhelming bipartisan majorities in both Houses.

I say we cannot afford not to have an e-rate. Thousands of poor schools and libraries and rural health centers are in desperate need of discounts. If we really believed that we all belong in the Information Age, then, at this sunlit moment of prosperity, we can't leave anyone behind in the dark.

Every one of you who understands this I urge to support the e-rate. Every one of you here who came from a poor inner-city neighborhood, who came from a small rural school district, who came perhaps from another country where this was just a distant dream, you know that there are poor children now who may never have a chance to go to MIT unless someone reaches out and gives them this kind of opportunity. Every child in America deserves the chance to participate in the information revolution. (Applause.)

The third thing we have to do is to make sure that all the computers and the connections in the world don't go to waste because our children actually have 21st century skills. . . .

All students should feel as comfortable with a keyboard as a chalkboard; as comfortable with a laptop as a textbook. It is critical to ensuring that they all have opportunity in the world of the 21st century.

Source: Clinton, William J. "Remarks by the President at Massachusetts Institute of Technology 1998 Commencement." June 5, 1998. Archived Presidential White House Websites, National Archives.

Name _____

Date _____

from Commencement Address at Massachusetts Institute of Technology

Based on the problems he proceeds to discuss, in what sense did President Clinton view the turn of the millennium as an “age of opportunity”?

How is the E-Rate program, which Clinton describes and defends in the fifth and sixth paragraphs, an example of federal intervention in the marketplace?

What justifications does Clinton offer for the federal government to intervene in this way?

How do Clinton's claims about the Internet resemble those that President Eisenhower made about the highway system? How do they differ?

Two Cartoons on the League of Nations

Background: These cartoons, both published in 1919, show two reactions to President Woodrow Wilson's conception of the League of Nations and his encouragement of U.S. membership. The League was largely Wilson's brainchild and was included in his "Fourteen Points" plan for peace following World War I. Despite his energetic promotion of the League to Congress and the American public, lawmakers never ratified the peace treaty that would have made the United States a member.



Name _____

Date _____

Two Cartoons on the League of Nations

The creator of the first cartoon captioned it “Overweighted.” In it, Wilson is shown holding a large olive branch in front of a dove—two traditional symbols of peace. How does the caption, along with visual details of the cartoon itself, inform your understanding of the artist’s message?

Do you think the creator of “Overweighted” was opposed to U.S. membership in the League of Nations? Why or why not?

The second cartoon originally appeared in print with the caption “Going to Talk to the Boss.” What does that caption suggest about Wilson’s tactics in promoting the League of Nations?

Based on what you know about World War I, why did “talking to the boss” ultimately not succeed for Wilson?

How do the two cartoons, viewed side by side, help illustrate contemporary attitudes toward the League of Nations?

from “World Peace Must Be Enforced”

Background: This excerpt comes from a speech made by the secretary of the Navy, Frank Knox, to the American Bar Association in October 1941, shortly before Japan attacked Pearl Harbor and the United States formally entered World War II. By this point, the United States was arming the Allies through provisions of the Lend-Lease Act and was frustrating the Axis powers through blockades and other sanctions. Knox’s speech looks beyond the ultimate defeat of the Axis to describe what can be done to “prevent the rise of new Hitlers.” Given his official role, Knox understandably focuses his speech on concerns of international maritime law.

It is by no means sufficient that we take those steps necessary to clear the sea lanes of the bandits which now infest them. We must do more than that. We must do our full share, and more, to guarantee that they shall be kept clear of pirates in the future. Our responsibility in this respect is very great. . . .

. . . You may say, what business is it of ours to police the seven seas? Why should we provide both the leadership and the major force to insure against another world war?

My answer is history-made. Twice we have learned from bitter experience that no matter how great our reluctance to participate the world has now grown so small, so interrelated, so interdependent, that, try as we will, we cannot escape. This does not mean that we must fight every time there is a disturbance in the world, but it does mean that the great law-abiding, peace-loving nations must take the power into their hands and keep it there for a long time to come to prevent the inauguration of another world war. . . .

But again let me emphasize that war, unless guaranteed by force, is helpless. Some time, somewhere, an international order may emerge which need not rely on force, but that time, unhappily, is a long way off.

In the interim, a justly conducted, peace-loving force must intervene to save the world from self-destruction. The foundation of such a force, as I have indicated, must be the control of the seas by the United States and Great Britain.

Source: Knox, Frank. “World Peace Must Be Enforced.” *Vital Speeches of the Day*, October 15, 1941, 18–21.

Name _____

Date _____

***from* “World Peace Must Be Enforced”**

Why does Secretary Knox believe that the United States must “police the seven seas” with its navy?

Knox says that the United States has “twice . . . learned” that the world is too “small” and “interrelated” for it to “escape.” What does he mean by this remark?

Do you agree with Knox that the United States has the right and responsibility to patrol the seas? Why or why not?

Toward the end of his speech, Knox looks forward to “an international order . . . which need not rely on force.” Was such an order established after World War II? Why or why not?

***from* Testimony of Charles Lindbergh Before the Senate Foreign Relations Committee**

Background: The aviator Charles Lindbergh joined the U.S. Army Air Service (predecessor to the Air Force) in 1924 and attracted worldwide fame in 1927 when he completed the first nonstop solo transatlantic flight. Prior to the Pearl Harbor attacks, he was one of the most prominent American opponents of the Lend-Lease Act and later of U.S. military intervention. The following is an excerpt of his 1941 testimony before the U.S. Senate.

Mr. Chairman and gentlemen, . . . I have attempted to outline briefly my reasons for opposition to [the Lend-Lease Act]. In general, I have two. I oppose it, first, because I believe it is a step away from the system of government in which most of us in this country believe. Secondly, I oppose it because I think it represents a policy which will weaken rather than strengthen our Nation.

The first point is simply my opinion as an American citizen. The second is closely connected with the development of aviation as a factor in modern warfare. It is this second point, if you will permit me, that I would like to discuss. . . .

And here I would like to say that I have never taken the stand that it makes no difference to us who wins this war in Europe. It does make a difference to us, a great difference. But I do not believe that it is either possible or desirable for us in America to control the outcome of European wars. When I am asked which side I would like to have win, it would be very easy for me to say, “the English.” But, gentlemen, an English victory, if it were possible at all, would necessitate years of war and an invasion of the Continent of Europe. I believe this would create prostration [deprivation], famine, and disease in Europe—and probably in America—such as the world has never experienced before. This is why I say that I prefer a negotiated peace to a complete victory by either side.

This bill is obviously the most recent step in a policy which attempts to obtain security for America by controlling internal conditions in Europe. The policy of depleting our own forces to aid England is based upon the assumption that England will win this war. Personally, I do not believe that England is in a position to win the war. If she does not win, or unless our aid is used in negotiating a better peace than could otherwise be obtained, we will be responsible for futilely prolonging the war and adding to the bloodshed and devastation in Europe, particularly among the democracies. In that case, the only advantage we can gain by our action lies in whatever additional time we obtain to prepare ourselves for defense. But instead of consolidating our own defensive position in America, we are sending a large portion of our armament production abroad.

Source: Lindbergh, Charles. “Statement of Col. Charles A. Lindbergh, Lloyd Neck, N. Y.” In *To Promote the Defense of the United States: Hearings Before the Committee on Foreign Relations, United States Senate, Seventy-Seventh Congress, First Session, on S. 275, a Bill Further to Promote the Defense of the United States, and for Other Purposes*, part 1, January 27 to February 3, 1941. Washington, D.C.: Government Printing Office, 1941.

Name _____

Date _____

***from* Testimony of Charles Lindbergh Before the Senate Foreign
Relations Committee**

What are Colonel Lindbergh's main reasons for objecting to the Lend-Lease Act?

Lindbergh says that the Lend-Lease Act "will weaken rather than strengthen our Nation." How does he support this argument?

What role did Lindbergh's career background likely play in the Senate's decision to request his testimony?

Like Lindbergh, Senator Burton K. Wheeler (whose speech is included in Unit 3, Topic 3) was opposed to the Lend-Lease Act. How do Lindbergh’s arguments differ from those made by Wheeler?

Recall that in a speech supporting the Lend-Lease Act, President Franklin D. Roosevelt said, “We must be the great arsenal of democracy.” Bearing in mind that this debate took place nearly a year before Pearl Harbor, whose position do you find more convincing, and why?

from Opening Speech of the Nuremberg Trials

Background: Following World War II, the United States, France, Great Britain, and the Soviet Union agreed to form the International Military Tribunal (IMT) to try German Nazi leaders for several offenses, including crimes against humanity. Many other nations also soon approved the formation of the IMT. A series of thirteen trials, known as the Nuremberg trials, were held in 1945 and 1946. Today, they serve as an example of post–World War II international law that punished individuals, not just entire nations or their governments. This is an excerpt from an opening statement by Robert H. Jackson, a Supreme Court justice whom President Harry S. Truman appointed as the chief U.S. prosecutor in the trials.

May it please Your Honors:

The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

This Tribunal, while it is novel and experimental, is not the product of abstract speculations nor is it created to vindicate legalistic theories. This inquest represents the practical effort of four of the most mighty of nations, with the support of 17 more, to utilize international law to meet the greatest menace of our times—aggressive war. The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched. It is a cause of that magnitude that the United Nations will lay before Your Honors.

In the prisoners' dock sit twenty-odd broken men. Reproached by the humiliation of those they have led almost as bitterly as by the desolation of those they have attacked, their personal capacity for evil is forever past. It is hard now to perceive in these men as captives the power by which as Nazi leaders they once dominated much of the world and terrified most of it. Merely as individuals their fate is of little consequence to the world.

What makes this inquest significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have returned to dust. We will show them to be living symbols of racial hatreds, of terrorism and violence, and of the arrogance and cruelty of power. They are symbols of fierce nationalisms and of militarism, of intrigue and war-making which have embroiled Europe generation after generation, crushing its manhood, destroying its homes, and impoverishing its life. They have so identified themselves with the philosophies they conceived and with the forces they directed that any tenderness to them is a victory and an encouragement to all the evils which are attached to their names. Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with the men in whom those forces now precariously survive.

Source: Jackson, Robert H. Opening statement, November 21, 1945. In *Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 14 November 1945–1 October 1946*, vol. 2, *Proceedings: 14 November 1945–30 November 1945*. Nuremberg, Germany, 1947, pp. 98–99.

Name _____

Date _____

from Opening Speech of the Nuremberg Trials

Which countries took part in the trials, and how does Justice Jackson describe them? What does this indicate about the perspective of these countries on World War II and its aftermath?

What does Jackson say about the role of international of law and to whom and what it should apply? Cite evidence from the source.

Jackson states, "Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with the men in whom those forces now precariously survive." What does Jackson indicate about the future in this statement?

A main challenge of international law is how to enforce it. Why do you think this remains a problem for international organizations, and what might the United States change to try to solve this problem?

Title IX of the Education Amendments of 1972

Background: In 1972, President Richard Nixon signed Title IX of the Education Amendments into law. Representative Patsy Takemoto Mink spearheaded the legislation, known as “Title IX.” The purpose of the law was to prohibit discrimination in any education institution or program (including athletics) that receives federal funding, including programs that range from preschool to graduate school and private educational institutions. The law also makes it illegal for educational institutions and programs to discriminate against students who are blind or visually impaired.

(a) Prohibition against discrimination; exceptions

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, except that:

(1) Classes of educational institutions subject to prohibition

in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) Educational institutions commencing planned change in admissions

in regard to admissions to educational institutions, this section shall not apply (A) for one year from June 23, 1972, nor for six years after June 23, 1972, in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education, whichever is the later;

(3) Educational institutions of religious organizations with contrary religious tenets

this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) Educational institutions training individuals for military services or merchant marine

this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine;

(5) Public educational institutions with traditional and continuing admissions policy

in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex;

(6) Social fraternities or sororities; voluntary youth service organizations

this section shall not apply to membership practices—

(A) of a social fraternity or social sorority which is exempt from taxation under section 501(a) of title 26, the active membership of which consists primarily of students in attendance at an institution of higher education, or

(B) of the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age; . . .

(b) Preferential or disparate treatment because of imbalance in participation or receipt of Federal benefits; statistical evidence of imbalance

Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this chapter of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

Source: Title IX, Education Amendments of 1972. 20 U.S.C. § 1681.

Name _____

Date _____

Title IX of the Education Amendments of 1972

According to the source, which classes of education institutions are subject to the prohibition against discrimination?

What does the source mean by “planned change in admissions”? Why do you think Title IX includes specific time frames for implementation for these institutions?

Which amendment applies to the exception outlined in Section 3? Based on your reading in Topic 1, which Supreme Court decision relates to this exception?

According to the source, what other types of institutions and programs are exempt from Title IX prohibitions?

What is the purpose of Section (b) of the source? Do you agree with the inclusion of this section? Why or why not?

Based on what you’ve read, which constitutional right is reflected by this legislation?

Lunch Counter Sit-In

Background: African American college students played an important role in organizing peaceful protests during the Civil Rights Movement of the 1950s and 1960s. In 1960, four students from the Agricultural and Technical College of North Carolina sat down at a Woolworth store's lunch counter in Greensboro and ordered a cup of coffee. When refused service and asked to leave, they instead remained in their seats, practicing passive resistance. They returned the next day, along with others, and were again refused service. In the following days, so many participants arrived that they filled all of the lunch counter's seats and occupied the sidewalk outside. The Greensboro sit-ins inspired the Student Nonviolent Coordinating Committee (SNCC) to organize similar protests, which resulted in the desegregation of lunch counters across the South.



Name _____

Date _____

Lunch Counter Sit-In

What conclusions about protesting can you draw from the photograph? Cite evidence from the photograph to support your response.

Whose perspective is this source from? How does this influence or limit interpretations of the event?

What other sources or accounts would be helpful to better understand this event?

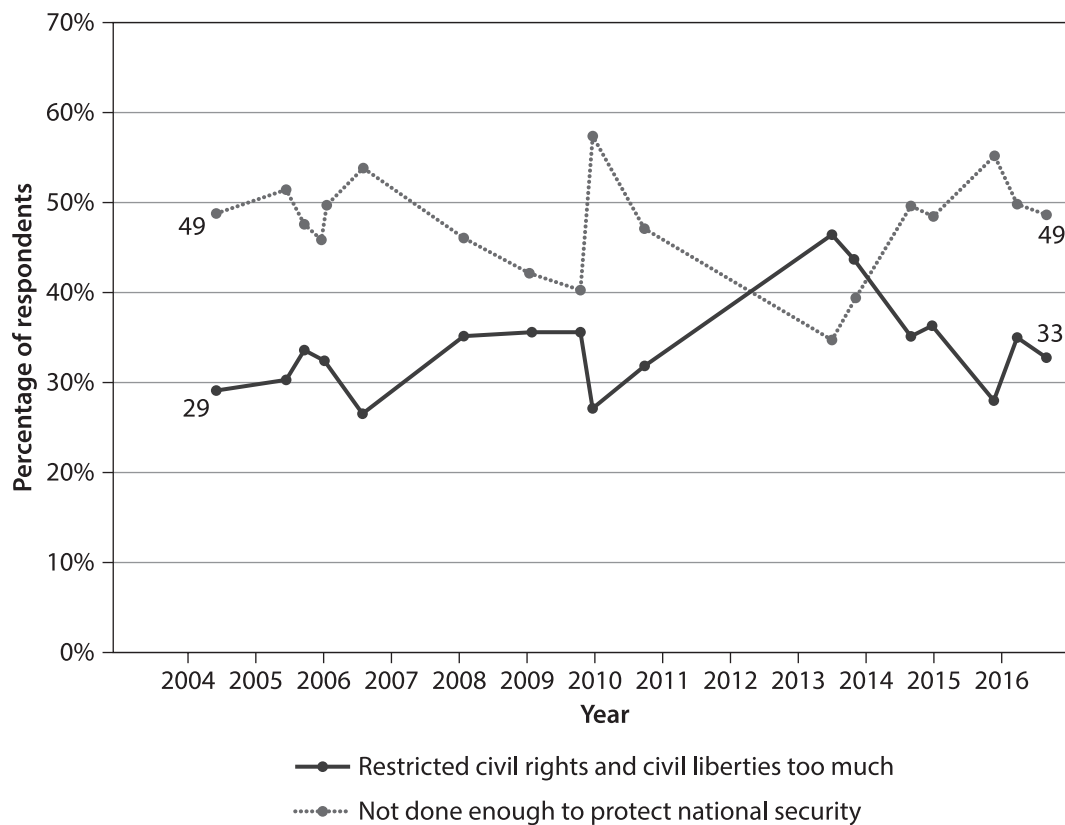
Consider the form of protest shown in the photograph. Why do you think it was effective in bringing about change?

Perceptions of Government Anti-Terrorism Policies

Background: Following the terrorist attack on September 11, 2001, Congress passed the USA PATRIOT Act in October of that year, giving new powers of surveillance to the federal government. These included “warrantless wiretaps” that gave the government wide-reaching power to collect information about all communications in the United States. This graph shows American citizens’ concern about the government’s anti-terrorism policies between 2004 and 2016.

Perceptions of Government Anti-terrorism Policies, 2004–16

Percentage of respondents who say that they are more concerned that the government’s anti-terrorism policies have . . .



Source: “The State of Privacy in Post-Snowden America.” Pew Research Center, September 21, 2016.

Name _____

Date _____

Perceptions of Government Anti-Terrorism Policies

According to the source, which stance on anti-terrorism policies are more Americans likely to agree with?

What were most respondents concerned about in 2004? How does this compare to respondents' views in 2016? Answers should include data from the graph.

In what year did concern about the effects of anti-terrorism policies on civil rights and civil liberties reach its peak? What else is notable about that year?

What conclusion(s) about public perceptions of government actions to protect national security are supported by the graph? How might these conclusions connect to the significance of the Bill of Rights?

Based on your knowledge of the PATRIOT Act and the Constitution, what civil rights and civil liberties do you think respondents were most concerned about?

Naturalization Ceremonies

Background: The United States recognizes two pathways to citizenship: through birthright (by being born either in the United States or to a parent who is a U.S. citizen) and through naturalization.



Naturalization ceremony, Zion National Park, Utah



Naturalization ceremony, Kandahar Airfield, Afghanistan

Name _____

Date _____

Naturalization Ceremonies

How are the naturalization ceremonies in these photographs similar? What does this suggest about naturalization?

How are the naturalization ceremonies in these photographs different from each other?

Based on your knowledge of civics, how might the naturalization requirements for individuals in the second photograph differ from those in the first photograph? Why do you think the requirements are different?

Do you think the content of these images shows bias or judgment? Why or why not?

Based on your knowledge of civics, which important part of naturalization took place at the ceremonies shown in these photographs?

from Remarks at the Signing of the Immigration Bill, Liberty Island, New York

Background: On October 3, 1965, President Lyndon B. Johnson signed the Immigration and Nationality Act of 1965 into law. The act ended the discriminatory policy of using national origin to determine immigration quotas, instead opening the country to “those who can contribute most to this country—to its growth, to its strength, to its spirit.”

This bill that we will sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or our power.

Yet it is still one of the most important acts of this Congress and of this administration.

For it does repair a very deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American Nation.

Speaker McCormack and Congressman Celler almost 40 years ago first pointed that out in their maiden speeches in the Congress. And this measure that we will sign today will really make us truer to ourselves both as a country and as a people. It will strengthen us in a hundred unseen ways. . . .

This bill says simply that from this day forth those wishing to immigrate to America shall be admitted on the basis of their skills and their close relationship to those already here.

This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land.

The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only 3 countries were allowed to supply 70 percent of all the immigrants.

Families were kept apart because a husband or a wife or a child had been born in the wrong place.

Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents.

This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man.

It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.

We can now believe that it will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege.

Our beautiful America was built by a nation of strangers. From a hundred different places or more they have poured forth into an empty land, joining and blending in one mighty and irresistible tide.

The land flourished because it was fed from so many sources—because it was nourished by so many cultures and traditions and peoples.

And from this experience, almost unique in the history of nations, has come America's attitude toward the rest of the world. We, because of what we are, feel safer and stronger in a world as varied as the people who make it up—a world where no country rules another and all countries can deal with the basic problems of human dignity and deal with those problems in their own way.

Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

The days of unlimited immigration are past.

But those who do come will come because of what they are, and not because of the land from which they sprung.

Source: Johnson, Lyndon B. "Remarks at the Signing of the Immigration Bill, Liberty Island, New York." October 3, 1965. The American Presidency Project, edited by Gerhard Peters and John T. Woolley. University of California, Santa Barbara. <https://www.presidency.ucsb.edu/node/241316>.

Name _____

Date _____

***from* Remarks at the Signing of the Immigration Bill, Liberty Island, New York**

How does President Johnson characterize the Immigration and Nationality Act of 1965?

Why do you think Johnson mentions Speaker McCormack and Congressman Celler by name?

According to Johnson, how did the national origins quota system influence immigration?

According to Johnson, why is immigration to the United States important? What argument does he make in the last part of the excerpt?

After reading the source, what word would you use to describe Johnson’s overall view of the law, and why? Cite evidence to support your response.

from President George W. Bush's Inaugural Address

Background: While not required by the U.S. Constitution, it's customary for presidents to give an inaugural address after they are sworn into office. This excerpt is from President George W. Bush's address given on January 20, 2001.

Our democratic faith is more than the creed of our country, it is the inborn hope of our humanity, an ideal we carry but do not own, a trust we bear and pass along. And even after nearly 225 years, we have a long way yet to travel.

While many of our citizens prosper, others doubt the promise, even the justice, of our own country. The ambitions of some Americans are limited by failing schools and hidden prejudice and the circumstances of their birth. And sometimes our differences run so deep, it seems we share a continent, but not a country.

We do not accept this, and we will not allow it. Our unity, our union, is the serious work of leaders and citizens in every generation. . . .

America has never been united by blood or birth or soil. We are bound by ideals that move us beyond our backgrounds, lift us above our interests and teach us what it means to be citizens. Every child must be taught these principles. Every citizen must uphold them. And every immigrant, by embracing these ideals, makes our country more, not less, American.

Today, we affirm a new commitment to live out our nation's promise through civility, courage, compassion and character.

America, at its best, matches a commitment to principle with a concern for civility. A civil society demands from each of us good will and respect, fair dealing and forgiveness.

Some seem to believe that our politics can afford to be petty because, in a time of peace, the stakes of our debates appear small. . . .

We must live up to the calling we share. Civility is not a tactic or a sentiment. It is the determined choice of trust over cynicism, of community over chaos. And this commitment, if we keep it, is a way to shared accomplishment. . . .

America, at its best, is a place where personal responsibility is valued and expected.

Encouraging responsibility is not a search for scapegoats, it is a call to conscience. And though it requires sacrifice, it brings a deeper fulfillment. We find the fullness of life not only in options, but in commitments. And we find that children and community are the commitments that set us free. . . .

What you do is as important as anything government does. I ask you to seek a common good beyond your comfort; to defend needed reforms against easy attacks; to serve your nation, beginning with your neighbor. I ask you to be citizens: citizens, not spectators; citizens, not subjects; responsible citizens, building communities of service and a nation of character.

Source: Bush, George W. "President George W. Bush's Inaugural Address." January 20, 2001, Washington, D.C. Archived Presidential White House Websites, National Archives.

Name _____

Date _____

from President George W. Bush’s Inaugural Address

What responsibility of citizens is President Bush referring to when he discusses civility?

According to the source, what role do immigrants play in the United States? How does this connect to your understanding of what it means to be a citizen?

According to the source, what is American unity based on?

In his speech, Bush tells the audience, “What you do is as important as anything government does.” Do you agree with this sentiment? Why or why not?

What does Bush mean when he asks people to be “citizens, not spectators”? What are some ways to achieve this?

from *Baker et al. v. Carr et al.*

Background: Between 1901 and 1961, Tennessee’s total population grew from 2 million people to 3.5 million. Meanwhile, its eligible voting population grew from half a million to more than 2 million. Despite these changes, the state had not reapportioned its districts in sixty years. The former mayor of a town called Milligan claimed that Tennessee’s failure to reapportion districts based on the decennial census violated the equal protection clause of the Fourteenth Amendment. In 1946, the Supreme Court ruled in a similar case (*Colegrove v. Green*) that only the legislative branch could address issues of apportionment and that the judicial branch did not have jurisdiction when it came to redistricting because it was a “political question.” In *Baker v. Carr* (1962), the court reversed its earlier decision in a 6–2 ruling. The excerpt here is from the majority opinion, written by Justice William J. Brennan Jr.

It is apparent that several formulations which vary slightly according to the settings in which the questions arise may describe a political question, although each has one or more elements which identify it as essentially a function of the separation of powers. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court’s undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious [diverse] pronouncements by various departments on one question.

Unless one of these formulations is inextricable [unable to be separated] from the case at bar, there should be no dismissal for nonjusticiability [inability to be tried in a court of law] on the ground of a political question’s presence. The doctrine of which we treat is one of “political questions,” not one of “political cases.” The courts cannot reject as “no law suit” a bona fide controversy as to whether some action denominated “political” exceeds constitutional authority. The cases we have reviewed show the necessity for discriminating [discerning, careful] inquiry into the precise facts and posture of the particular case. . . .

We come, finally, to the ultimate inquiry whether our precedents as to what constitutes a nonjusticiable “political question” bring the case before us under the umbrella of that doctrine. A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present. We find none: The question here is the consistency of state action with the Federal Constitution. We have no question decided, or to be decided, by a political branch of government coequal with this Court. Nor do we risk embarrassment of our government abroad, or grave disturbance at home if we take issue with Tennessee as to the constitutionality of her action here challenged. Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects *no* policy, but simply arbitrary and capricious action. . . .

When challenges to state action respecting matters of “the administration of the affairs of the State and the officers through whom they are conducted” have rested on claims of constitutional deprivation which are amenable to judicial correction, this Court has acted upon its view of the merits of the claim. For example, in . . . *Kennard v. Louisiana ex rel. Morgan* . . . and *Foster v. Kansas ex rel. Johnston* . . . , we considered whether persons had been removed from public office by procedures consistent with the Fourteenth

Amendment's due process guaranty, and held on the merits that they had. And only last Term, in *Gomillion v. Lightfoot* . . . , we applied the Fifteenth Amendment to strike down a redrafting of municipal boundaries which effected a discriminatory impairment of voting rights, in the face of what a majority of the Court of Appeals thought to be a sweeping commitment to state legislatures of the power to draw and redraw such boundaries. . . .

We conclude that the complaint's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the Fourteenth Amendment.

Source: *Baker et al. v. Carr et al.* 369 U.S. 186 (1962).

Name _____

Date _____

from *Baker et al. v. Carr et al.*

What purpose does the list of criteria in the first paragraph serve?

Why do you think the opinion makes the distinction between “political questions” and “political cases”?

What evidence from the text supports the idea that the Supreme Court takes other factors beyond precedent into consideration when accepting cases and issuing rulings?

Why do you think Justice Brennan included the second-to-last paragraph in the excerpt?

Based on the source and your knowledge of civics, why was the ruling in *Baker v. Carr* significant?

Campaign Poster

Background: In June 1880, the members of the Republican Party met in Chicago to nominate a candidate for the upcoming presidential election. The convention was contested, and after nearly three dozen ballots, none of the candidates had secured a majority. On the thirty-fourth ballot, James Garfield, a U.S. senator from Ohio, received 16 votes from Wisconsin's delegates. On the thirty-fifth ballot, he received 50 votes, and by the thirty-sixth ballot, he had secured 399 of the 705 votes cast, making him the official Republican candidate. Chester A. Arthur was then nominated as Garfield's running mate. Garfield won the popular vote by a narrow margin but secured 214 of the 369 electoral votes. The text that follows the campaign poster here is the text found under the two portraits.



Gen'l JAMES A. GARFIELD.—Born Nov. 19th, 1831, in Orange township, Cuyahoga Co., Ohio—a farmer's boy. At 17 engaged as driver and boatman on Ohio and Erie Canal; at 19 entered Geauga Academy, earning his board and tuition by working as a Carpenter; at 23 entered Junior Class at William's College, Mass., graduating in 1856; at 26 was made President of Hiram Institute, Portage, Ohio; in 1859 elected to the Ohio State Senate; 1861 chosen Colonel 42d Ohio Vols.—created Brigadier General, participated in the Battle of Pittsburgh Landing, the Siege of Corinth, and Battle of Chicamauga [sic], and was created Major General for gallant and meritorious service; elected to Congress in 1862, and continuously until 1878; January, 1880, elected United States Senator from Ohio for six years, from March 4th, 1881; nominated for the Presidency at Chicago, June 8th, 1880.

Gen'l CHESTER A. ARTHUR.—Born in Franklin Co., Vermont, 1830 [sic]. Graduated at Union College, Schenectady, N.Y., 1848; Admitted to the bar in 1850; Appointed Counsel to defend the Slaves in the

celebrated Lemmon Slave Case of 1852, and, with his associate, Wm. M. Evarts, secured their release by a decision of the Court of Appeals; Appointed by Gov. Morgan, Jan., 1861, Engineer-in-Chief of the State of New York, and for his valuable service to the Government in organizing and equipping of Volunteers for the War, was appointed, Jan., 1862, Quartermaster-General on Gov. Morgan's staff; Nov., 1871, appointed Collector of the Port of New York; re-appointed, Dec., 1875, and unanimously confirmed by the Senate without the usual course of reference to a committee—a very high compliment usually reserved for ex-Senators; Nominated for the Vice-Presidency at Chicago, June 8th, 1880.

Source: Currier & Ives. *Grand National Republican Banner 1880*. New York, 1880. Prints & Photographs Online Catalog. Library of Congress.

Name _____

Date _____

Campaign Poster

What symbols are featured in the campaign poster? What do they suggest?

According to the biographies, where was each candidate born?

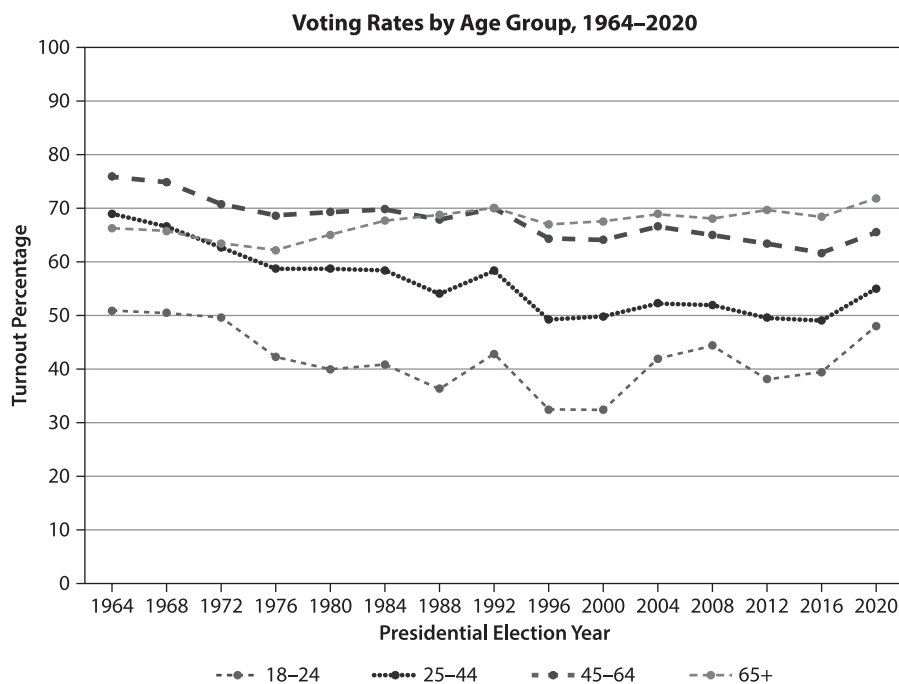
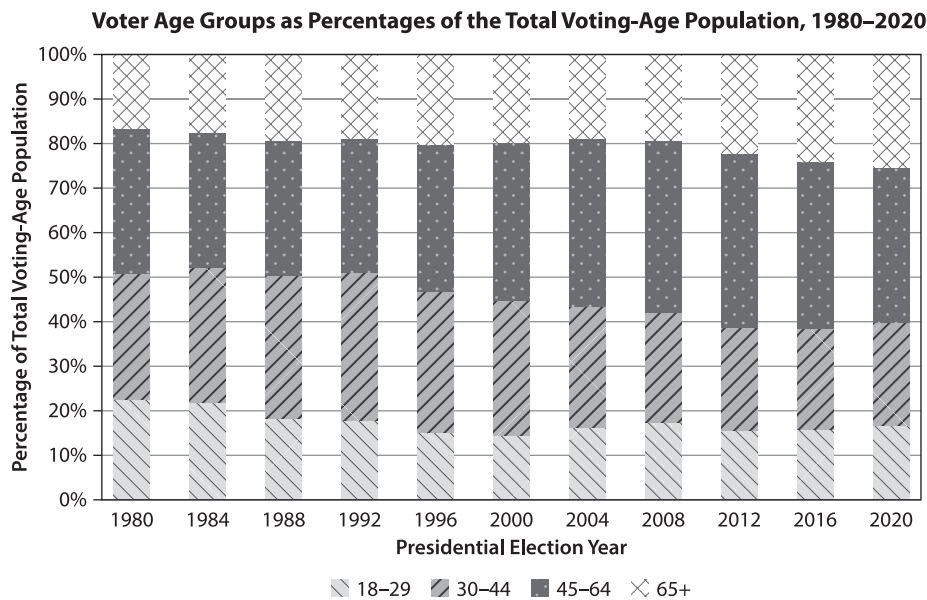
Why do you think the Republican Party chose to include the biographies of both candidates on the poster? Do you think this was an effective tactic? Why or why not?

Based on your knowledge of history and the source, why do you think these candidates chose to include the phrase “Union & Liberty / Now & For Ever” on the poster? Which voters might this phrase have appealed to most?

If you could improve this campaign poster, what information would you add and why?

Voting-Age Population Graphs

Background: In addition to conducting the decennial census, the U.S. Census Bureau collects and estimates data on a range of subjects, including the voting-age population and participation of the voting-age population in elections. The first graph breaks down the total voting-age population in presidential election years from 1980 to 2020 by age group. While the population in each year of the graph varies, the bars make it possible to compare the size of voter age groups from one election year to the next. The second graph shows the percentage of each voter age group that turned out to vote in presidential elections from 1964 to 2020. Note that the age groups vary slightly between the two graphs.



Source: U.S. Census Bureau. Current Population Survey, November 1964–2022.

Name _____

Date _____

Voting-Age Population Graphs

According to the first graph, which two groups made up the smallest voting-age populations between 1980 and 2020?

According to the first graph, which voter age group consistently makes up the largest percentage of the voting-age population? How does this group compare to other groups?

According to the first graph, in what years did the percentage of voters aged 18–29 reach its peak?

According to the second graph, how does the turnout of voters aged 18–24 compare to the turnout of voters aged 65 and over? Using information from both graphs, what conclusions can you draw from this trend?

Based on the graphs, why do you think it is a priority for candidates to target certain voter age groups?

from *Federalist No. 10*

Background: *The Federalist Papers* are a collection of eighty-five articles and essays written by Alexander Hamilton, James Madison, and John Jay to promote the ratification of the U.S. Constitution. *Federalist No. 10*, written by Madison in 1787, explains how the government under the Constitution can overcome political factions.

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse [harmful] to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment [sustenance] without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient [action] is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties. . . .

The inference to which we are brought is, that the CAUSES of faction cannot be removed, and that relief is only to be sought in the means of controlling its EFFECTS.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. . . .

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people.

Source: Madison, James. *Federalist* No. 10. *Federalist Papers: Primary Documents in American History*. Library of Congress.

Name _____

Date _____

from *Federalist* No. 10

According to Madison, what is a faction?

According to Madison, what are two ways to “remov[e] the causes of faction”? What are his views on these approaches?

According to Madison, how can a republican form of government help treat the effects of factions?

What are some potential risks mentioned in the passage regarding the selection of representatives?

Based on the information from the source and your knowledge of civics, why is it important for citizens to participate in elections and stay informed?

from “Declaration of Conscience”

Background: Margaret Chase Smith was a Republican politician from Maine. She served in the U.S. House of Representatives from 1940 to 1949 and in the U.S. Senate from 1949 to 1973, becoming the first woman to serve in both houses of Congress. During her time in office, she tackled women’s issues as well as issues related to the military and national security. Smith was firmly anti-communist; however, she challenged the tactics used by Joseph McCarthy after he failed to substantiate his claims with evidence. Smith became the first U.S. senator to speak out against McCarthy’s tactics with her “Declaration of Conscience” speech, delivered before the Senate in 1950.

I think it is high time that we [the United States Senate and its members] remembered that we have sworn to uphold and defend the Constitution. I think it is high time that we remembered that the Constitution, as amended, speaks not only of the freedom of speech but also of trial by jury instead of trial by accusation.

Whether it be a criminal prosecution in court or a character prosecution in the Senate, there is little practical distinction when the life of a person has been ruined.

Those of us who shout the loudest about Americanism in making character assassinations are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism—

The right to criticize.

The right to hold unpopular beliefs.

The right to protest.

The right of independent thought.

The exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood nor should he be in danger of losing his reputation or livelihood merely because he happens to know some one who holds unpopular beliefs. Who of us does not? Otherwise none of us could call our souls our own. Otherwise thought control would have set in.

The American people are sick and tired of being afraid to speak their minds lest they be politically smeared as Communists or Fascists by their opponents. Freedom of speech is not what it used to be in America. It has been so abused by some that it is not exercised by others.

Source: 96 Cong. Rec. 7894 (1950) (statement of Margaret Chase Smith).

Name _____

Date _____

***from* “Declaration of Conscience”**

What individual rights does Smith remind her audience of in the speech? What does Smith mean when she says freedom of speech “has been so abused by some that it is not exercised by others”?

Why does Smith address both Republicans and Democrats in her speech? What does this suggest about polarization in Congress at the time?

What “basic principles of Americanism” does Smith identify? Why are these rights important in a democratic society? What role does the media play in supporting these rights?

Consider Smith's assertion that "freedom of speech is not what it used to be in America." Do you think freedom of speech has changed since Smith gave this speech, and why?

Letter from Barack Obama to Howard Dean

Background: In May 2007, Barack Obama—then a U.S. senator from Illinois and a candidate for the Democratic Party’s presidential nomination—wrote a letter to Howard Dean, the chairman of the Democratic National Committee (DNC), asking that the DNC share videos from Democratic presidential debates with the public so that the content may be used without restriction and free of charge.

Dear Chairman Dean:

I am writing in strong support of a letter from a bipartisan coalition of academics, bloggers and Internet activists recently addressed to you and the Democratic National Committee. The letter asks that the video from any Democratic Presidential debate be available freely after the debate, by either placing the video in the public domain, or licensing it under a Creative Commons (Attribution) license.

As you know, the Internet has enabled an extraordinary range of citizens to participate in the political dialogue around this election. Much of that participation will take the form of citizen generated content. We, as a Party, should do everything that we can to encourage this participation. Not only will it keep us focused on the issues that matter most to America, it will also encourage participation by a wide range of our youth who have traditionally simply tuned out from politics.

The letter does not propose some radical change in copyright law, or an unjustified expansion in “fair use.” Instead, it simply asks that any purported copyright owner of video from the debates waive that copyright.

I am a strong believer in the importance of copyright, especially in a digital age. But there is no reason that this particular class of content needs the protection. We have incentive enough to debate. The networks have incentive enough to broadcast those debates. Rather than restricting the product of those debates, we should instead make sure that our democracy and citizens have the chance to benefit from them in all the ways that technology makes possible.

Your presidential campaign used the Internet to break new ground in citizen political participation. I would urge you to take the lead again by continuing to support this important medium of political speech. And I offer whatever help I can to secure the support of others as well.

Sincerely,

Barack Obama

Source: Obama, Barack. Letter to Howard Dean, May 3, 2007. The American Presidency Project, edited by Gerhard Peters and John T. Woolley. University of California, Santa Barbara. <https://www.presidency.ucsb.edu/node/292244>.

Name _____

Date _____

Letter from Barack Obama to Howard Dean

According to the source, who is Senator Obama writing in support of?

Why does Obama advocate for releasing the videos into the public domain or licensing them under a Creative Commons (Attribution) license? How might the availability of these videos online influence public opinion?

What points does Obama make about copyright?

Obama wrote this letter at a time when he was running to be the Democratic Party’s presidential candidate. Based on this information and the source, what group of voters do you think he was trying to appeal to?

Consider the appeal Obama makes in the last paragraph. Do you think this is an effective closing to his argument? Why or why not?

Subject Matter Experts

Dr. Belinda Cambre, Louisiana State University Laboratory School

Illustration and Photo Credits

3_ The Federal Pillars, a political cartoon from the 'Massachusetts Centinel' shows the New York column is in place, and the North Carolina column is being put into position; to the right is the crumbling Rhode Island column next to the notation, 'The foundation good – it may yet be SAVED' Rhode Island did not ratify the Federal Constitution until May 18, 1790, then only with conditions and under threat of a trade embargo by the other states/Everett Collection / Bridgeman Images: 31a

Chronicle / Alamy Stock Photo: 144

IanDagnall Computing / Alamy Stock Photo: Cover E

lucky-photographer / Alamy Stock Photo: Cover D

Millenius / Alamy Stock Photo: Cover C

Ninette Maumus / Alamy Stock Photo: Cover H

Norma Jean Gargas / Alamy Stock Photo: Cover I

NPS/Abi Farish: 130a

PJF Military Collection / Alamy Stock Photo: 130b

President Wilson giving the Dove of Peace an olive branch labelled 'League of Nations', from 'Punch', London, 26th March 1919 (print)/English School, (20th century) / English/Universal History Archive/UiG / Bridgeman Images: 106a

President Woodrow Wilson shown taking his case for ratifying the Treaty of Versailles to the public after it's rejection by Congress, political cartoon 1919/Everett Collection / Bridgeman Images: 106b

RBM Vintage Images / Alamy Stock Photo: 71

Science History Images / Alamy Stock Photo: 123

Steven Frame / Alamy Stock Photo: Cover B

Tetra Images / Alamy Stock Photo: Cover A, Cover F

The dragon of the monopoly: "" huge diet but little milk"". Cartoon by W. A. Sherman, on the Sherman antitrust legislation (1890). Coloured engraving, 19th century./Photo © North Wind Pictures / Bridgeman Images: 97

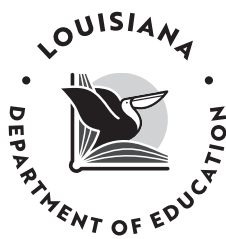
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