

# *American History*

## *Part II*

*(Federal & State Constitutions)*

*CED - 220*

*International College of Bible Theology*

## ARE YOU BORN AGAIN?

Knowing in your heart that you are born-again, and followed by a statement of faith are the two prerequisites to studying and getting the most out of your ICBT materials. We at ICBT have developed this material to educate each Believer in the principles of God. Our goal is to provide each Believer with an avenue to enrich their personal lives and bring them closer to God.

Is Jesus your Lord and Savior? If you have not accepted Him as such, you must be aware of what Romans 3:23 tells you.

*23 For all have sinned, and come short of the glory of God:*

How do you go about it? **You must believe that Jesus is the Son of God.**

I John 5:13 gives an example in which to base your faith.

*13 These things have I written unto you that believe on the name of the Son of God; that ye may know that ye have eternal life, and that ye may believe on the name of the Son of God.*

What if you are just not sure? **Romans 10:9-10 gives you the Scriptural mandate for becoming born-again.**

*<sup>9</sup>That if thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved. <sup>10</sup>For with the heart man believeth unto righteousness; and with the mouth confession is made unto salvation.*

Take some time to consider this very carefully. Ask Jesus to come into your heart so that you will know the power of His Salvation and make your statement of faith today.

Once you become born-again, it is your responsibility to renew your mind with the Word of God. Romans 12:1-2 tells us that transformation of the mind can only take place in this temporal world by the Word of God.

*I beseech you therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service. 2 And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God.*

The Apostle Paul, giving instructions to his Ason@ Timothy states in 2 Timothy 2:15:

*15 Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth.*

What happens if we do these things? Ephesians 4:12-13 gives us the answer to this question.

*12 For the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ: 13 Till we all come in the unity of the faith, and of the knowledge of the Son of God, unto a perfect man, unto the measure of the stature of the fullness of Christ:*

By studying the Word of God, you will be equipped for service in the Kingdom of God and you will also be ready to take the position in the Body of Christ to which God has appointed you. You will be able to walk in unity with other Believers and you will be a vessel of honor to God that can rightly divide the word of truth.

If you are not saved and you do not know what to say, consider this simple prayer.

***Lord, I know that I have need of a saviour. I believe that Jesus died for my sins and the God raised Him from the dead three days later. I ask to be forgiven and for Jesus to come into my heart and be the Lord of my life. I believe now by faith that God has heard my prayer and I am born- again.***

If you have prayed this prayer, accept by faith that your sins have been forgiven; It is important that you tell someone of your decision to accept the Lord. Also, it is our recommendation that you should attach yourself to a local church and undergo water baptism.

For those who have prayed this prayer with sincerity of heart, we welcome to eternal life in the Kingdom of God. May the blessings of God overtake you.

May God grant you wisdom, knowledge, and understanding in all of His ways.

ICBT Directors and Staff

## THE VISION

As we have been commissioned by the prophet of God, we now set our hand to write the vision of International College of Bible Theology, so that: **"He that runs may read it, the vision having been clearly written and made plain" (Habakkuk 2:2).**

- 1) **UNITY** - To build up the Body of Christ by networking with all churches, as well as with local and international ministries. This networking is to provide experienced leadership ministries to the small, local Church, to encourage unity and fellowship among pastors, church leaders and para-church groups, through active service.
- 2) **GOSPEL** - To go with the lifeline of the Gospel, wherein we desire to educate with love, integrity, and without compromise.
- 3) **ONE CROSS FOR ALL** - To cross cultural, racial, and denominational lines for unity, fellowship, networking, and progress. To have an open door through ICBT to all, of like faith, who desire to join with us in a common goal for the highest good. To proclaim one cross for all cultures, races, denominations, and peoples.
- 4) **GO YE** - To go wherever there is a need; to rich or poor, to majorities and minorities, to large and small churches, to free and incarcerated; to go where many fail to go and to meet the needs before us.
- 5) **THE CALLED** - To make opportunities available, to those called to minister, to expand their horizons through new associations and experiences. To aid new and/or younger ministers in fulfilling God's call on their lives.
- 6) **EDUCATION** - God has charged us with propagating the Gospel through education to whosoever will. This education is offered through certificate programs that teach the basics of Christianity and degree programs for those seeking more in-depth levels in Christian teachings.
- 7) **APPLICATION** - To make available to students the opportunity for education, as well as learning practical application, in traditional and non-traditional settings.
- 8) **DREAM A DREAM** - To cause all persons with which we associate to catch a vision, to dream yet another dream, and to keep their eyes on Jesus, the Author and Finisher of their faith.
- 9) **THE CALL** - To encourage each person (all persons) to move out of his/her (their) comfort zone, to be all he/she (they) can be for Christ and to fulfill the call upon their life (lives), to encourage each one (them) to pursue his/her (their) purpose, to live up to his/her (their) potential, and to produce the fruit of the Spirit.

# *International College of Bible Theology*

*"Study to shew thyself approved unto God,  
a workman that needeth not to be ashamed,  
rightly dividing the word of truth"  
II Timothy 2:15*

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**American Government**  
**The FEDERAL CONSTITUTION**

Do Homework I, and II

Do Quiz 1, which covers Homework I-II.

Do Homework III, and IV

Do Quiz 2, which covers Homework III-IV.

Do Homework V, and VI

Do Quiz 3, which covers Homework V-VI.

Do Homework VII, and VIII

Do Quiz 4, which covers Homework VII-VIII.

Do Homework IX,

Do Quiz 5, which covers Homework IX.

Take Final Exam, which covers Part II, Homework I-IX.

# **American History with Federal & State Constitutions**

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## I. PROVINCETOWN

Provincetown, a town in eastern Massachusetts, on Cape Cod Bay at the northern end of Cape Cod, is located in Barnstable County. It is a noted artists' colony, a fishing port, and a tourist center, situated adjacent to Cape Cod National Seashore.

The Pilgrims, the early English settlers who founded the Plymouth Colony, first set foot on American soil in 1620, before venturing on to Plymouth. A community developed on the site about 1700 and Provincetown was incorporated in 1727. By the 19th century, the town had grown into an active salt-processing center and whaling port. The Provincetown Players, a noted theatrical group, was founded here in 1915; the group moved to New York City the following year.

Provincetown is the site of the tall granite Pilgrim Monument (1907-1910), which commemorates the Pilgrims' landing and the signing in the harbor of the Mayflower Compact; the Provincetown Historical Museum, which has displays of Colonial art and artifacts; the Provincetown Art Association and Museum, with a collection of works by Provincetown artists; and the Provincetown Heritage Museum, containing historical items. The population in 1980 was three thousand five hundred thirty six (3,536), and in 1990 it was three thousand five hundred sixty one (3,561).

## II. PLYMOUTH, MASSACHUSETTS

Plymouth, Massachusetts, is a town, and the seat of Plymouth County, located in southeastern Massachusetts, on Plymouth Bay. It was founded in 1620. The town has industries producing metal items, textiles, cordage, and processed food. Plymouth also is a fishing center and has summer resort facilities, but its main focus is as a tourist spot, the site of the famous landing in 1620 of the Pilgrims, who founded here the first permanent European settlement in New England.

Among the many attractions are Plymouth Rock, the Pilgrims' legendary landing spot; Burial Hill cemetery, which contains the graves of several of the Pilgrims; and many preserved and restored 17th century homes. Also of great interest are Plymouth Plantation, containing a re-creation of the Pilgrim village as it was in 1627, and the *Mayflower II*, a full-scale replica of a boat similar to the Pilgrims' *Mayflower*; Pilgrim Hall, a museum featuring a fine collection of Pilgrim artifacts; and the Plymouth National Wax Museum, noted for its historical tableaux, The Mayflower Experience, a museum containing a multimedia depiction of the Pilgrims ocean voyage; and the eighty one (81) foot high National Monument to the Forefathers (1889), a granite memorial known also as the Pilgrim Monument. Also notable are the Jenney Gristmill, a reconstructed water mill, and the Cranberry World Visitor's Center which has exhibitions on cranberry cultivation.

Plymouth was founded in December, 1620, by the Pilgrims, who selected the site after an exploratory voyage along Cape Cod, from what is now Provincetown, Massachusetts. They named the community for their point of departure, Plymouth, England. The community was recognized as the seat of Plymouth Colony in 1633. It became part of Massachusetts Bay Colony in 1691. The population in 1980 was thirty five thousand, nine hundred and thirteen (35,913), and in 1990 it had forty five thousand, six hundred

eight (45,608) inhabitants.

### **III. MAYFLOWER**

The *Mayflower* was a vessel in which the Pilgrims crossed the Atlantic Ocean to the New World in 1620. As originally conceived, the expedition included another vessel, the *Speedwell*, the latter proved unseaworthy. The *Mayflower*, about one hundred eighty (180) gross tons, and carrying one hundred two (102) passengers, finally got under way from Plymouth, England, on September 16, 1620. The ship was headed for Virginia, where the colonists had been authorized to settle. As a result of stormy weather and navigational errors, the vessel failed to make good its course, and on November 21, the *Mayflower* rounded the end of Cape Cod and dropped anchor off the site of present-day Provincetown, Massachusetts.

The *Mayflower* remained anchored for the next few weeks while a party from the ship explored Cape Cod and its environs in search of a satisfactory site for the colony. Peregrine White, the first European child born in New England, was delivered on the *Mayflower* in the interim. On December 21, an area having been selected, the Pilgrims disembarked from the *Mayflower* near the head of Cape Cod, and founded Plymouth Colony, the first permanent settlement in New England.

The Pilgrims were probably more than six hundred (600) miles northeast of their intended destination in Virginia. The patent for their settlement in the New World, issued by the London Company, was no longer binding, and some among the passengers desired total independence from their shipmates. To prevent this, forty one (41) of the adult male passengers, including John Alden, William Bradford, William Brewster, John Carver, Miles Standish, and Edward Winslow, gathered in the cabin of the *Mayflower* and formulated and signed the *Mayflower Compact*, as all adult males were required to sign. The *Mayflower Compact* was the first constitution written in North America. It consolidated the passengers into a "civil body politic," which had the power to frame and enact laws appropriate to the general good of the planned settlement. All Colonists were bound to obey the ordinances so enacted. This compact established rule of the majority, which remained a primary principle of government in Plymouth Colony until its absorption by the Massachusetts Bay Colony in 1691.

### **IV. PILGRIMS**

Pilgrims were early English settlers who founded Plymouth Colony, the first permanent settlement in New England. They were originally known as the Forefathers of Founders; the term *Pilgrim* was first used in the writings of Colonist William Bradford.

Among the early Pilgrims was a group of Separatists, members of a radical religious movement that broke from the Church of England during the sixteenth (16th) and seventeenth (17th) centuries. In 1606, William Brewster led a group of Separatists to Leiden, Netherlands, to escape religious persecution in England. After living in Leiden for more than ten (10) years, some members of the group voted to immigrate to America. The voyage was financed by a group of London investors who were promised produce from America in exchange for their assistance on September 16, 1620, these Separatists were part of a group numbering one hundred two (102) men, women, and children, who

left Plymouth, England, for America on the *Mayflower*. On November 21, the *Mayflower* dropped anchor in the sheltered harbor off the site of present-day Provincetown, Massachusetts. They landed on the site of Plymouth Colony the following December 21st, a date that is celebrated in New England as Forefathers' Day. The Pilgrims established a government and created the *Mayflower Compact*, the first constitution written in America.

## **V. MASSACHUSETTS BAY COMPANY**

The Massachusetts Bay Company was an English trading company that evolved into a theocracy, organized in 1628 as the Governor and Company of the Massachusetts Bay in New England. The council of New England granted the Massachusetts Bay Company, under the leadership of John Endecott, a piece of land between the Charles and Merrimack rivers, westward to the Pacific Ocean. Puritan leaders in England, including John Winthrop, who in 1629 was elected first governor of the colony, saw it as a religious and political refuge. Under the Cambridge Agreement of 1629, Puritans, who were advocates of a more purely Protestant Church of England, would immigrate to New England, on the condition that control of the government and the charter of the company be given to the settlers. This agreement had far reaching results, in that suffrage in the colony came to be restricted to adherents of the Puritan philosophy, and the emphasis was shifted from trade to religion. Arriving in 1630, Winthrop and some nine hundred (900) Colonists went first to Salem, then to Charleston, and finally settled at the mouth of the Charles River, where Boston was established. Here the company and Colony remained one (1) until 1684, when the charter was revoked. Another charter was granted in 1691 extending the power of the Massachusetts colony over Plymouth and Maine.

## **VI. NEW ENGLAND CONFEDERATION**

The New England Confederation was a military alliance, formed in 1643 by the American colonies of Massachusetts Bay, Connecticut, New Haven, and Plymouth. Members agreed to coordinate their military operations, while retaining their independence in internal affairs. Achievement of the aims of the alliance was hampered by the development of bitter rivalries among the members. Massachusetts Bay Colony, for example, attempted to win a predominant position within the confederation on the grounds that it had the largest population. Failing in this attempt, the Colony refused in 1653 to participate in a projected war against the Dutch colonies in America.

The major achievement of the confederation was the successful cooperation of the members in King Philip's War (1675-76), in which the Colonies crushed an uprising among the Native American tribes of southern New England. In 1684, shortly after the charter of the Massachusetts Bay Colony had been revoked by the English government, the Confederation was dissolved.

## **VII. PLYMOUTH COLONY**

Plymouth Colony, also known in full as "The Colony of New Plymouth," was a Colony founded in the New World by the Pilgrims. The foundation of this Colony was one (1) of the major events in the early history of the American colonies. In the reign of Elizabeth, Queen of England, one of the sects of Puritans known as Brownists separated from the new Protestant Church of England. After much persecution, they took refuge in the

Netherlands. They finally determined to immigrate to America. A group of London investors financed them in exchange for most of their produce from America during their first six (6) years. Their ship, the *Mayflower*, taking on many other passengers to fill the boat, sailed from Plymouth, England, for America, on September 16, 1620. When they reached the American coast, strong winds drove the *Mayflower* into Provincetown Harbor, at the end of Cape Cod.

They wrote and signed the Mayflower Compact, forming the first constitutional American political democracy. After some exploration they settled on the site of what is now Plymouth, Massachusetts. The Plymouth Colony later united with other New England Colonies to form the Massachusetts Bay Colony in 1691.

## **VIII. INDUSTRIAL REVOLUTION**

The Industrial Revolution was the shift, at different times in different countries, from a traditional agriculturally based economy, to one (1) based on the mechanized production of manufactured goods in large-scale enterprises.

### **A. The British Experience**

The first industrial Revolution occurred in Great Britain at the end of the eighteenth (18th) century. It profoundly altered Britain's economy and society. The most immediate changes were in the nature of production, that is, what was produced, as well as where and how. Labor was transferred from the production of primary products to the production of manufactured goods and services. Far more manufactured goods were produced than ever before, and technical efficiency rose dramatically. In part, the growth in productivity was achieved by systematic application of scientific and practical knowledge to the manufacturing process. Efficiency was also enhanced when large agglomerations of enterprises were located within limited areas. Thus, the Industrial Revolution involved urbanization, that is, the process of migration from rural to urban communities.

Perhaps the most important changes occurred in the organization of work. The typical enterprise expanded and took on new characteristics. In general, production took place within the firm or the public enterprise, instead of the family or manor. Tasks became increasingly routine and specialized. Industrial production became heavily dependent upon the intensive use of capital, the - physical plant and equipment produced for the express purpose of increasing efficiency. A reliance on tools and machinery allowed individual workers to produce more goods than before, and the advantages of experience with a particular task or a piece of equipment, reinforced the trend toward specialization.

The growth of specialization and the application of capital to industrial production created new class distinctions. New social and vocational classes emerged that were distinguished from workers by virtue of their ownership or control of the physical means of production. The members of these new classes came to be known as capitalists.

Because the first Industrial Revolution occurred in Great Britain, that country

became for a time the workshop of the world. For much of the eighteenth (18th) century, London had been at the center of a complex world trade network that became the basis for the growing export trade associated with industrialization. The export market provided an indispensable outlet for the products of the textile and other industries, where the introduction of new techniques led to a rapid expansion of output. The available data suggests that the growth rate of British exports accelerated markedly after 1780. The export orientation of the expanding trades conferred additional benefits on the growing economy. Export revenues provided British producers purchasing power to import raw materials used in industrial production, and merchants engaged in the export trade acquired skills that proved to be of great value in promoting domestic commerce.

## **B. The Spread of Industrialization**

Britain did not long remain the only country to experience an Industrial Revolution. Attempts to specify dates for the Industrial Revolution in other countries are controversial and not particularly rewarding. Nonetheless, scholars generally agree that the Industrial Revolution occurred in France, Belgium, Germany, and the United States about the middle of the nineteenth (19th) century; in Sweden and Japan toward the end of that century; in Russia and Canada just after the turn of the twentieth (20th) century; and in parts of Latin America, the Middle East, Central and southern Asia, and Africa, about or after the middle of the twentieth (20th) century.

Each industrial Revolution was different, depending on its time and place. In the beginning, British industry had no foreign competitors that utilized the same methods and exported on a large scale. When other countries began to industrialize, they had to contend with Britain's head start, but they also learned from the British example. In their case, successful industrialization involved not only the development of new methods of production, but also the modification of techniques used abroad, in order to apply them successfully to the country's own conditions. Although government intervention to promote industrialization was far from negligible in the British case, the role of government has been considerable in Germany, Russia, Japan, and nearly all the nations that have been industrialized in the twentieth (20th) century.

By definition, successful industrialization leads to a rise of national income per capita. It also leads to changes in the distribution of income, in living and working conditions, and in social conduct and convention. The Industrial Revolution in Great Britain and elsewhere led initially to a fall in workers' purchasing power or to a deterioration in their living conditions. Such questions are the subject of much modern research.

## **IX. BLUE LAWS**

Blue Laws are statutes regulating personal and public conduct, particularly on the Sabbath; so called because such laws, which originated in Virginia in 1624, reputedly were printed on blue paper in the American colony of New Haven (1638-65). In his satirical *A General History of Connecticut (1781)*, the Tory clergyman Samuel Andrew

Peters provided a list of forty five (45) "blue laws" allegedly drawn up by the zealous Puritan authorities. All of the Puritan Colonies of New England enforced strict observance of the Sabbath. In some Colonies, expenditures on clothing and personal adornment also were limited by statute. After the American Revolution, blue laws generally fell into abeyance or were repealed. Many such statutes remained on the Books, however, and during the Prohibition Movement of the late nineteenth (19th) and early twentieth (20th) centuries, several states enacted several types of blue laws governing the sale and use of liquor and tobacco and providing for local censorship.

Repeated legal challenges to the constitutionality of blue laws have been made in the courts. A particular focus of controversy in recent years has been Sunday closing laws, which mandate the closing of retail and other business establishments. Federal courts have consistently ruled that Sunday closing laws constitute a valid exercise of police power by State Legislatures and that they do not violate constitutional guarantees of religious liberty. In 1979, for example, the U.S. Supreme Court refused to hear challenges to the Sunday closing laws of New Jersey and Texas, on the grounds that any change in such laws must come through legislative action.

## **X. WOMEN'S SUFFRAGE**

Women's suffrage is the fight for the right of women to share on equal terms, with men, in the political privileges afforded by representative government. Even more particularly, it is the right to vote in elections and referendums, and to hold public office. Equal political rights for women have been advocated since antiquity. Under the autocratic forms of government that prevailed in ancient times and under the feudal regimes of the Middle Ages, however, suffrage was so restricted, even among men, that enfranchisement of women never attained the status of a major political issue. Conditions warranted organized women suffrage movements only after suffrage had been won by large, formerly disfranchised groups of the male population, as a consequence of the democratic revolutions of the eighteenth (18th) and nineteenth (19th) centuries.

### **A. In Colonial America**

The modern women's suffrage movement originated in post-revolutionary America. Even before the Revolution, American women participated in public life somewhat more freely than European women. In 1647, a wealthy Maryland landholder named Margaret Brent attempted, boldly but unsuccessfully, to secure "place and voice" in the legislature of the Colony. In Massachusetts, women property holders voted from 1691 to 1780. The Continental Congress debated the women suffrage question at length, deciding finally that the individual states should formulate voting rules.

Many groups, such as the American Quakers, and numerous individuals, notably the American patriot Thomas Paine, consistently advocated the enfranchising of women. Nonetheless, in Colonial and early nineteenth (19th) century America, as elsewhere in the world, women commonly were regarded as inferior beings. Their children, property, and earnings belonged by law solely to their husbands, and various legal and social barriers made divorce almost unthinkable. In most

respects American women were legally on a par with criminals, the insane, and slaves.

## **B. Abolitionism and Temperance**

During the first half of the nineteenth (19th) century, American suffragists worked mainly through the abolitionist and the temperance movements, but anti-feminist prejudices severely limited the role of women members. A notable instance of such prejudice occurred at the London Anti-Slavery Convention of 1840. For several days, the convention debated bitterly the right of eight (8) American women to take part in the proceedings. Internationally famous clergymen contended during the debate that equal status for women was contrary to the will of God. Eventually two (2) of the women, the noted American feminist Lucretia Coffin Mott and Elizabeth Cady Stanton, were seated behind a curtain, effectively shielded from view and denied the right to speak.

After many such rebuffs, American suffragists decided to create a separate movement, dedicated to women's rights. Prominent early in the movement were, besides Mott and Stanton, the brilliant American feminist Susan B. Anthony, Lucy Stone, Abby Kelley Foster, and Ernestine Rose. American men active in support of women suffrage included the clergymen Henry Ward Beecher, Wendell Phillips, and the essayist and poet Ralph Waldo Emerson.

## **C. The Seneca Falls Convention**

In July 1848, on the initiative of Mott and Stanton, the first women's rights convention met at a Wesleyan Church chapel in Seneca Falls, New York. More than one hundred (100) persons attended the convention, among them many male sympathizers. After serious discussion of proposed means to achieve their ends, the delegates finally agreed that the primary goal should be attainment of the franchise. The convention then adopted a Declaration of Sentiments patterned after the American Declaration of Independence.

Public reaction to the Seneca Falls convention presaged a stormy future for the new movement. Although many prominent Americans, including the famed editor Horace Greeley and the abolitionist leader William Lloyd Garrison warmly supported it, many citizens and the great majority of newspapers responded with ridicule, fury, and vilification. Suffragists were called the "shrieking sisterhood," branded as unfeminine, and accused of immorality and drunkenness. Later, when suffragist leaders undertook speaking tours in support of women's rights, temperance, and abolition, they were often subjected to physical violence. Meetings repeatedly were stormed and disrupted by gangs of street bullies. On one (1) occasion, when Anthony spoke in Albany, New York, the city mayor sat on the rostrum brandishing a revolver to discourage possible attacks by hoodlums in the audience. Despite intimidation, the women suffrage and abolitionist movements continued for some years to grow side by side.

## **D. After the Civil War**

Bitter disagreements over strategy engendered a schism between the suffragist and abolitionist groups after the American Civil War. Many male abolitionists voiced fears that the demands of women suffragists might impede the campaign to gain voting rights for male ex-slaves. The issue came to a head in 1868, when the abolitionists pressed for a constitutional amendment enfranchising all Americans, regardless of race, creed, or color. Suffragists retorted that the proposed amendment made no mention of women. The abolitionists answered that the suffragists should defer their claims, rather than endanger passage of the amendment. To many suffragists, notably Stanton and Anthony, postponement was unacceptable. In May 1869, the two (2) feminist leaders created the independent National Women Suffrage Association, with the objective of securing enactment of a federal women suffrage law. Another suffragist faction, led by Lucy Stone and Henry Ward Beecher, countered in November of the same year by founding the American Woman Suffrage Association. That group worked for gradual adoption of women suffrage on a state-by-state basis. The territory of Wyoming gave women the vote in 1869.

After the passage in 1870 of the fifteenth (15th) Amendment to the U.S. Constitution, Anthony interpreted the law as enfranchising American women as well as male ex-slaves. She went to the polls in Rochester, New York, in 1872 and persuaded the election inspectors to let her and twelve (12) other women register and vote. Two (2) weeks after the election she, her twelve (12) friends, and three (3) of the election inspectors were arrested. Anthony received a grossly unfair trial, during which the judge repeatedly displayed anti-feminist prejudices. At the height of the proceedings the judge, apparently anticipating a jury verdict in her favor, dismissed the jury and imposed on her a fine of one hundred dollars (\$100). Anthony refused to pay the fine, whereupon the judge, apprehensive that she might appeal to higher courts, allowed her to go free. Her friends never were brought to trial. The election inspectors received heavy fines, which were paid by sympathetic spectators. The case aroused widespread interest, but the ban against women suffrage remained.

## **E. Suffrage Gains**

Anthony's ordeal had the effect, however, of lending impetus to the feminist movement. In 1890, the Stanton-Anthony group merged with the Stone-Beecher faction to form the National American Women Suffrage Association. For many years thereafter, the Association worked to advance women five (5) rights, on both the state and federal levels. Besides Stone, Anthony, and Stanton, leaders and supporters of the Association included the noted American feminist Harriet Beecher Stowe, Julia Ward Howe, Clara Barton, Jane Addams, and Carrie Chapman Catt. Largely as a result of agitation by the Association, suffrage was granted in the states of Colorado (1893), Utah and Idaho (1896), and Washington (1910). In addition, the Association in 1910 secured five hundred thousand (500,000) signatures for a petition urging federal women-suffrage legislation. California granted women the vote in 1911; Kansas, Oregon, and Arizona followed in 1912; Nevada and Montana in 1914; and New York in 1917.

The American suffragist movement scored its climactic victory shortly after World

War I. In 1919 Congress approved the nineteenth (19th) Amendment to the US. Constitution, which provided that, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Ratified on August 18, 1920, the nineteenth (19th) Amendment became the law of the land.

## **F. British Suffrage Movement**

In Great Britain the women's suffrage movement roughly paralleled that of the United States, but in the movement's later stages, more vigorous and violent tactics were often employed.

The great pioneer figure of British feminism was the writer Mary Wollstonecraft. Her chief work, *A Vindication of the Rights of Woman* (1792), is one of the major feminist documents of the eighteenth (18th) century. During the 1830's and '40's, British suffragism received notable aid and encouragement from the Chartists (see Chartism), who fought unsuccessfully for a sweeping program of human rights. In subsequent years the women-suffrage issue was kept before the British public by a succession of liberal legislators, among them the statesmen and social philosophers John Stuart Mill, John Bright, and Richard Cobden. Mill helped to found, in 1865, the first British women-suffrage association. All efforts to secure the franchise for women were effectively opposed. Prominent among the anti-feminists of the period were the reigning Monarch, Queen Victoria, and the British Prime Ministers William Gladstone and Benjamin Disraeli.

The British women-suffrage movement acquired additional impetus when in 1897, various feminist groups merged to form the National Union of Woman Suffrage Societies. A section of the membership soon decided that its policies were timid and indecisive, and in 1903 the dissident and more militant faction, led by the colorful feminist Emmeline Pankhurst, established the Women's Social and Political Union. Pankhurst's suffragists soon won a reputation for boldness and militancy. Tactics employed by the organization included boycotting, bombing, window breaking, picketing, and harassment of anti-suffragist legislators. In 1913, one (1) dedicated suffragist publicized her cause by deliberately hurling herself to death under the hooves of horses racing in the derby at Epsom Downs. Because of their forceful and provocative behavior, the suffragists were often handled roughly by the police and repeatedly jailed and fined.

During World War I the British suffragists ceased agitation and made notable contributions to many aspects of the war effort, favorably influencing public opinion. In 1918, Parliament enfranchised all women householders, householders' wives, and Women University graduates over thirty (30) years of age. Parliament lowered the voting age of women to twenty one (21) in 1928, giving them complete political equality with men. In 1929, British trade union leader, Margaret G. Bondfield became the first woman cabinet member in British history. A major breakthrough occurred in 1979 when Margaret Thatcher became the first woman

Prime Minister of Great Britain. She served three (3) successive terms before leaving office in 1990.

## **G. Suffrage in Other Countries**

Meanwhile, and subsequently, most of the other nations of the world enacted women's suffrage legislation. Among the first to do so were the following, each of which granted the franchise to women before the mid-twentieth (20th) century: New Zealand (1893); Australia (1902); Finland (1906); Norway (1913); Denmark (1915); the Netherlands and the Soviet Union (1917); Canada and Luxembourg (1918); Austria, Czechoslovakia (now the Czech Republic and Slovakia), Germany, Poland, and Sweden (1919); Belgium (partial, 1919; full, 1948); Ecuador (1929); South Africa (1930); Brazil and Uruguay (1932); Turkey and Cuba (1934); France (1944); Italy and Japan (1946); China and Argentina (1947); South Korea and Israel (1948); Chile, India, and Indonesia (1949). Switzerland granted the franchise to women in 1971. By the 1980's, women could vote virtually everywhere in the world, except for a few Muslim countries. Women who attained national leadership posts in modern times include Prime Ministers Golda Meir of Israel, Indira Gandhi of India, Benazir Bhutto of Pakistan, and President Corazon Aquino of the Philippines.

## **H. Women's Rights**

With the widespread extension of the franchise to women, the women's rights movement broadened its scope during the twentieth (20th) century. Among the rights sought currently by feminist groups throughout the world are the right to serve on juries, the right to retain earnings and property after marriage, the right to retain citizenship after marriage to an alien, and the right to equal pay and equal job opportunity. In the late 1960's, so-called women's liberation movements were organized and became active.

## **XI. LEAGUE OF WOMEN VOTERS OF THE UNITED STATES**

This was formerly the National League of Women Voters, a nonpartisan political organization, founded in 1920 in Chicago for the purpose of educating women in the use of the newly won vote. The National League of Women Voters was an outgrowth of the National American Women Suffrage Association, which was dissolved after its goal of women suffrage, had been achieved. Women suffrage leader Carrie Chapman Catt was elected honorary president of the new group.

Today, the organization is concerned with political education and action on a wide variety of local, national, and international issues, including governmental reform, education, civil liberties, social welfare, and foreign trade. It conducts an intensive educational program designed to encourage the responsible participation by all citizens in government. The league publicizes the views and qualifications of political candidates of all parties and attempts to secure the passage of legislation in the public interest.

The league has groups in every state and Washington, D.C., Puerto Rico, and the Virgin Islands. Its national headquarters is in Washington, D.C.

## **XII. STANTON, ELIZABETH CADY**

Elizabeth Cady Stanton (1815-1902) was an American social reformer, who, along with Susan B. Anthony, led the struggle for women suffrage. Elizabeth Cady was born on November 12, 1815, in Johnstown, New York, the fourth (4th) of six (6) children. Although she never went to college, she studied subjects such as Greek, Latin, and mathematics. Her father served in the Congress of the United States and later as a New York judge. It was through him that she was exposed to the study of law. She became interested early in the temperance and antislavery movements, and spent time at the house of an uncle who was an abolitionist. There she met Henry Brewster Stanton, a journalist and abolitionist orator. They were married in 1840 and eventually had seven (7) children.

Following their wedding, the Stantons traveled to London, England, to attend the World Anti-slavery Convention. However, women were denied entry to the Convention. In London Cady Stanton met Lucretia Coffin Mott, a Quaker who had helped organize the American Anti-slavery Society in the 1830's. In 1847 Cady Stanton and her family moved to Seneca Falls, New York, where in July 1848, she and Mott organized the first women's rights convention in the United States, known as the Seneca Falls Convention. More than one hundred (100) people attended, including Frederick Douglass, the noted abolitionist and former slave. For this convention, Cady Stanton drafted a *Declaration of Sentiments*, modeled after the U.S. Declaration of Independence, in which she declared, "Men and women are created equal." Among the resolutions in her declaration, Cady Stanton included voting rights for women, despite the disapproval of Mott. From this point forward Cady Stanton worked actively for women's rights.

In 1851, Cady Stanton met Susan B. Anthony, with whom she would work for women's causes for the next 50 years. However their efforts were temporarily redirected toward the fight against slavery, and they formed the National Women's Loyal League in 1863. After the Civil War ended in 1865, Stanton and other women working toward the vote found themselves at odds with abolitionists who were working for the franchise of male former slaves. From 1868 to 1870, Cady Stanton and Anthony published the weekly *Revolution* in New York City. In 1869, they founded the National Women Suffrage Association, which after 1890 was called the National-American Women Suffrage Association. Cady Stanton served as its President until 1892. Cady Stanton's efforts were largely responsible for the introduction, in 1878, of a Constitutional Amendment for women suffrage. The amendment was reintroduced until it became law as the nineteenth (19th) Amendment in 1919.

Cady Stanton was an activist for women's causes in general, including liberalizing divorce laws and laws affecting women's rights to own property. On February 8, 1861, Cady Stanton addressed the Judiciary Committee of the New York Senate in support of a divorce bill. Speaking of the existing divorce laws, she said "The laws on divorce are quite as unequal as those on marriage; yes, far more so. The advantages seem to be all on one side, and the penalties on the other."

Cady Stanton's views on certain issues, including divorce, reproduction, and religion,

separated her from more conservative advocates of women's rights. The publication of her two-volume book *The Woman's Bible* (1895, 1898), a commentary on women in the Bible, alienated her from the National-American Women Suffrage Association. Cady Stanton was also active internationally and helped prepare the founding of the International Council of Women in 1888. She was coauthor, with Anthony and Matilda Joselyn Gage, of the first three (3) volumes of *A History of Woman Suffrage* (six [6] volumes, 1881-1922). She published her autobiography, *Eighty Years and More*, in 1898.

### **XIII. ANTHONY, SUSAN B(ROWNE)**

Susan B. Anthony, (1820-1906), was an outstanding American reformer, who led the struggle to gain the vote for women. She devoted fifty (50) years to overcoming the nation's resistance to women suffrage, but died before the nineteenth (19th) Amendment was adopted on August 26, 1920.

#### **A. Early Life**

Anthony was born on February 15, 1820, in the village of Adams, Massachusetts, the second (2nd) of eight (8) children. In 1827, her family moved to Battenville, New York, and in 1845 settled permanently in Rochester, New York. Encouraged by her father, a onetime schoolteacher, Anthony began teaching school when she was fifteen (15) years old and continued until the age of thirty (30).

A liberal Quaker and dedicated, radical reformer, Anthony opposed the use of liquor and advocated the immediate end of slavery. From 1848 to 1853, she took part in the temperance movement and from 1856 to 1861, worked for the American Anti-Slavery Society, organizing meetings and frequently giving lectures. In 1863, during the American Civil War, she founded the Women's Loyal League to fight for emancipation of the slaves. After the end of Reconstruction, she protested the violence inflicted on blacks, and was one of the few to urge full participation of blacks in the women's suffrage movement.

#### **B. Fight for Women's Rights**

Anthony's work for women's rights began in 1851, when she met Elizabeth Cady Stanton. From 1854 to 1860, the two (2) concentrated on reforming New York State laws discriminating against women. Anthony organized women all over the state to campaign for legal reforms. She would often deliver speeches written by Stanton, who was occupied with her young children.

Anthony and Stanton became convinced that women would not gain their rights or be affected in promoting reforms until they had the vote, and nationwide suffrage became their goal after the Civil War. In 1869, they organized the National Woman Suffrage Association to work for a Constitutional Amendment, giving women that right. Although the newly freed slaves were granted the vote by the fifteenth (15th) Amendment, women of all races continued to be excluded. From 1868 to 1870, Anthony and Stanton published a newspaper, *Revolution*, focused on injustices suffered by women. To dramatize her fight, Anthony defiantly registered and cast a ballot in the 1872 presidential election. When arrested and convicted, she

refused to pay the one hundred dollar (\$100) fine. She went to Europe in 1883, met women's rights activists there, and in 1888 helped form the International Council of Women, representing forty eight (48) countries. At the age of eighty (80), she resigned as President of the National American Women Suffrage Association, but she continued to be a regular speaker at its conventions until her death in Rochester, New York, on March 13, 1906.

### **C. Evaluation**

Anthony always acknowledged Stanton as the founder of the women's rights movement. Her own achievement lay in her inspiration and perseverance in bringing together vast numbers of people of both sexes around the single goal of the vote. On July 2, 1979, the U.S. Mint honored her work by issuing the Susan B. Anthony dollar coin.

## **XIV. FORTY-NINERS**

"Forty-Niners" was a popular appellation of the gold hunters who traveled to California in the period immediately following the discovery of gold in January 1848. The Forty-Niners were also known as the "Argonauts of 49." The discovery of gold at Sutter's mill by the American pioneer, James Wilson Marshall, caused great excitement in California. Many people living near Sutter's rushed to the area of discovery to stake their claims. News of the gold strike traveled fast, and in December 1848, President James Polk delivered a message to the U.S. Congress in which he mentioned the possibility of untold wealth in California.

As a result, the gold fever spread throughout the U.S. and other parts of the world. Soon, emigrants from Europe, Asia, and South America joined the Americans who made their way to California. Many people, following the water route, traveled by ship around Cape Horn, the southernmost point of South America. Others made their way overland across Central America by the Panama and Nicaraguan routes and across the plains of the U.S. by wagon train, all heading for the Mother Lode region of California. An estimated one hundred thousand (100,000) people took part in the gold rush, the majority of them unmarried men from the eastern sections of the U.S. Most were anxious to make their stake and return east because life in California was rugged and often violent. In the mining camps, with such lurid names as "Hell's Half Acre," "Rough and Ready" and "Hangtown." In the first year of the gold rush, inadequate shelter, poor food, and lack of medical supplies caused the death of about ten thousand (10,000) persons from dysentery and other diseases. Criminals also contributed to the disorder.

Eventually law enforcement agencies were established, and the mining camps were brought under control. The majority of the Forty-Niners gained little benefit from their discoveries, and the mines passed into other hands. The Forty-Niners have been a popular subject in American literature, a noted example being *Tales of the Argonauts*, published in 1875, by the American author Bret Harte.

## **XV. OREGON TRAIL**

This was an overland pioneer route to the northwestern United States. About 2000 miles

long, the trail extended from Independence, Missouri, to the Columbia River in Oregon. Part of the route followed the Platte River for 540 miles, through what is now Nebraska, to Fort Laramie in present-day Wyoming. The trail continued along the North Platte and Sweetwater Rivers, to South Pass in the Wind River Range of the Rocky Mountains. From there, the main trail went south to Fort Bridger, Wyoming, before turning into the Bear River Valley and north to Fort Hall, in present-day Idaho. In Idaho, the Oregon Trail followed the Snake River to the Salmon Falls and then went north past Fort Boise, now known as Boise. The route entered what is now Oregon, passed through the Grande Ponde River Valley, crossed the Blue Mountains, and followed the Umatilla River to the Columbia River. Shorter and more direct routes were developed along some parts of the trail, but they were often more difficult.

Originally, like many other main routes in the United States, sections of the Oregon Trail had been used by the Native Americans and trappers. As early as 1742, part of the trail in Wyoming had been blazed by the Canadian explorer Pierre Gaultier de Varennes, sieur de La Verendrye. The Lewis and Clark expedition, between 1804 and 1806, made more of it known. The German-American fur trader and financier John Jacob Astor, in establishing his trading posts, dispatched a party overland in 1811, to follow the trail of these explorers. Later, mountain men such as James Bridger, who founded Fort Bridger in 1843, contributed their knowledge of the trail and often acted as guides. The first emigrant wagon train headed by the American pioneer physician Elijah White, reached Oregon in 1842. The trip took the early pioneers from four (4) to six (6) months, a journey fraught with much hardship resulting from poor equipment, illness, and attack by the Native Americans, for whom the growing number of pioneers on the trail was an ever-constant threat. At first, the termination point of the Oregon Trail was Oregon City, Oregon; later, settlers continued south to the fertile and valuable land in the Willamette Valley.

## **XVI. PONY EXPRESS**

The "Pony Express" was a mail service, operating between Saint Joseph, Missouri, and Sacramento, California, inaugurated on April 3, 1860, under the direction of the Central Overland California and Pike's Peak Express Company.

At that time, regular mail delivery took up to three (3) weeks to cross the continent. The Pony Express carried mail rapidly overland on horseback the nearly two thousand (2,000) miles, between St. Joseph and Sacramento. The schedule allowed ten (10) days for the trip. The mail was then carried by boat to San Francisco. Stations, averaging at first twenty five (25) miles apart, were established, and each rider was expected to cover seventy five (75) miles a day. Pony Express riders were usually lightweight young men, often teenagers. Special saddle bags that could be moved to a fresh horse very quickly at a change station were used. Buffalo Bill was a famous Pony Express rider.

Eventually, the Pony Express had more than one hundred (100) stations, eighty (80) riders, and between four hundred (400) and five hundred (500) horses. The express route was extremely hazardous, but only one (1) mail delivery was ever lost. The Pony Express

is credited with helping to keep California in the Union by providing rapid communication between the two (2) coasts. News of the election of Abraham Lincoln to the United States Presidency in 1860 and of the outbreak of the American Civil War in 1861 reached California via the Pony Express. The regular Pony Express service was discontinued in October 1861, after the Pacific Telegraph Company completed its line to San Francisco. The Pony Express was developed by William H. Russell, William B Waddell, and Alexander Majors. Financially, the Pony Express was a failure, leading its founders to bankruptcy. However, the drama surrounding the Pony Express made it a part of the legend of the American West.

## **XVII. CONFEDERATE STATES OF AMERICA**

The Confederate States of America, also known as the Confederacy, was the name adopted by the Federation of eleven (11) slave-holding Southern states of the United States that seceded from the Union and were arrayed against the National Government during the American Civil War. Immediately after confirmation of the election of Abraham Lincoln as President, the Legislature of South Carolina convened. In a unanimous vote on December 20, 1860, the State seceded from the Union. During the next two (2) months, ordinances of secession were adopted by the states of Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas. President James Buchanan, in the last days of his administration, declared that the federal government would not forcibly prevent the secessions. In February 1861, the seceding States sent representatives to a Convention in Montgomery, Alabama. The Convention, presided over by Howell Cobb of Georgia, adopted a Provisional Constitution and chose Jefferson Davis of Mississippi as Provisional President, with Alexander Hamilton Stephens of Georgia as Provisional Vice President. The Convention, on March 11, 1861, unanimously ratified a permanent Constitution. The Constitution, which closely resembled the Federal Constitution, prohibited the African slave trade but allowed interstate commerce in slaves.

Soon after his inauguration as Provisional President on February 18, 1861, Davis appointed his first Cabinet. Each of the six (6) members represented a different state. The first task of the administration was to prepare for the impending conflict. Between December 30, 1860, and February 18, 1861, the Confederates had seized eleven (11) Federal Forts and Arsenals from South Carolina to Texas and harassed Fort Sumter in Charleston, South Carolina. Lincoln, in his inaugural address on March 4, 1861, rejected the right of secession but attempted to conciliate the South. Negotiations for the relief of Fort Sumter failed, and on April 12, the bombardment of the Fort began. Three (3) days later, Lincoln announced that an insurrection had occurred, and he called for volunteers.

The number of States in the Confederacy was increased to eleven (11) by the secession of Virginia in April and of Arkansas, Tennessee, and North Carolina in May. The Provisional Confederate Congress, which had met for four (4) sessions between February 4, 1861 and February 17, 1862, was replaced by a permanent Legislature on February 18, 1862. The Confederate Capital was moved on May 24, 1861 from Montgomery to Richmond, Virginia. At the first general elections, held under the permanent Constitution on November 6, 1861, Davis was elected President and Stephens Vice President. In February 1862, Davis was inaugurated President for a term of six (6) years. The last years of his service were marked by the conflict between the civil and military forces, and gave rise to the assertion that the Government of the Confederacy had become a military

dictatorship. The tendency toward dictatorship was increased by the custom of holding secret sessions of the Congress, by the practice of Cabinet Officers exercising their rights to sit in Congress, and by the gradual lowering of the political morale and independence of Congress. This condition was further complicated by personal controversies among officials. The first permanent Congress held four (4) sessions; the second (2nd) Congress held two (2) sessions, with the final adjournment of the body taking place on March 18, 1865.

Although the political organization of the Confederacy was almost identical with that of the Union, the outbreak of the war served to accentuate the marked difference between the two (2) sections of the country. The population of the Confederacy at the start of the war was nearly nine (9) million, including more than three point eight (3.8) million slaves. The population of the territory loyal to the Union was about twenty two (22) million, including about half a million (500,000) slaves. The value of the improved lands of the seceding states was estimated at less than two (2) billion dollars; the value of those in the Union states was nearly five (5) billion dollars. The South had one hundred fifty (150) textile factories, with a product valued at eight (8) million dollars; the North had nine hundred (900) such factories, with a product valued at one hundred fifteen (115) million dollars. In the South, two thousand (2,000) persons were employed in the manufacture of clothing; in the North one hundred thousand (100,000) were so engaged. During 1860, the imports of the South were valued at three hundred thirty one (331) million dollars; those of the North at thirty one (31) million dollars. It was thus obvious that the South was dependent on Europe and on the North for material goods. The lack of resources forced the Confederacy to levy war taxes and borrow heavily on future cotton crops. An inflationary period in 1863 and later government actions almost destroyed the Confederate credit.

In addition the South was hampered by the lack of powder mills and of suitable iron works. Only one plant, the Tredegar Iron Works in Richmond, was equipped to turn out large field guns. The railroad system was inadequately developed and equipped, and although the South made desperate attempts to maintain itself in a battle against overwhelming odds, the struggles left it financially and industrially ruined at the close of the Civil War. The process of restoring the confederacy to the Union was called Reconstruction. The U.S. Supreme Court, in 1869, in the case of *Texas V. White*, declared secession unconstitutional.

## **XVIII. CARPETBAGGERS**

This was a term of contempt, applied by the people of the Southern states, mainly to government agents, politicians, businessmen, and adventurers from the Northern states who traveled to the South during the Reconstruction period following the American Civil War (1861-1865). The term was coined to suggest that northerners could stuff everything they owned into a carpetbag, a satchel made of carpet. Some carpetbaggers were representatives of the Freedmen's Bureau and other Reconstruction agencies, some were humanitarians' intent on aiding the blacks, and others were opportunists, seeking to exploit the political and financial problems of the South. Because the Congress of the United States had temporarily banned former Confederate political leaders and soldiers from voting or holding political office, many carpetbaggers were able to become politicians with the support of newly emancipated slaves. Although a few carpetbaggers established

corrupt and wasteful governments, many were able to broaden black voting activity, improve education, and aid in the restoration of Southern cities and roads. Carpetbaggers generally cooperated with native southern Unionists, known as scalawags, and both groups were bitterly resented by most white Southerners. Secret terrorist societies such as the Ku Klux Klan were formed to terrorize the blacks and drive the carpetbaggers out. Today the term "carpetbagger" refers to roving opportunists or politicians.

## **XIX. BLACK FRIDAY**

This is the name applied to a short-lived financial crisis in the United States that occurred on Friday, September 24, 1869. The panic was precipitated when two (2) financial speculators, James Fisk and Jay Gould, attempted to corner the U.S. gold market. On September 20, they began purchasing gold in New York City; by September 24, they controlled enough of the available supply in the City to bid up the price from about one hundred forty (140) dollars per ounce to one hundred sixty three and a half (163-1/2) dollars per ounce. This rapid increase in the price of gold threw the stock exchange into confusion, and the prices of commodities fluctuated wildly. The inflationary run on gold was halted toward the close of the business day when U.S. Secretary of the Treasury George Sewall Boutwell announced that the federal government had made four (4) million dollars worth of its gold reserves available for trading. Fisk and Gould probably made a profit of about eleven (11) million dollars by their manipulations, but many business people claimed to have been ruined by the panic.

The name Black Friday has occasionally been applied also to the Friday of September 19, 1873, when the New York Stock Exchange suffered a major financial crash that ushered in the panic of 1873.

## **XX. GRANGER MOVEMENT**

The Granger Movement was an agrarian movement in the United States, initiated shortly after the American Civil War, with the aim of improving the social, economic, and political status of farmers. The movement constituted the initial stage in the unrest among farmers in many areas of the U.S. that characterized the latter part of the nineteenth (19th) century. Among the causes of the unrest were the declining prices of farm products, the growing indebtedness of farmers to merchants and banks, the discriminatory freight rates imposed on farmers by the railroads, and the acquisition by the railroads of public lands that formerly had served pioneer farmers as a source of new farmland.

The event that marked the beginning of the Granger movement was the formation, in 1867, of the National Grange of the Patrons of Husbandry. Although the Grange was a nonpolitical organization, its lodges, called "Granges," became the centers of discussion among the traditionally individualistic farmers. It was out of these discussions that there arose an awareness of the need for concerted political action to solve common problems. As a result, a number of political parties, bearing such names as Reform Party and Anti-Monopoly Party, were organized in several states during the 1870's and 1880's. These parties succeeded in electing several state officers and three (3) U.S. senators, and in a number of states, including Illinois, Iowa, Minnesota, Wisconsin, and California, contributed to the passage of laws regulating railroad rates and practices. Although most of these so-called Granger Laws were repealed or drastically modified within a few years,

a number were upheld in the U.S. Supreme Court, and they served as the basis for much later legislation in the field of railroad and public-utility regulation. Other legislation urged by the Grangers, but not enacted until later, includes antitrust laws and measures establishing Postal Savings Banks (1910) and Parcel Post (1912).

Late in the 1870's, as the agrarian movement, which had formerly been conducted on a local or state scale, attained nationwide proportions, new forms of organization arose to supplant the Granger movement. Among these were the Farmers' Alliances, the Greenback Party, and the Populist Party.

## **XXI. CIVIL RIGHTS**

Civil rights and Civil Liberties are political and social concepts referring to guarantees of freedom, justice, and equality that a state may make to its citizens. Although the terms have no precise meaning in law and are sometimes used interchangeably, distinctions may be made. "Civil rights" is used to imply that the state has a positive role in ensuring all citizens equal protection under law, and equal opportunity to exercise the privileges of citizenship, and otherwise to participate fully in national life, regardless of race, religion, sex, or other characteristics unrelated to the worth of the individual. "Civil liberties" is used to refer to guarantees of freedom of speech, press, or religion; due process of law; and other limitations on the power of the state to restrain or dictate the actions of individuals. The two (2) concepts of equality and liberty are overlapping and interacting. Equality implies the ordering of liberty within society so that the freedom of one (1) person does not infringe on the rights of others.

### **A. History**

The concept that human beings have inalienable rights and liberties that cannot justly be violated by others, or by the state, is linked to the history of democracy. It was first expressed by the philosophers of ancient Greece. Socrates, for example, chose to die rather than renounce the right to speak his mind in the search for wisdom. Somewhat later, the Stoic philosophers formulated explicitly the doctrine of the rights of the individual (see Stoicism). Traces of libertarian doctrine appear in the Bible and in the writings of the Roman statesman Marcus Cicero and the Greek essayist Plutarch. Such ideas, however, did not gain a permanent place in the political structure of the Roman Empire and all but disappeared during medieval times.

### **B. Early Development**

Individual freedom can survive only under a system of law by which both the sovereign and the governed are bound. The idea of government, limited by law, received effective expression for the first time in the Magna Carta (1215), which checked the power of the English king. The Magna Carta did not stem from democratic or egalitarian beliefs. Rather, it was a treaty between King and Nobility that defined their relationship and laid the basis for the concept that the ruler was subject to the law rather than above it. The ideas of absolutism and divine right persisted, however, and the reigns of the Tudor and Stuart Monarchs in England were marked by fierce conflicts between the Crown and Parliament.

On the European Continent, the struggle between authoritarian and libertarian principles developed around religious, rather than secular issues. During the Reformation, freedom of religious belief and practice was a primary concern. Tolerance was rare. As late as 1612, for instance, members of the Unitarian sect were burned as heretics in England (see Unitarianism). Not until the end of the eighteenth (18th) century did the ideals of religious toleration become firmly established in Western civilization.

As a result of the English, American, and French revolutions, libertarian ideals were embodied in the structure of national governments. In England, the struggle between Parliament and the absolutist Stuart Monarchs culminated in the so-called Glorious Revolution of 1688. King James II was expelled, and the new king, William III, gave royal assent (1689) to the Declaration of Rights, which guaranteed constitutional government. Subsequently, the monarch's prerogatives were limited by statute and custom the constitutional system is described in the writings of the English philosopher John Locke, which profoundly influenced the leaders of the American Colonies.

The seventeenth (17th) century was marked also by the growth of individual freedom in Great Britain. In the Common Law Courts, for example, the judges became more concerned for the rights of those accused of crime, and procedural safeguards were established.

### **C. Spread of Civil Liberties**

British Colonists brought the concepts of limited government and individual freedom to the New World. The early laws of Virginia, Massachusetts, and other colonies reflected interest in the reform of criminal procedure that was emerging in Great Britain. A notable event in the history of civil liberties was the successful defense (1735) in New York by the Colonial Lawyer Andrew Hamilton of the Printer and Publisher John Peter Zenger, who had been charged with seditious libel for criticizing the Colonial Government in his publication, the *New York Weekly Journal*.

The events leading to the American and French revolutions inspired writings that laid the foundations for modern ideas of civil liberties by such authors as the French philosopher Jeremy Bentham, the Anglo-American writer Thomas Paine, and the American statesman Thomas Jefferson. The Declaration of the Rights of Man and of the Citizen in France, and the Bill of Rights of the U.S. Constitution, formally established libertarian principles as a foundation of modern democracy. Although civil liberties are often considered an integral part of democratic government the principles of limited government and personal freedom were developed in England at a time when political power was held by an aristocratic upper class. Similarly, in the American Colonies, many founding fathers did not favor democracy in the modern sense. Conversely, history offers numerous examples of countries in which political power is formally vested in representative assemblies, but enforcement of law is arbitrary or despotic, and minorities have few safeguards against the tyranny of majorities.

## **D. Civil Rights in the U.S**

The civil rights and liberties of U.S. citizens are embodied in the Bill of Rights, the first ten (10) amendments to the Constitution. The 1st Amendment guarantees freedom of speech, press, assembly, and religious exercise. The fourth (4th) Amendment protects the privacy and security of the home and personal effects, and prohibits unreasonable searches and seizures. The fifth (5th) through eighth (8th) amendments protect persons accused of crime. They guarantee, for example, the right to trial by jury, the right to confront hostile witnesses and to have legal counsel, and the privilege of not testifying against oneself. The fifth (5th) Amendment also contains the general guarantee that no one shall be deprived of life, liberty, or property without due process of law. Originally these amendments were binding only on the federal government, but U.S. Supreme Court decisions in the twentieth (20th) century have held that the due-process clause of the fourteenth (14th) Amendment, ratified in 1868, extends the Bill of Rights to actions by state and local governments.

## **E. Religious Freedom**

Although religious freedom has not generally been curtailed in the U.S., Roman Catholics, Jews, and members of such unconventional Protestant groups as the Oneida Community and the Mormon sect have sometimes been persecuted. With the exception of sporadic acts against such groups as the Church of Scientology and the Unification Church, religious discrimination has diminished.

The federal Civil Rights Act of 1964, as well as many state and local laws prohibits religious discrimination. The government recognizes the right of religious pacifists to refuse to bear arms, even in time of war, and the Supreme Court has ruled that conscientious objection need not be based only on religious training or belief in a supreme being. The Court has also upheld the right of Jehovah's Witnesses to refuse to salute the flag. Applying the misguided ideas of a principle of separation of church and state, the Court has struck down attempts to use public funds to finance religious schools. At times, however, the Court has permitted the use of public funds for buildings and other nonsectarian programs of religious schools. In the 1960's, the Court ruled that state-composed prayers and state mandated Bible reading in public schools violated the Constitution. Efforts to reverse these rulings were unsuccessful, but in recent years the Court has been less vigilant in scrutinizing government aid to religion; for example, it has upheld a community's right to place religious displays on public property.

## **F. Freedom of Speech, Press, and Assembly**

Civil liberties have been most endangered during periods of national emergency. In the 1798 hostility toward revolutionary France, Congress enacted the Alien and Sedition Acts, which stripped aliens of nearly all civil rights and threatened freedom of speech and the press by prohibiting "false, scandalous and malicious writing" against the government, Congress, or the President. The constitutionality of these acts was never tested, but they were not reenacted and are now generally agreed

to have been unconstitutional.

During the American Civil War, President Abraham Lincoln gave his principal military officers wide and unreviewed authority to arrest civilians for disloyal speech or acts. After World War I, fear of the newly established Communist government in the Soviet Union led to the harassment of suspected subversives by the U.S. Department of Justice.

The rise of National Socialism in Germany, the spread of communism, and the Great Depression of the 1930's all combined to arouse concern for the internal security of the U.S. The federal legislative and executive machinery to deal with disloyal acts was enlarged. In 1940, Congress passed the Smith Act, which proscribed the advocacy of force and violence as a means of bringing about changes in government. In 1950 Congress adopted the Internal Security Act which established a new federal agency for identifying and suppressing so-called subversive persons and organizations. Congress virtually outlawed the Communist party in 1954, although membership in the party was not expressly made criminal. These statutes were upheld by the Supreme Court, but eventually were limited in scope and fell into disuse during the 1960's. In 1969, the Court adopted a constitutional standard that protected political speech unless it was "directed to inciting... imminent lawless action" and was likely to produce such action.

In the 1950's, congressional and state investigating committees conducted widely publicized hearings at which thousands of individuals were questioned concerning their political activities and associations, if any, with the Communist party. Among the legislators prominently identified with these investigations were Senators Patrick McCarran of Nevada and Joseph McCarthy of Wisconsin. The Supreme Court subsequently limited such proceedings.

New problems emerged during the 1960's and '70's. Demonstrations by opponents of racial discrimination and the Vietnam War, and government attempts to restrict these demonstrations, led the Supreme Court to specify where, when, and how streets, parks, and other public places could be used for purposes of protest. At the same time, certain symbolic forms of expression were employed by the protesters, leading to court rulings upholding criminal punishment for the burning of draft cards, but reversing convictions for the mutilation of the American flag as a form of expression. The Court held, in 1990 and 1991 that neither the federal government nor the states could single out the burning of the American flag for criminal penalties.

The attempted publication by the *New York Times*, *Washington Post*, and other newspapers of the so-called Pentagon Papers led to a major Supreme Court decision. It said that prior restraints on publication of national security material could not be enjoined unless such material "will surely result in direct, immediate and irreparable damage to our nation or its people."

In 1964, the Supreme Court ruled for the first time that libelous statements about public officials were protected by the First (1st) Amendment, unless uttered with

"actual malice," that is, with knowledge of their falsehood or with reckless disregard of the facts. Later cases refined this decision but left to the discretion of the states whether to allow defamation actions brought by persons who are neither public officials nor public figures.

The Supreme Court also elaborated its 1957 ruling that obscenity is not constitutionally protected speech. Determining the content of obscenity has been difficult; in 1973 it was defined as speech that, taken as a whole, appeals to the prurient interest, is patently offensive and depicting sexual conduct, and lacks serious literary, political, or scientific value. This vague definition has led to numerous lawsuits involving explicit sexual material. Conservative religious groups and some feminists have attempted to restrict the distribution of pornographic material that is not obscene. The movement achieved limited success, but civil libertarians have led efforts to contain this form of censorship.

One of the most controversial First Amendment cases of the late 1970's did not reach the Supreme Court. When a U.S. Nazi group sought to march in Skokie, Illinois, the home of many Jewish survivors of German concentration camps, emotions were aroused, and the city enacted laws designed to prevent the march. Both federal and state courts upheld the right of this Nazi group, which was represented by the American Civil Liberties Union, to express itself peaceably.

#### **G. Criminal Trials and Due Process of Law**

A number of Supreme Court rulings have been concerned with the rights of persons accused of crimes. Defendants, in state as well as federal criminal cases, are assured that they cannot be imprisoned for an offense unless represented by counsel; if a defendant is indigent, such counsel must be supplied by the government. Defendants must be warned that they may not be questioned until counsel is provided, and defendants may not be convicted on the basis of confessions obtained by coercion. The Court also ruled that prosecutors may not exclude people from juries on racial or sexual grounds.

The fifth (5th) Amendment privilege against self-incrimination was the most controversial constitutional protection during the 1950's and '60's, when it was invoked by, among others, individuals accused of subversive activities and participation in organized crime. The Court's interpretation of the fourth (4th) Amendment has also generated controversy; its provisions protecting the security of the person and of dwellings have been cited in disallowing convictions based on evidence obtained by the police illegally. The Court in the 1970's began to narrow its interpretation, a process that has continued into the 1990's as the public has come to favor crime-control measures over the rights of defendants. This climate of opinion has also led to more frequent use of capital punishment and to limitations on the use of habeas corpus.

#### **H. Privacy**

A constitutional right of privacy, drawn from the Bill of Rights provisions protecting the security of home and person, as well as freedom of association, was first

recognized by the Supreme Court in 1965. In *Griswold v. Connecticut*, the Court struck down a state law that prohibited the use of contraceptives by a married couple. The decision was later extended to protect the rights of single persons and, in a major development in the *Roe v. Wade* decision of 1973, the right of women to abort an unwanted pregnancy. In 1980, however, the Court refused to apply this ruling to require the federal government to bear the cost of abortions for women who could not afford them. Efforts to reverse *Roe v. Wade* judicially or by constitutional amendment have been unsuccessful. The amendment did not acquire the necessary support, and a divided Supreme Court in 1992 reaffirmed the core holding of *Roe* while further limiting its scope.

Other test cases of rights of privacy during this period concerned wiretapping and eavesdropping on private conversations widespread dissemination of personal information through computers, access to information in government files, and the use without consent of pictures and names of celebrities. Although the courts have given some protection to privacy, the results have been relatively minor. Additional protection has resulted from legislative enactments such as the federal Privacy Act of 1974 and various state statutes.

## **I. Minority Rights**

The most critical civil rights issue in the U.S has concerned the status of its black minority. After the Civil War, the former slaves' status as free people, entitled to the rights of citizenship, was established by the thirteenth (13th) and fourteenth (14th) Amendments, ratified in 1865 and 1868, respectively. The fifteenth (15th) Amendment, ratified in 1870, prohibited race, color, or previous condition of servitude as grounds for denying or abridging the rights of citizens to vote. In addition to these constitutional provisions, statutes were passed defining civil rights more particularly. The Supreme Court, however, held several of these unconstitutional, including an 1875 act prohibiting racial discrimination by innkeepers, common carriers, and places of amusement.

During the period of Reconstruction, the Republican dominated federal government maintained troops in the southern states. Blacks voted and held political offices, including seats in Congress. Two (2) blacks became senators, and twenty (20) were elected to the House of Representatives during this era. The Reconstruction era aroused the bitter opposition of most Southern whites. The period came to an end in 1877, when a political compromise between the Republican Party and Southern leaders of the Democratic Party led to the withdrawal of federal troops from the South.

In the last two (2) decades of the nineteenth (19th) century, blacks were disfranchised and stripped of other rights in the South through discriminatory legislation and unlawful violence. Separate facilities for whites and blacks became a basic rule in Southern society. In *Plessy V. Ferguson*, a 1896 case involving the segregation of railroad passengers, the Supreme Court held that "separate but equal" public facilities did not violate the Constitution.

During the first half of the twentieth (20th) century, racial exclusion, either overt or covert, was practiced in most areas of U.S. life. During World War II, black leaders,

such as A. Philip Randolph, protested segregation in military service, and some reforms were introduced. In 1948, President Harry S. Truman signed an executive order integrating the armed forces. The 1954 Supreme Court decision in *Brown Vs. Board of Education* represented a turning point, reversing the 1896 "separate but equal" ruling. The Court held that compulsory segregation in public schools denies black children equal protection under the law. It later directed that desegregated educational facilities be furnished "with all deliberate speed." Subsequent decisions outlawed racial exclusion or discrimination in all government facilities and facilities involved in interstate commerce, such as public transportation. A state law against racial intermarriage was also ruled invalid.

School desegregation was resisted in the South. Federal determination to enforce the court decision was demonstrated in Little Rock, Arkansas, in 1957, when President Dwight Eisenhower dispatched troops to secure admission of black students into a "white" high school. Nevertheless, in the Deep South progress toward integration was negligible in the years following the Supreme Court decision. In 1966 for example, the overwhelming majority of Southern schools remained segregated. By 1974 however, some forty four (44%) percent of black students in the South attended integrated schools, and by the early 1980's the number was approximately eighty (80%) percent.

In the North and West, many black students also attended segregated schools. Such segregation was considered unconstitutional only where it could be proven to have originated in unlawful state action. Public controversy, sometimes violent, continued over the issue of transporting children in school buses long distances from their homes in order to achieve integration. Busing had become necessary because of the concentration of minority populations in the central areas of many cities. The Supreme Court dealt a blow to such busing in July, 1974 by, in effect, barring it across school-district lines except on a voluntary basis.

Civil rights for blacks became a major national political issue in the 1950's. The first federal civil rights law since the Reconstruction period was enacted in 1957. It called for the establishment of a U.S. Commission on Civil Rights and authorized the U.S. attorney general to enforce voting rights. In 1960, this legislation was strengthened, and in 1964, a more sweeping civil rights bill outlawed racial discrimination in public accommodations and by employers, unions, and voting registrars. Deciding that normal judicial procedures were too slow in assuring minority registration and voting, Congress passed a voting rights bill in 1965. The law suspended, and amendments later banned, use of literacy or other voter-qualification tests that had sometimes served to keep blacks off voting lists. It authorized appointment of federal voting examiners in areas not meeting certain voter-participation requirements, and provided for federal court suits to bar discriminatory poll taxes, which were ended by a Supreme Court decision and the twenty fourth (24th) Amendment, which was ratified in 1964. In the aftermath of the assassination of the civil rights leader Martin Luther King, Jr., Congress in 1968 prohibited racial discrimination in federally financed housing, but later efforts to strengthen the law failed.

An important constitutional issue that has caused public controversy is whether,

and to what degree, public and private institutions may use "affirmative action" or "reverse discrimination" to help members of minority groups obtain better employment or schooling. In the 1978 *Bakke* case, the Supreme Court held that it was unconstitutional for the University of California Medical School at Davis to set an absolute quota for the admission of minority candidates, but the Court approved a Harvard University plan that took race into account for the setting of numerical goals that were not disguised quotas. The Court later ruled that racial preferences by a private corporation designed to remedy prior discrimination did not violate the Civil Rights Act. And it upheld a federal statute that requires a certain percentage of government contracts to be given to minority-owned businesses.

Impressive gains have been made by blacks in education, employment, and to a lesser degree in housing. Nevertheless, historic patterns of hiring and promotion leave non-white minorities economically vulnerable, especially in a weak national economy. President Ronald Reagan's administration slowed down enforcement of certain civil rights laws and opposed government-enforced quotas and "goals and timetables." The courts have sometimes enunciated inconsistent positions on these complex issues. In 1986, however the Supreme Court supported the limited use of affirmative action to help minority groups compensate for past job discrimination. In 1987, the Court upheld the right of employers to extend preferential treatment to minorities and women in order to achieve a better balanced work force. In several close rulings in 1989, however, the Court's conservative majority moved toward reversing this direction by making it even more difficult for women and minorities to use the courts to remedy discrimination in hiring practices or on the job. In addition, President George Bush signed the Civil Rights Act of 1991, which limited affirmative action. Civil rights have also been denied to Hispanic Americans, particularly Puerto Ricans in the East and Mexican-Americans in the Southwest. The problem has followed traditional paths, as rights have been denied in employment, housing, and access to the judicial system

Asian-Americans also have suffered deprivations of civil rights since at least the late nineteenth (19th) century. The forced removal and incarceration of persons of Japanese descent from the West Coast during World War II (1939-1945), which was upheld by the Supreme Court, was a major violation of civil liberties for which Congress apologized and provided reparations in 1990. Asians faced low immigration quotas before the laws were amended in 1965, 1968, and 1977, and in parts of the United States, Asian-Americans have been denied equal rights in housing and employment.

## **J. Rights of Women**

Historically, American women have been denied their civil rights in suffrage. They were unable to vote until a 1920 constitutional amendment. They were denied their rights in employment, and other areas. In the late 1960's, women organized to demand legal equality with men and, as a result of the 1964 Civil Rights Act, made many gains, especially in employment. During the 1970's, efforts continued to change not only unfair practices, but also outmoded attitudes toward the role of women in society. In 1972, Congress passed the Equal Rights Amendment (ERA)

to the Constitution and submitted it to the states for ratification. The ERA, however, which was designed to eliminate legal discrimination against women, failed to win the approval of a sufficient number of states. By the June 1982 deadline, only thirty five (35) of the required thirty eight (38) states had ratified the amendment. Women have continued to make gains in certain trades and professions, including financial services, medicine, and law, but problems remain in many areas. The Civil Rights Act of 1991 extended to women victims of job bias the right to sue their employers for monetary damages. The act also established a commission to probe the "glass ceiling" that has prevented women and other minorities from advancing to top management.

#### **K. Rights of Other Minorities**

The struggle for civil rights has not been confined to blacks, Hispanic-Americans, Asian-Americans, and women. Native Americans for decades were forcibly deprived of their lands and denied civil rights. In 1968 Congress enacted the Indian Civil Rights Act and the federal courts have heard a number of suits designed to restore to Native American tribes rights to their ancestral lands.

The elderly have also been deprived of their civil rights, especially in employment and to some degree in housing. Federal and state laws have been only partially successful in solving this problem. Former prisoners and mental patients have suffered legal disabilities after their confinement ended, and resident aliens are sometimes denied equal employment opportunities.

Homosexuals, historically, have not had full civil rights because of social and sexual taboos. The number of judicial decisions and laws enacted at the local level to protect gay men and women from discrimination has increased, but the degree of prejudice was heightened in the 1980's by the concern about Acquired Immune Deficiency Syndrome (AIDS). In 1986, the Supreme Court ruled that the Constitution does not bar criminal prosecution for private homosexual relations between consenting adults. Several local governments, however, acted to curtail the rights of lesbians and gay men. By the early 1990's, the gay community had organized more effectively than ever before in the effort to assert their rights.

#### **L. International Concerns**

To establish the principles of civil liberties and civil rights on an international basis, the United Nations Charter was drawn up after World War II. It states that one (1) of the purposes of the U.N. is to promote and encourage respect for "human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion." In 1946, a U.N. Commission on Human Rights was established. In 1948 the General Assembly adopted a Universal Declaration of Human Rights, prepared by the commission, and embodying the eighteenth (18th) century ideals of liberty, equality, and fraternity. This declaration, however, is not binding on member states.

Almost all nations deny civil rights to disfavored minorities within their borders. A major obstacle to international protection of human rights is the opposition of most

countries to interference with their internal affairs, including questions of the rights of their own citizens. To some degree this difficulty has been overcome through regional arrangements and implementing bodies such as the European Commission on Human Rights and the Inter-American Commission on Human Rights. The administration of President Jimmy Carter, in the late 1970's, introduced human rights as an element of foreign policy. This initiative was unevenly pressed and sometimes ineffectual, but it increased international awareness of the gravity of the problem of securing human rights for all people. The Reagan administration took a less aggressive stance on human rights violations, claiming that quiet diplomacy was more effective than public threats.

## **XXII. HOMESTEAD LAWS**

This is the collective name for a series of enactments by the United States Congress, allowing settlers without capital to acquire homesteads. Although sentiment supporting the idea of free land for homesteaders existed from the early days of the U.S., the law was not passed until the American Civil War had begun. The South was antagonistic to the free-land movement, because it feared homesteaders would be against slavery. When the Republican Party was formed in 1854, it absorbed the free-land sentiment of the Free-Soil Party. The secession of the Southern states left the way open for enactment of "the complete and satisfactory homestead measure" called for in a Republican pre-election declaration of 1860. The homestead law was enacted by Congress in 1862. It provided that anyone who was either the head of a family, twenty one (21) years old, or a veteran of fourteen (14) days of active service in the U.S. armed forces, and who was a citizen or had filed a declaration of intent to become a citizen, could acquire a tract of land in the public domain not exceeding one hundred sixty (160) acres, which is a quarter section.

The public domain, or federally owned land, included land in all states except the original thirteen (13) and Maine, Vermont, West Virginia, Kentucky, Tennessee, and Texas. To acquire title to the land, the homesteader was obliged to settle on or cultivate the homestead for five (5) years. The law expressly declared that no land so acquired could be levied against by creditors for the satisfaction of debts contracted prior to the issuance of the land grant. Other federal homestead laws, enacted by subsequent congresses, were essentially modifications of the act of 1862. The federal homestead laws provided an incentive, in the form of easily obtainable land, for the settlement of the West. Largely because the supply of suitable public land was exhausted, remaining public lands were withdrawn from homesteading in 1935. Occasionally since then, areas in Alaska have been opened to veterans for homesteading.

Homestead National Monument of America, northwest of Beatrice, Nebraska, is the site settled by Daniel Freeman and his family, who were the first to make a claim under the act on January 1, 1863, when the law went into effect.

## **XXIII. PARKS, ROSA LOUISE**

This civil rights leader was born in Tuskegee, Alabama. She attended Alabama State College, worked as a seamstress and housekeeper, and was active in the Montgomery Voters League and the NAACP (National Association for the Advancement of Colored

People) Youth Council. In 1943 she was elected secretary of the Montgomery branch of the NAACP. In a celebrated incident in 1955, she was arrested for violating segregation laws when she refused to give up her bus seat to a white passenger. This resulted in a boycott of the bus system by blacks, with Martin Luther King, Jr. leading the movement. In spite of harassment, the boycott continued, and in 1956 segregated seating was challenged in a federal lawsuit. Within a few months bus segregation was ruled unconstitutional, and the buses were officially desegregated in December 1956. Parks, who had lost her job because of the boycott, moved to Detroit, Michigan the following year, and again took in sewing. She also worked as a fund raiser for the NAACP. In 1965 she was hired by Congressman John Conyers, Jr., also a civil rights leader, to manage his Detroit office. She remained active in the NAACP and the Southern Christian Leadership Conference (SCLC). In 1987 she founded the Rosa and Raymond Parks Institute for Self-Development, offering guidance to young blacks. She won the NAACP's Spingarn Medal in 1970, and the Martin Luther King Jr. Award in 1980, as well as an honorary degree from Shaw College.

#### **XXIV. TEMPERANCE**

This term is commonly applied to organized efforts to temper or abstain from the use of alcoholic beverages. In order to achieve their aims, most temperance organizations have, at one time or another advocated the enactment of legislation prohibiting both the sale and the consumption of alcoholic beverages (see Prohibition).

##### **A. The U.S.**

Organized temperance sentiment in the U.S. may be traced to the early nineteenth (19th) century, when the first temperance societies were established in New York in 1808, Massachusetts in 1813, and Connecticut in 1813. The American Society for the Promotion of Temperance was organized in Boston in 1826. Soon, working with evangelical fervor, the society's members had established thousands of local and state auxiliaries. By 1835, temperance organizations across the country counted about one million (1,000,000) members. By 1855, following the lead of Maine, several states had passed laws prohibiting intoxicating beverages. General interest in temperance declined, however, during the American Civil War.

During the decade following the war (1865-75), interest in temperance and prohibition revived nationwide. This was largely a result of public concern over the tremendous growth of the liquor industry in the 1860's and the involvement of the industry in local and national politics. Prominent in the temperance revival were the Prohibition Party, organized in 1869, and the National Woman's Christian Temperance Union (WCTU), organized in 1874.

Although the Prohibition Party never acquired much numerical strength, its influence was felt by both major U.S. political parties, necessitating more careful scrutiny of candidates' characters, especially in local elections. Even more influential, however, was the massive evidence of over-indulgence collected and publicized by the several temperance organizations, particularly the WCTU and the Anti-Saloon League of America. By 1917, many railroads had adopted regulations prohibiting the use of intoxicating liquors by employees, and a number

of industrial concerns had adopted similar rules. Since the repeal of the eighteenth (18th) Amendment in 1933, temperance sentiment in the U.S. has been negligible.

## **B. Other Countries**

Temperance organizations were founded in Europe in the 1820's and '30's, and were especially strong in the British Isles and the Scandinavian countries, some of which also enacted prohibition laws in the period between the world wars. The international Order of Good Templars, formed in Utica, New York in 1851, eventually spread to South America, Europe, and other continents where the Europeans had colonies. As in the U.S., however, temperance movements in other countries tended to lose ground during and after the Great Depression.

## **XXV. WILLARD, FRANCES ELIZABETH CAROLINE**

Born in 1839, dying in 1898 she was an American educator and reformer, born in Churchville, New York, and educated at Northwestern Female College. In 1874, she gave up a successful teaching career to become secretary of the National Woman's Christian Temperance Union (WCTU). An indefatigable crusader on behalf of prohibition, she was elected president of the WCTU in 1879, founded the World's Woman's Christian Temperance Union in 1883, and was elected president of the latter organization in 1891. Willard was identified also with the movement for woman=s suffrage and the Prohibition party, which she helped to organize in 1 882. She became president of the National Council of Women in 1890. Her writings include *Woman and Temperance* (1883) and *Glimpses of Fifty Years* (1889).

## **XXVI. PROHIBITION**

This was the legal ban on the manufacture and sale of intoxicating drink by extension, the term also denotes those periods in history when such bans have been in force, as well as the political and social movements advocating them. Such movements, also called temperance movements, have occurred whenever significant numbers of people have believed that the consumption of alcoholic beverages presented a serious threat to the integrity of their most vital institutions, especially the institution of the family. Drunkenness is considered an evil in most of the world's major religious traditions, and Islam has for centuries forbidden even the moderate use of fermented drink. In the West, however, efforts to ban the consumption of alcohol have been a relatively recent phenomenon. Their origin can be traced to the apparently rapid spread of the technology of distillation and of alcohol abuse in eighteenth (18th) century Europe, which alarmed those concerned with public health and morals.

### **A. The Early Prohibition Movement in the U.S.**

In England and the American colonies, governments after 1750 made repeated and futile efforts to discourage the excessive use of distilled spirits. By the 1920's people in the United States were drinking, on the average, seven (7) gallons of

pure alcohol per person each year, and many religious and political leaders were beginning to see drunkenness as a national curse. Abraham Lincoln said of this period that intoxicating liquor was "used by everybody, repudiated by nobody," and that it came forth in society 'like the Egyptian angel of death, commissioned to slay if not the first, the fairest born in every family."

Many people believed a close relationship existed between drunkenness and the rising incidence of crime, poverty, and violence, concluding that the only way to protect society from this threat was to abolish the "drunkard-making business." The first state prohibition law, passed in Maine in 1851, prohibited the manufacture and sale of "spirituous or intoxicating liquors" not intended for medical or mechanical purposes, and thirteen (13) of the thirty one (31) states had such laws by 1855. By that time the annual per capita consumption of absolute alcohol had fallen to about one (1) gallon.

The political crisis that preceded the American Civil War distracted attention from Prohibition. Many of the early state laws were modified, repealed, or ignored, and for years few restraints were placed on manufacturing or selling anything alcoholic. The population increased rapidly after the Civil War, and soon there were more than one hundred thousand (100,000) saloons in the country, about one (1) for every four hundred (400) men, women, and children in 1870. These saloons became increasingly competitive for the drinkers' wages. Thus, many of them permitted gambling, prostitution, sales to minors, public drunkenness, and violence.

## **B. The Anti-Saloon League**

In reaction to this, the extraordinary "Women's War" broke out across the nation in 1873. Thousands of women marched from church meetings to saloons, where with prayer and song they demanded, with transitory results, that saloon keepers give up their businesses. By 1900, millions of men and women were beginning to share this hostility toward the saloon and to regard it as the most dangerous social institution then threatening the family. The Anti-Saloon League of America (ASL), organized in Ohio, effectively marshaled such people into political action. State chapters of the ASL endorsed candidates for public office and demanded of their state governments that the people be allowed to vote yes or no on the question of continuing to license the saloons.

By 1916, no less than twenty three (23) of the forty eight (48) states had adopted anti-saloon laws, which in those states closed the saloons and prohibited the manufacture of any alcoholic beverages. Even more significant, the national elections of that year returned a U.S. Congress in which the ASL-supported dry members, those who supported Prohibition, outnumbered the wet members, those who were against Prohibition, by more than two (2) to one (1). On December 22, 1917, with majorities well in excess of the two-thirds (2/3) requirement, Congress submitted to the states the eighteenth (18th) Amendment to the Constitution, which prohibited "the manufacture, sale, or transportation of intoxicating liquors.@ By January 1919, ratification was complete, with eighty (80%) percent of the members of forty six (46) state legislatures recorded in approval.

### **C. Prohibition in Other Countries**

At this point in history, most Protestant nations had come to regard drinking as a social evil, and the Prohibition movement was being accelerated by the circumstances of World War I. While rallying British workers to increase their productivity in support of the war effort, Prime Minister David Lloyd George stated that "we are fighting Germany, Austria, and drink, and, as far as I can see, the greatest of these three deadly foes is drink." Soon the British government limited the sale of alcoholic drink to a few early evening hours. In Scotland, the citizens of towns and villages had the right (local option) to vote out drinking establishments after 1920. In Sweden, where the movement had been strong since the 1830's, the government abolished both the profit motive and the competition from the liquor traffic after 1922 by nationalizing it. An even harsher measure there restricted sales to one (1) quart per family per week. In Norway, voters outlawed the sale of drinks with an alcoholic content of more than twelve (12%) percent by referendum in 1919. That same year the Finnish government banned the sale of any drink of more than two (2%) percent alcohol. Canada was then dry in all provinces.

### **D. National Prohibition in the U.S.**

To enforce the eighteenth (18th) Amendment, Congress passed the National Prohibition Act, usually called the Volstead Act because Congressman Andrew Volstead of Minnesota introduced it in 1919. The law defined the prohibited "intoxicating liquors," as those with an alcoholic content of more than zero point five (0.5%) percent, although it made concessions for liquors sold for medicinal, sacramental, and industrial purposes, and for fruit or grape beverages prepared for personal use in homes. Because the Congress and the State Legislatures, however, were reluctant to appropriate enough money for more than token enforcement, and because the opportunities for disregarding the law through smuggling, distilling, fermenting, and brewing were legion, Prohibition always represented more of an ideal than a reality. On this basis the prohibition era began at midnight on January 16, 1920.

#### **1. The Effects of Prohibition**

The era inspired an extensive body of colorful literature, most of it alleging that the period was one of moral decay and social disorder precisely because of "Volsteadism," which came to mean the intolerable searches, seizures, and shootings by police who, with their token enforcement, seemed to threaten intrusion into the private lives of law-respecting persons. It also alleged that Prohibition distorted the role of alcohol in American life, causing people to drink more rather than less; that it promoted disrespect for the law; that it generated a wave of organized criminal activity, bringing about "bootleggers" (one who sold liquor illegally), the "speakeasy" (an illegal saloon), and the gangster became popular institutions; and that the profits available to criminals from illegal alcohol corrupted almost every level of government. Historians, however, believe that in the beginning of the era, and at least until the middle of the decade,

most Americans respected the law, hoped that it would endure, and regarded its passage as directly responsible for the reduced incidence of public drunkenness, of alcohol-related crime, imprisonments, and hospitalizations. Statistics show that Prohibition reduced the annual per capita consumption from about twenty six (26) gallon of absolute alcohol during the period before state laws were effective (1906-1910) to less than one (1) gallon after Prohibition (1934). Moreover, no striking statistical evidence of a crime wave during the 1920's exists, although the crime rate did rise.

## 2. Movement toward Repeal

In the late 1920's, however, more and more Americans found the idea of repeal increasingly attractive. The reasons for this were numerous and complex, including the fact that the government failed to enforce the law. Most Americans were happy that the old-time saloon had been abolished, but they felt that a new society was emerging in the 1920's, a primarily urban and industrial society of great geographic and social mobility and great ethnic and religious diversities, in which the protection of the family from alcohol was perhaps less socially urgent than the expansion and protection of individual freedom.

This disillusionment with Prohibition occurred in every country that had earlier attempted it. In Canada, the dry laws of 1919 were soon repealed because of economic pressures, not the least of which were the opportunities to sell liquor to citizens of the dry U.S. Provincial laws after repeal did, however, provide for government-owned stores and for local option. In Norway, a referendum in 1926 abolished the earlier restriction, but strict regulation of the times and places liquor could be sold preserved a tight rein on drunkenness. Sweden held to state monopoly and severe rationing. Finland repealed its prohibition law of referendum in 1932.

## E. The End of Prohibition

In the U.S., a major shift in public opinion occurred during the early years of the Great Depression, when opponents could argue persuasively that Prohibition deprived people of jobs and governments of revenue and generally contributed to economic stagnation. The actual political campaign for repeal was largely the work of the Association. Against the Prohibition Amendment (AAPA), a nonpartisan organization of wealthy and influential citizens in all states who were "wet" in principle, and who feared that through Prohibition the Federal Government might permanently compromise the tradition of individual freedom. Like the ASL, the AAPA actively endorsed and opposed candidates for state and federal offices. Its goal was that Congress should submit to the states the twenty first (21st) Amendment to the Constitution, which would repeal the eighteenth (18th), and submit it in such a way as to circumvent the various State Legislatures in which, it feared, dry legislators from rural districts, in opposition to majority sentiment, might present a serious challenge to ratification. To avoid this, Congress, for the first time since the Constitution itself was ratified and for much the same reason, called for

ratifying conventions in each of the states. Delegates would be elected by the people for the specific purpose of voting yes or no regarding the question of the twenty first (21st) Amendment. The elections for convention delegates in 1933 produced a repeal vote running almost seventy three (73%) percent. In a remarkable coordinated effort by the states and the Congress, ratification was complete in December of that year.

Following repeal, liquor control again became a state rather than a federal problem. The annual per capita consumption of absolute alcohol in the country rose after the repeal from one point one (1.1) gallon in 1935 to two (2) gallon in 1975, but most states still retain restrictions on the sale and consumption of alcohol.

## **XXVII. DILLINGER, JOHN**

John Dillinger was born in either 1902 or 1903, and only lived to 1934. He was an American criminal, who attracted national attention for a series of crimes he committed in the Midwestern United States over a period of thirteen (13) months in 1933 and 1934. Dillinger was born in Indianapolis, Indiana. He enlisted in the United States Navy in 1923, but deserted a few months later. Dillinger committed his first armed robbery in 1924, and served nine (9) years in prison before being released in May 1933, during the Great Depression. While in prison, Dillinger formed a gang, which included "Baby Face" Nelson and "Pretty Boy" Floyd, both of whom were later killed in gun battles with law officers. The gang robbed a dozen (12) banks, and held up three (3) police stations to free captured gang members. In July 1933, J. Edgar Hoover of the Bureau of Investigation, now the Federal Bureau of Investigation (FBI), identified Dillinger as "public enemy number one." One of Dillinger's most famous acts was his escape, using a mock gun carved from wood, from the heavily guarded jail in Crown Point, Indiana, where he was awaiting trial for killing a police officer.

In 1934 Dillinger moved to Chicago, Illinois, and forced a plastic surgeon to alter his face and fingerprints. However, Dillinger was betrayed by an acquaintance who told federal agents that she would wear a red dress while accompanying him to the Biography Theater. On July 22, federal agents fatally shot Dillinger as he exited a movie theater. The woman who betrayed him for a portion of the fifty thousand (\$50,000) dollars in reward money became known as the "lady in red." Some historians claim that Dillinger was not the man killed in front of the theater.

## **XXVIII. CAPONE, AL**

Al Capone was born in 1899, and died in 1947. He was an Italian-American gangster of the Prohibition era, also known as Scar-face because of a knife cut to his cheek. He was born Alphonse Capone in Naples, Italy, and raised in Brooklyn, New York. He left school at an early age and spent nearly ten (10) years with gangs in Brooklyn. In the 1920's he took over a Chicago organization dealing in illegal liquor, gambling, and prostitution from the gangster Johnny Torno. In the following years he eliminated his competitors in a series of gang wars, culminating in the Saint Valentine's Day Massacre of 1929 that won him control of Chicago's underworld. Convicted of income tax evasion in 1931 and sentenced to eleven (11) years in prison, he was released on parole in 1939. Crippled by syphilis,

he spent the rest of his life in his Miami Beach, Florida, mansion.

## **XXIX. CHILD LABOR**

This is a designation formerly applied to the practice of employing young children in factories, now used to denote the employment of minors generally, especially in work that may interfere with their education or endanger their health. Throughout the ages and in all cultures, children joined with their parents to work in the fields, in the marketplace, and around the home as soon as they were old enough to perform simple tasks. The use of child labor was not regarded a social problem until the introduction of the factory system

### **A. History in Great Britain**

During the latter part of the eighteenth (18th) century in Great Britain, owners of cotton mills collected orphans and children of poor parents throughout the country, obtaining their services merely for the cost of maintaining them. In some cases children five (5) and six (6) years of age were forced to work from thirteen (13) to sixteen (16) hours a day.

Social reformers attempted as early as 1802 to obtain legislative restrictions against the worst features of the child-labor system, but little was done even to enforce existing laws limiting work hours and establishing a minimum age for employment. Conditions as bad as those imposed on pauper children rapidly developed in enterprises employing non-pauper children. Often with the approval of political, social, and religious leaders, children were permitted to labor in hazardous occupations such as mining. The resultant social evils included illiteracy, further impoverishment of poor families, and a multitude of disease and crippled children.

Popular agitation for reform steadily increased. The first significant British legislation was enacted in 1878, when the minimum age of employees was raised to ten (10) years and employers were required to restrict employment of children between the ages of ten (10) and fourteen (14) to alternate days or consecutive half days. In addition to making every Saturday a half (1/2) holiday, this legislation also limited the workday of children between fourteen (14) and eighteen (18) years of age to twelve (12) hours with an intermission of two (2) hours for meals and rest.

### **B. Child Labor in the U.S.**

Meanwhile the industrial system developed in other countries, bringing with it abuses of child labor similar to those in Great Britain. In the early years of the nineteenth (19th) century, children between the ages of seven (7) and twelve (12) years made up one-third (1/3) of the work force in U.S. factories. The shortage of adult male laborers, who were needed for agriculture, contributed to the exploitation of child laborers. In addition, the majority of adults, ostensibly imbued with puritanical ideas regarding the evils of idleness among children, cooperated with employers, helping them to recruit young factory hands from indigent families.

#### **1. Early Legislation**

The earliest feature of the factory system that caused concern among community leaders was the high rate of illiteracy among child laborers. The first effective step toward legislation governing the education of these children was taken in 1836 when the Massachusetts Legislature adopted a law prohibiting the employment of any child less than fifteen (15) years of age who had received less than three (3) months of schooling in the previous year. In 1848, Pennsylvania became the first state to regulate the age levels of youth employed in silk, cotton, or woolen mills by establishing a minimum age of twelve (12). Several other states also established minimum-age requirements, but none of the laws passed made provisions for establishing proof of the child's age or for enforcement.

The length of the workday for children was the next feature of the factory system to be regulated by legislation. By 1853, several states had adopted a ten (10) hour workday for children under twelve (12) years of age. Despite these restrictions, the number of children in industry increased greatly in the U.S. after the American Civil War, when industrial expansion resulted in unprecedented demand for workers. By the end of the nineteenth (19th) century, nearly one-fifth (1/5) of all American children between the ages of ten (10) and sixteen (16) were gainfully employed. By 1910, however, as the result of the public enlightenment activities of various organizations, notably the National Child Labor Committee, the legislatures of several states had enacted restrictive legislation that led to sharp reductions in the number of children employed in industry.

Because of the lack of uniformity in child-labor standards established in the various states, a condition that placed industries in states with relatively high standards in a disadvantageous competitive position, the U.S. Congress, in 1916, passed a law that set a national minimum age of fourteen (14) in industries producing nonagricultural goods for interstate commerce or for export. In 1918, however, the U.S. Supreme Court ruled, in a five (5) to four (4) decision, that the legislation was an unconstitutional infringement on personal freedom. Another child-labor law, enacted in 1918, was also declared unconstitutional by the Supreme Court in 1922. In 1924 both houses of Congress passed an amendment to the U.S. Constitution, empowering Congress to limit, regulate, and prohibit the labor of persons less than eighteen (18) years of age. The number of state legislatures that ratified the proposed amendment was twenty eight (28) or eight (8) less than the thirty six (36) then required.

## 2. Federal Legislation

Despite the reluctance of state legislators to ratify the child-labor amendment, legislative attempts to deal with the problem nationally continued, notably during the administration of President Franklin D. Roosevelt. The National Industrial Recovery Act, passed by Congress in 1933, established a minimum age of sixteen (16) for workers in most industries. In hazardous industries a minimum age level of eighteen (18)

was established. This law contributed to a substantial decrease in the number of young workers, but the Supreme Court ruled the act unconstitutional in 1935. In the next year Congress passed the Walsh-Healey Act, which prohibits firms producing goods under federal government contract from employing boys and girls less than sixteen (16) years of age.

The next important legislation on the problem was the Fair Labor Standards Act of 1938, better known as the Federal Wage and Hour Law. This act was declared constitutional in 1941 by the Supreme Court, which thereby overruled its former child-labor decisions under a more liberal interpretation of the commerce clause of the Constitution (Article one [1]), Section eight [8]). The Fair Labor Standards Act, amended in 1949, applies to all workers engaged in interstate or foreign commerce. Under the child-labor provisions of the act, minors sixteen (16) years of age and over may be employed in any occupation that has not been judged hazardous by the secretary of labor. The minimum age for work in Industries classified as hazardous is eighteen (18). No minimum age is set for non-hazardous agricultural employment after school hours and during vacation. Minors fourteen (14) and fifteen (15) years of age may be employed in a variety of non-manufacturing, non-mining, and non-hazardous occupations outside school hours and during vacations for limited hours and under other specified conditions of work.

### 3. State Legislation

Every state today has child-labor laws. In most states employment of minors under sixteen (16) in factories and during school hours is prohibited. Other provisions include a forty (40) hour workweek, prohibition of night work, and work permits for minors under eighteen (18). Children working on farms are not completely protected by federal and state laws, which make no provisions for non-hazardous farm work outside school hours. The children of migratory workers, who move from harvest to harvest across the United States, are usually not subject to state laws because they do not fulfill residency requirements, and they are often unable to attend local schools, which have no provisions for seasonal increases in school enrollment. Other children exempted from federal and state labor laws are children employed as actors and performers in radio, television, and motion pictures, as newspaper deliverers and sales personnel, or as part-time workers at home

## C. International Problems

In the latter part of the twentieth (20th) century, child labor remains a serious problem in many parts of the world. Studies carried out in 1979, the International Year of the Child, show that more than fifty million (50,000,000) children below the age of fifteen (15) were working in various jobs, often under horrendous conditions. Many of these children live in underdeveloped countries in Latin America, Africa, and Asia. Their living conditions are crude and their chances for education minimal. The meager income they bring in, however, is necessary for the survival of their

families. Frequently, these families lack the basic necessities of life, adequate food, decent clothing and shelter, and even water for bathing.

In some countries, industrialization has created working conditions for children that rival the worst features of the nineteenth (19th) century factories and mines. In India, for example, some twenty thousand (20,000) children work sixteen (16) hour days in match factories.

Child-labor problems are not, of course, limited to developing nations. They occur wherever poverty exists in Europe and the United States. A growing concern in recent years has been the increase in prostitution among youngsters in urban centers.

The most important efforts to eliminate child-labor abuses throughout the world came from the International Labor Organization (ILO), founded in 1919 and now a special agency of the United Nations. The organization has introduced several child-labor conventions among its members, including a minimum age of sixteen (16) years for admission to all work, a higher minimum age for specific types of employment, compulsory medical examinations, and regulation of night work. The ILO, however, does not have the power to enforce these conventions; it depends on voluntary compliance of member nations

### **XXX. LINDBERGH, CHARLES AUGUSTUS**

Charles Lindbergh was born in 1902, and died in 1974. He was an American aviator, engineer, and Pulitzer Prize winner, who was the first person to make a nonstop solo flight across the Atlantic

Lindbergh was born in Detroit. He attended the University of Wisconsin for two (2) years but withdrew to attend a flying school in Lincoln, Nebraska. He began flying in 1922, and four (4) years later he piloted a mail plane between Saint Louis, Missouri, and Chicago. He decided to compete for a prize of twenty five thousand (\$25,000) dollars offered in 1919 by the Franco-American philanthropist Raymond B. Orteig, of New York City, for the first nonstop transatlantic solo flight between New York City and Paris. In his single-engine monoplane, *Spirit of St Louis*, Lindbergh left Roosevelt Field at 7.52 a.m. on May 20, 1927. After a flight of thirty three (33) hours thirty two (32) minutes, he landed at Le Bourget Airport near Paris. His achievement won the enthusiasm and acclaim of the world, and he was greeted as a hero in Europe and the U.S. He was later commissioned a Colonel in the U.S. Air Service Reserve and was a technical adviser to commercial airlines. He made "goodwill tours" of Mexico, Central America, and the West Indies. Lindbergh flew over Yucatan and Mexico in 1929 and over the Far East in 1931, and in 1933 he made a survey of more than thirty thousand (30,000) miles for transatlantic air routes and landing fields. Lindbergh also collaborated with the French surgeon Alexis Carrel in experiments to develop an artificial heart pump. Despite early promising results the experiments were finally given up without entirely achieving their purpose. The two men were co-authors of *The Culture of Organs* (1938).

In 1932 the kidnapping and murder of Lindbergh's first child, nineteen (19) month old Charles A. Lindbergh, Jr., attracted nationwide attention. A German-born carpenter,

Bruno Hauptmann, was later found guilty of the crime and executed. To avoid further publicity, the Lindberghs moved to Europe in 1935. Lindbergh toured the Continent and studied the air forces of various countries. He accepted, in 1938, a decoration from Adolf Hitler and praised the German air force as superior to that of any other European country. On his return (1939) to the U.S., Lindbergh toured the country and made a series of antiwar speeches. He was criticized as being pro-German, was forced to resign his commission in the Air Corps Reserve, and his membership in the National Advisory Committee for Aeronautics. During World War II, however, Lindbergh was a civilian consultant to aircraft manufacturers and was sent on missions to the Pacific area and to Europe for the U.S. Air Force. He died on August 26, 1974, on Maui, Hawaii. Lindbergh's writings include the story of his historic flight, *We* (1927); his autobiography, *The Spirit of St. Louis* (1953; Pulitzer Prize, 1954); and *The Wartime Journals of Charles A. Lindbergh* (1970). His wife, Anne Morrow Lindbergh, the daughter of the American diplomat Dwight Morrow, became a well-known writer.

### **XXXI. KELLER, HELEN ADAMS**

Helen Keller, born 1880, died 1968, was an American author and lecturer, who, having overcome considerable physical handicaps, served as an inspiration for other afflicted people. She was born in Tuscumbia, Alabama. At nineteen (19) months old, she was stricken with an acute illness that left her deaf and blind. No method could be found to educate her until the age of seven (7), when she began her special education in reading and writing with Ann Mansfield Sullivan, later Macy, of the Perkins Institute for the Blind. She quickly learned to read by the Braille system and to write by means of a specially constructed typewriter. In 1890, Keller learned to speak after only one (1) month of study. Ten (10) years later she was able to enter Radcliffe College, from which she graduated with honors in 1904. Keller then served on the Massachusetts Commission for the Blind. Throughout her life she worked and raised funds for the American Foundation for the Blind, and she traveled and lectured in many countries, including England, France, Italy, Egypt, South Africa, Australia, and Japan. Keller was also a pacifist and was active in socialist causes. After World War II (1939-1945), she visited wounded veterans in American hospitals and lectured in Europe on behalf of the physically handicapped. Her writings include *The Story of My Life* (1930), *The World I Live In* (1908), *Out of the Dark* (1913), *Midstream-My Later Life* (1930), *Let Us Have Faith* (1940), *Teacher: Anne Sullivan Macy* (1955), and *The Open Door* (1957). Her life is the subject of a motion picture, *The Unconquered* (1954), and a play, *The Miracle Worker* (1959; motion picture, 1962), by American author William Gibson.

### **XXXII. EARHART, AMELIA**

Amelia was an American aviator, born in 1898 and died in 1937. She was noted for her flights across the Atlantic and Pacific oceans and her attempt to fly around the world. She was born in Atchison, Kansas, and educated at Columbia University and Harvard Summer School. In 1928, she accepted the invitation of the American pilots Wilmer Stultz and Louis Gordon to join them as a passenger on a transatlantic flight, becoming the first woman to make the crossing by air. She described the flight in the book *10 Hrs. 40 Mm.* (1928). She later wrote *The Fun of It* (1931). In 1932 she became the first woman to fly across the Atlantic Ocean alone establishing a new record for the crossing, thirteen (13) hours and thirty (30) minutes. For this feat she was awarded honors by the American and

French governments. In 1935, she became the first woman to fly the Pacific Ocean crossing from Hawaii to California. Later the same year, she set a speed record by flying nonstop from Mexico City to New York City in fourteen (14) hours and nineteen (19) minutes. In June 1937, she began a flight around the world, flying eastward from Miami, Florida, accompanied by Frederick J. Noonan, a navigator. Their plane disappeared on July 2, while enroute from Lae, New Guinea, to Howland Island. An extensive search by planes and ships of the United States Navy failed to discover any trace of the lost flyers, and their fate remains a mystery.

Shortly after Earhart's disappearance, her husband, the book publisher George Palmer Putnam, edited and published *Last Flight* (1937), a book consisting largely of her diary of the ill-fated journey, transmitted from the various stopping places on the way.

### **XXXIII. FARMER-LABOR PARTY**

This was a political party in the United States, established to represent the interests of workers and farmers. It was founded in Chicago in 1920, principally by a merger of the National Labor party, which had been organized in 1919 by the Chicago Federation of Labor and other local unions of the American Federation of Labor, with the membership of the Committee of Forty-Eight. The latter was the continuing body of the Progressive party of 1912. Associations of farmers were also represented at the founding convention of the Farmer-Labor party.

In essence, the party was an expression, by large numbers of workers and farmers, of the discontent that accompanied the depression of 1919-20, and of their dissatisfaction with the policies of the Democratic and Republican parties. The 1920 platform included planks demanding democratic management of natural resources and publicly owned utilities, an increasing share for labor in the management of industry, and elimination of discriminatory practices against blacks.

In the national election of 1920, the party polled two hundred sixty five thousand, four hundred eleven (265,411) votes, its greatest electoral strength was in the states of Washington, Illinois, and South Dakota. It also polled votes in New York, Indiana, Pennsylvania, and other states. In spite of a decline in strength after the election, the party continued for a time to be a force in the movement for a third (3rd) political party. The Farmer-Labor party participated as an affiliate in the Conference for Progressive Political Action, organized by leaders of the railroad unions in 1922. The party later broke with the conference, calling it a political "scab," or renegade.

In 1923, the party's national convention was dominated by delegates who were members or sympathizers of the Workers' party, the legal political representative of the underground Communist party. When they were compelled to withdraw from the convention, the Communists organized a rival party, calling it the Federated Farmer-Labor party. Several state branches of the original party seceded to join the new party.

In 1924 the Farmer-Labor party supported Robert M. LaFollette for the U.S. presidency. The following year the party went out of existence.

The Minnesota Farmer-Labor party, however, survived the demise of the national party.

The state organization had been established in 1920 by a loose merger of Socialist party organizations in the cities and the National Nonpartisan League. In 1922 and 1923 the Minnesota party succeeded in electing both Senators of the state, and from 1931 to 1939 the Governors of the state were elected nominees of the party. In 1944 the Minnesota Farmer-Labor party merged with the national Democratic party, and, thereafter, as the Democratic-Farmer-Labor party, supported Democratic party candidates.

#### **XXXIV. NEW DEAL**

This name was given to the peacetime domestic program of United States President Franklin D. Roosevelt, and especially to the innovative measures taken between 1933 and 1938 to counteract the effects of the Great Depression. Both Roosevelt and the Congress of the United States, in trying to reduce unemployment and restore prosperity, endorsed a wide spectrum of new federal programs and agencies, most popularly identified by acronym titles. Roosevelt, a skillful political leader, helped win support for an unprecedented array of new services, regulations, and subsidies. Yet no single political philosophy or set of coherent goals ever unified these disparate programs, most of which he developed with the aid of an informal group of advisers known as the Brain Trust. These individuals, from outside government, included professors, lawyers, and others who came to Washington to advise Roosevelt, in particular on economic affairs. The central legacy of the New Deal was increased government involvement in the lives of the people.

##### **A. Background**

The stock market crash in October 1929 marked the beginning of the Great Depression, a difficult economic period for the United States and other countries. Unemployment increased and the economic security of many people was threatened. Farmers lost their land, homeowners their homes, and workers their jobs. In the years following the stock market crash, thousands of banks closed and many Americans lost their savings. The incumbent, President Herbert Hoover, lost the election of 1932 to Democrat Franklin D. Roosevelt. Roosevelt campaigned on promises of a New Deal for the American people. In his first inaugural address he declared.

".... in the event that Congress shall fail to take these courses and in the event that the national emergency is still critical, I shall not evade the clear course or duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis, broad executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact to be invaded by a foreign foe."

Roosevelt's course of action became known as the New Deal.

##### **B. Early Legislation**

Roosevelt's overwhelming victory in the 1932 election, coupled with the urgency of the worst economic collapse in U.S. history, opened the way for a flood of legislation in 1933. Almost immediately after taking office, Roosevelt called on

Congress to convene and began what would be known as the "Hundred Days," which lasted until June 16, 1933. On March 6, Roosevelt called a nationwide bank holiday, and on March 9 Congress passed the Emergency Banking Act, which provided for federal bank inspections. In the summer of 1933, the Glass-Steagale Act set much more stringent rules for banks and provided insurance for depositors through the newly formed Federal Deposit Insurance Corporation (FDIC). These acts helped to restore popular confidence in the wake of widespread bank failures.

Two acts, one in 1933 and one in 1934, mandated detailed regulations for the securities market, enforced by the new Securities and Exchange Commission (SEC). Several bills provided mortgage relief for farmers and homeowners and offered loan guarantees for home purchasers through the Federal Housing Administration, or FHA (see Housing). The Federal Emergency Relief Administration, which was headed by Harry Hopkins, a social worker appointed by Roosevelt, expanded existing relief grants to the states and resulted in assistance for more than twenty million (20,000,00) people. The Civilian Conservation Corps (CCC) provided work relief for thousands of young men under a type of military discipline. The CCC emphasized reforestation among other projects. Congress established the Tennessee Valley Authority (TVA) to develop the Tennessee River in the interest of navigation and flood control and to provide electric power to a wide area of the southeastern United States.

The most important legislation of 1933 involved the major economic sectors. As a climax to a decade of wrangling, Congress in 1933 enacted a complex new farm bill, the Agricultural Adjustment Act. It provided several mechanisms to help raise agricultural prices, but the one most extensively used provided for government payments to farmers who destroyed or did not grow surplus crops. At a time when economic hardship was leaving people in other areas in need of food, the act incited criticism. The Agricultural Adjustment Act was declared unconstitutional by the Supreme Court of the United States in 1936. The National Industrial Recovery Act (NIRA) was the most innovative early New Deal measure. It provided for two (2) major recovery programs, a vastly expanded public works effort, carried out by the Public Works Administration, and a complex program to regulate American business and ensure fair competition. The National Recovery Administration (NRA) approved and enforced a set of competitive codes for each industry to help ensure fair competition in each.

### **C. The Second New Deal**

The hopes of 1933 for early recovery proved illusory. Many of the hastily drafted early bills were declared unconstitutional by the Supreme Court. Roosevelt now exploited developing class divisions, formed closer alliances with organized labor, and increasingly castigated the big-business groups that opposed his New Deal programs.

These reverses, plus increasingly political opposition to Roosevelt, triggered a second flood of legislation, beginning in 1936, which some observers called the Second New Deal. Among the new measures were higher taxes for the rich, strict regulations for private utilities, subsidies for rural electrification, and what

amounted to a bill of rights for organized labor. Under the guidance of Secretary of Labor Frances Perkins, the National Labor Relations Act of 1935 gave federal protection to the bargaining process for workers and established a set of fair employment standards. The National Labor Relations Act, also known as the Wagner Act for its sponsor, Robert Wagner, guaranteed workers the right to organize and bargain through unions. The federal Fair Labor Standards Act of 1938, the last major domestic program launched by the Roosevelt administration, mandated maximum hours and minimum wages for most categories of workers.

By 1935, several Roosevelt advisers welcomed massive new federal expenditures to induce more private demand, even at the price of budget deficits. A huge relief appropriation of almost five billion (\$5,000,000,000) dollars reinvigorated several programs and funded a new federalized work relief program administered by the Works Progress Administration (WPA). Perhaps of greatest enduring significance, Congress in 1935 enacted the Social Security Act, which contained three (3) major programs: a retirement fund, unemployment insurance, and welfare grants for local distribution, including aid for dependent children. These programs, coupled with a new subsidized public housing program, began what some now refer to as a welfare state. Social Security was developed in the United States later than in many European countries, which had developed social security programs before World War I (1914-1918).

In 1937, after resounding victory in the 1936 election, Roosevelt sought to increase support for his ideas on the Supreme Court. He proposed legislation that would add more judges to the Supreme Court, but Congress rejected this "court-packing" attempt. The pressures for new legislation abated after 1937, and opposition to extending the New Deal mounted rapidly, especially in the South. By 1939 public attention focused increasingly on foreign policy and national defense. The New Deal was over, but it had permanently expanded the role of the federal government, particularly in economic regulation, resource development, and income maintenance. Although in itself the New Deal failed to stimulate full economic recovery, it provided the federal government not only with increased controls over money supply and Federal Reserve policies, but also with increased understanding of the economic consequences of its own taxing, borrowing, and spending, thus helping the government to limit the impact of later recessions. In addition, the New Deal coalition dominated the electorate and the nation for years thereafter. The New Deal changed the relationship between the government and the people of the United States. In addition to increasing the involvement of the government in people's lives, the New Deal created a number of agencies that still exist, and it stimulated the growth of the Democratic party.

## **XXXV. SOCIAL SECURITY**

Social Security is a public program, designed to provide income and services to individuals in the event of retirement, sickness, disability, death, or unemployment.

In the United States, the term "social security" refers specifically to the programs established under the Social Security Act, originally enacted in 1935. The Social Security Act is a comprehensive law consisting of twenty (20) titles or subjects, several of them no

longer operative. As of December 31, 1984, the main titles were: (1) Old-Age, Survivors', and Disability Insurance; (2) Medicare, including hospital insurance and supplementary medical insurance covering other medical costs; (3) Supplemental Security Income; (4) Unemployment Compensation; (5) Aid to Families with Dependent Children, (6) Medicaid; (7) Social Services for Adults and Children; and (8) Maternal and Child Health and Crippled Children's Services.

The taxing provisions for financing old-age, survivors,' and disability insurance, hospital insurance, and unemployment compensation are part of the Internal Revenue Code and are administered by the Internal Revenue Service.

## **A. History**

Since its inception 1935, the original Social Security Act has been modified by major amendments more than twenty (20) times. Survivors' insurance benefits, monthly life insurance, were added in 1939, disability benefits in 1956, and Medicare benefits in 1965. Under the administration of President Ronald Reagan, concern for the financial integrity of the social security program prompted the passage, in 1983, of major legislative changes entailing curtailment of certain benefits and, for the first time, taxation of certain benefits. It also legislated a gradual increase in the normal retirement age, currently 65, to 67 for individuals born in 1960 or later.

## **B. Retirement, Disability, Death, and Medicare Benefits**

Old-Age, Survivors and Disability Insurance (OASDI); Medicare hospital insurance; and Medicare Supplementary Medical Insurance (SMI) are separately financed segments of the Social Security program. The OASDI program provides benefits for the aged, for the disabled, and for survivors of deceased workers. The cash benefits for OASDI are financed by earmarked payroll taxes levied on employees, their employers, and the self-employed. The rate of these contributions is based upon the employee's taxable earnings, up to a maximum taxable amount, with the employer contributing an equal amount; the self-employed person contributes twice the amount levied on an employee. The hospital insurance portion of Medicare is, for the most part, similarly financed through payroll taxes. The SMI part of Medicare, which applies to physicians' services, is financed in part by uniform monthly contributions from aged and disabled persons enrolled in the program and in part by federal general revenues; legislation was passed in 1982 and 1984 to freeze at seventy five (75%) percent the share of SMI costs covered by federal revenues. In 1988 a participant in the program contributed a monthly premium of \$24.80. In addition, patients are responsible for a "deductible" portion of their hospital costs and for co-payment of twenty (20%) percent of physician charges. An act to provide insurance covering the costs of catastrophic illness, passed in July 1988, was repealed in November 1989.

The maximum amount of income subject to taxation for OASDI and Medicaid hospital insurance, originally \$3,000, had risen to \$45,000 by 1988. The rate of employee contribution, which was one (1%) percent when the program began in 1937, was seven point fifty one (7.51%) percent in 1988. According to federal law,

in effect at the end of 1988, the rate of employee contribution is scheduled to increase in steps to seven point sixty five (7.65%) percent by 1990. of that amount, six point two (6.2%) percent is stated for OASDI and one point forty five (1.45%) percent for hospital insurance.

In 1987 some one hundred twenty four million (124,000,000) persons contributed to social security funds. During an average month, thirty seven million (37,000,000) people drew social security cash benefits. The amount of a person's cash benefits is determined by the combined wages, salaries and self-employment income of the primary earner or earners in a family; dependent children and a noncontributing spouse receive additional amounts. The law specifies certain minimum and maximum monthly benefits. In order to keep the cash benefits in line with inflation they are annually indexed to the increase in the cost of living as it is gauged in the consumer price index.

The 1986 amendments to the Age Discrimination in Employment Act state that, with some exceptions, such as fire fighters, police officers, and tenured university faculty, that an individual cannot be compelled to retire because of age. Since 1983 individuals aged seventy (70) and older are entitled to receive full social security benefits even if they continue working. For other eligible workers, the amount of benefits is based on age and earnings. In 1988, for example, working persons aged sixty five (65) to sixty nine (69), with earnings of eight thousand four hundred (\$8,400) dollars or less would not lose any Social Security benefits. For those under age sixty five (65), the limit would be six thousand one hundred twenty (\$6,120) dollars. In accordance with the automatic adjustment provisions of the law, these limits are raised yearly in proportion to the increase in average annual wages. Above the limit, for each two dollars (\$2) in earnings, one dollar (\$1) of Social Security benefits is deducted.

Social Security benefits are designed to replace a stated portion of a person's former earned income. Expressed as a percentage of earnings in the year before retirement, the basic replacement ratios for three hypothetical individuals retiring at age sixty five (65), in 1988, are as follows:

1. A low income earner, seventy one point two (71.2%) percent
2. An average earner, forty two point twelve (42.12%) percent
3. A maximum earner, twenty three point zero seven (23.07%) percent

An earner's noncontributing spouse, first claiming benefits at age sixty five (65) or older, receives fifty (50%) percent of the amount paid to the earner. Similar percentages are payable to disabled individuals and their spouses. Surviving spouses and children receive a percentage of the retirement benefit computed from the earnings of the deceased earner.

### **C. Unemployment Compensation**

The U.S. Unemployment Compensation Program, established by the Social

Security Act of 1935, and the Employment Service program, established in 1933, form a federal-state cooperative system. The Federal Unemployment Tax Act levied on employers an excise tax on their taxable payroll. Most of the federal tax can be offset by employer contributions to state funds under an approved state unemployment compensation law; a small portion of the tax is retained by the federal government to pay for the administrative costs of the unemployment compensation and employment service programs and for loans to states whose funds run low. State financing and benefit laws vary widely. In general, unemployment compensation benefits under state laws are intended to replace about fifty (50%) percent of an average worker's previous wages. Maximum weekly benefits provisions, however, result in benefits of less than fifty (50%) percent for most higher-earning workers. All states pay benefits to some unemployed persons for twenty six (26) weeks. In some states, the duration of benefits depends on the amount earned and the number of weeks worked in a previous year; in others, all recipients are entitled to benefits for the same length of time. During periods of heavy unemployment, federal law authorizes extended benefits, in some cases up to thirty nine (39) weeks. In 1975, extended benefits were payable for up to sixty five (65) weeks. Extended benefits are financed in part by federal employer taxes.

#### **D. Other Programs**

The Social Security Act provides for money grants to states to pay part of the costs of programs for Aid to Families with Dependent Children (AFDC) and of Medicaid, medical assistance, to needy persons who cannot afford the costs of medical care. Medicaid and AFDC programs are administered by the states. The federal government, besides contributing a share of the costs of benefits, pays for part of the administration of the programs. Under the Supplemental Security Income program (551), the federal government provides payments to needy aged, blind, and disabled individuals. In determining the amount of aid given, the programs take into consideration the income and resources of the individual and family. These programs were cut back during the early 1980's as part of the so-called budget reconciliation process undertaken by the administration of President Reagan. Under the Social Security Act, the federal government also provides to the states financial grants for maternal and child health, crippled children's services, child welfare services, and social services such as day-care for children of working mothers.

In 1987, OASDI benefit payments amounted to four point five (4.5%) percent of the gross national product (GNP). In the future, the percentage of GNP supporting income-maintenance and health programs may increase, due to such factors as the growing number of senior citizens, the larger population, expanding private plans, and rising medical costs.

#### **XXXVI. HOFFA, JIMMY**

Jimmy Hoffa, born in 1913, died in 1975(?), was an American labor leader, who disappeared in 1975 and is believed to have been kidnapped and murdered. Hoffa was born James Riddle Hoffa in Brazil, Indiana. His father, a coal miner died when Hoffa was seven (7) years old. Hoffa left school in Detroit, Michigan, and at the age of seventeen

(17), began work as a warehouseman for the Kroger Company, where he helped organize a strike.

By 1933, Hoffa was the business agent for Teamster Local 299 in Detroit, and in the early 1940's he formed and led the Michigan Conference of Teamsters. In 1952 he was elected an International Vice President of the Teamsters Union. In 1957, he became International President. Hoffa earned a reputation among his peers as a tough and effective bargainer. In 1964, he negotiated the union's first national contract with trucking companies. Under Hoffa's leadership, the Teamsters Union membership grew to more than two million (2,000,000). Hoffa was long rumored to be associated with organized crime. Beginning in 1957, he was the subject of many government investigations and prosecutions. In 1967 he was sentenced to thirteen (13) years in the federal prison at Lewisburg, Pennsylvania, for jury tampering, pension fund fraud, and conspiracy. Despite his imprisonment, Hoffa refused to resign as President of the Teamsters and retained the support of most union members. After lengthy negotiations, United States President Richard M. Nixon commuted Hoffa's sentence on the condition that he resign his office and refrain from any union activities until 1980. Hoffa was released from prison on December 24, 1971. Unhappy with the bargain, Hoffa unsuccessfully fought it in court, while covertly working to unseat his successor in the union, Frank Fitzsimmons. Hoffa's refusal to stay out of union affairs may have led to his disappearance on July 30, 1975. Hoffa was last seen at a restaurant in Bloomfield Hills, Michigan, where he had an appointment to meet Anthony Provenzano, a Teamster boss and reputed Mafia figure, and Anthony Giacalone, a Detroit mobster. Neither of the two men who had the appointment would admit to having seen Hoffa that day. Hoffa was declared legally dead in 1983.

## **PART II – FEDERAL CONSTITUTION**

### **I. THE AMERICAN REVOLUTION**

Many dangers had to be faced by the early colonists to find freedom. They became very independent and self-sufficient. At first the colonists were not strictly controlled by English law and government.

The British imposed restrictions and trade regulations on the colonies after the colonies grew and became important centers of trade. Some of these restrictions were made to put England in a favorable position concerning trade with the colonies. The colonies objected vigorously to this. Other objections by the colonists were quartering of soldiers, taxation without representation in Parliament, and lack of true self-government.

At the urging of some patriotic groups such as the Sons of Liberty, people soon banded together refusing to buy English goods. The Boston Tea Party in 1773 added more fuel to the fire of revolution. Patriots disguised as Indians threw tons of tea into the Boston Harbor. Boston was punished by the British and all the colonists were aroused. This incident became known as the Boston Tea Party. A year after the Tea Party, conditions were growing worse and Patrick Henry gave this famous speech, which became known as one of the best pre-revolution speeches.

“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 and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!”

#### **A. First Continental Congress**

A meeting was called by the colonial leaders to discuss how to win their rights. In 1744 in Philadelphia the First Continental Congress met with delegates from all the colonies but one. Their complaints were sent to the king, though they were not thinking of a split from England at that time. They wanted their rights, but they did not dream that they would soon have the responsibility of conducting a war. An embargo was imposed on British trade and goods by the colonial leaders of the First Continental Congress. (An embargo is an agreement prohibiting trade.)

Later in 1774, after the First Continental Congress adjourned, the Second Continental Congress met also in Philadelphia. They assumed the powers of a central government. An army and navy were organized and money was issued. George Washington was chosen to lead the army. The Second Continental Congress would run the country for the next seven years.

The King of England refused to listen to the complaints that were received from the First and Second Continental Congress. Bad feelings began to run strong, especially in the New England area. In 1775, British soldiers were ordered to Lexington to seize guns and ammunition from the colonists and to arrest Adams and Hancock. Paul Revere warned the Minute Men that the British soldiers were on their way to Lexington. An unidentified shot at Lexington started the war. After

six years, the British surrendered to General George Washington at Yorktown. The Americans has won the War for Independence.

## **B. Declaration of Independence**

The Declaration of Independence was signed in Philadelphia over a year after the American Revolution began. It is one of the most famous documents. It announces the existence of a new nation and gave various reasons why the colonists wanted to be separate from England. The Declaration was written by Thomas Jefferson and a committee from the Second Continental Congress. This meeting of the Second Congress had been provided by the First Congress. The delegates had first come hoping for peace, but soon more and more leaders called for complete separation. Finally, they decided on the open declaration.

Richard Henry Lee of Virginia, on July 2<sup>nd</sup>, made a motion “that these united colonies are, and of right ought to be, free and independent states.” The Declaration of Independence was signed and adopted on July 4<sup>th</sup>. Most of the words were from Jefferson, but the ideas were centuries old. The second paragraph of the Declaration is the most important paragraph. “We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

## **C. Declaration Read**

The Liberty Bell was rung in Philadelphia on July 8, 1776 to call the people to the first public reading of the Declaration. The names of the signers were not made public for six months because of safety reasons. When the names were revealed, many of them were seized by the British and thrown into prison and their homes burned. This small group had risked their lives for liberty.

Today in Philadelphia there stands a tablet that marks the place where Jefferson wrote the Declaration. The original copy was exhibited for many years until the light and air threatened its existence. It was transferred to the care of the Library of Congress in 1921. In 1952 it was placed in the National Archives building in Washington, D.C.

The important fact is not that the Americans had declared themselves independent, but that they had set down certain principles and beliefs that were so new to governments: all men were created equal, all men have rights, governments are subject to the will of the people. For years, men had dreamed of these ideas, but now they were actually being proposed!

The Declaration of Independence is not a constitution or form of government, but it did set up principles for future government. Such principles were used in writing the United States Constitution. Historical Note: When the Declaration was written, Jefferson wrote of “unalienable rights.” Today it is more common to use the word “inalienable” to mean the same thing. Inalienable – that cannot be taken away or

given away

#### **D. Articles of Confederation**

The first attempt at a national or federal government was made a week after the Declaration of Independence was signed. This attempt was named the Articles of Confederation and it became the government for all the colonies during the Revolution.

The Articles of Confederation were really the first constitution for the United States. The Second Continental Congress drew up the Articles shortly after the Declaration of Independence was adopted and were in use until the Constitution was signed in 1787. The Articles were weak because the colonists were unwilling to give many powers to a central government. They feared that a new central government might be no better than the English government had been. The states themselves had state governments at this time, most with state constitutions.

When it became necessary to have a national or federal government for the conducting of the Revolutionary War, the states made the government weak. The government could not pay its own bills because the articles were so weak. It did have limited powers to make war or peace, but other powers were lacking. Robert Morris had to admit that getting money from the states was like “preaching to the dead.” To raise money the central government could only ask the states for funds. It could not tax.

The American government was in serious trouble by the end of the Revolutionary War. Some soldiers mutinied over the lack of and forced Congress to flee from Philadelphia to Princeton. England had to be made to carry out the terms of the treaty ending the Revolutionary War. Many states were arguing about land claims to the west. Tariff laws were needed for business and industry. States were taxing each other harmfully. Jails were crowded with debtors. Farmers rebelled against the courts that were taking away their farms. Shay’s Rebellion in Massachusetts was an example of such a rebellion of farmers. It was clear that worst things would happen without a strong central government.

#### **E. Weakness of the Articles**

1. No national courts, only state courts
2. No power to tax
3. No real power to regulate commerce
4. All changes in the Articles had to be approved by all the states
5. All important laws had to be approved by nine states
  6. No real president, only a president of Congress who was like a chairman

#### **F. Civil Rights and the Articles of Confederation**

Fights for civil rights did not wait until the 1950’s to happen. Some started as early as the Articles of Confederation! Paul Cuffee was a free black from

Massachusetts. When he discovered he did not have the same property rights as whites, he refused to pay his taxes and was jailed. Cuffee later became a successful trader with his own fleet of ships, and he continued to fight for equal rights throughout his lifetime.

## **II. THE CONSTITUTIONAL CONVENTION**

A meeting was held at Annapolis in 1786 to discuss commerce problems. Five states attended. A future meeting was proposed during the discussions. The hope was expressed that all states would attend. The future meeting or convention, was for the purpose of correcting faults in the Articles of Confederation. In May, 1787 the convention was called in Philadelphia.

### **A. The Constitution Convention**

The work of the convention began in May of 1787 and was finished in September of the same year. Seventy-four men had been chosen as delegates by various states, but only fifty-five appeared in Philadelphia. The average attendance each day was about thirty.

From Virginia came George Washington, Edmond Randolph and James Madison. New York sent Alexander Hamilton. Pennsylvania sent Benjamin Franklin, Gouverneur Morris, and James Wilson. Representing New Jersey was William Livingston and William Peterson. Some of the other important delegates were: Elbridge Gerry and Rufus King, Massachusetts; Oliver Ellsworth and Roger Sherman, Connecticut; John Dickinson, Delaware; and John Rutledge and the two Pickneys from South Carolina. These men were of remarkable ability.

Many of these delegates had served in the Revolutionary War and the First and Second Continental Congress. They were men of wealth and prestige. Several had also served in their own state governments. Eight had been signers of the Declaration of Independence. Two would become Presidents of the United States, and one would become Vice-President. Eighteen would become Senators and eight would become Representatives.

The average age of the men attending the convention was forty-two and many were in their thirties. Ben Franklin was the oldest at eighty-one. Washington was fifty-five and very active. Not all of the leaders of the colonies consented to attend, however. Patrick Henry “smelt a rat” and would not attend. He later would become a bitter foe of the Constitution, accepting it only after the addition of the Bill of Rights. Sam Adams and John Hancock also refused to attend. Thomas Jefferson and Thomas Paine were in Europe and a few other leaders were unable to attend.

They met in a building that would later be called Independence Hall. Because the noise of passing carriages would disturb the meeting, dirt was spread over the cobblestone street outside the hall. The convention had attracted a great deal of public attention and since the delegates wanted to protect themselves against pressures, they pledged themselves to secrecy.

George Washington was selected as president of the convention. Although the official purpose of the convention was to improve the Articles of Confederation, a decision was quickly reached to replace the Articles with a new constitution. The delegates agreed on an early resolution:

“Resolved. . . that a national government ought to be established consisting of a Supreme, Legislative, Judiciary, and Executive.”

## **B. Problems and Compromises**

The struggle for power between the small states and the large states was the first major difficulty the convention had to face. Madison proposed that there be two houses of Congress based on population. This proposal became known as the Virginia Plan. Included in this plan was that the houses would appoint other important government officers and, therefore, the large states would be in control of the entire government.

The smaller states proposed that were being one house of Congress. This proposal became known as the New Jersey Plan. With this proposal all the states would be represented equally regardless of size. Other provisions would have really made the new constitution much like the Articles of Confederation.

Finally a compromise was reached. The new government would have two houses of Congress. In the House of Representatives each state would be represented according to population, satisfying the large states. In the Senate each state would be represented equally, satisfying the small states.

Other compromises regarding counting of slaves, slave trade, term of the President, voting, qualifications, and many other issues were reached.

## **C. Delegate Distrust of the People**

It was obvious that the delegates distrusted the people in a number of ways. They decided that the President should be elected by “electors” from the states and not by the people as a whole. (This was the Electoral College, which assigned electors to each state. Each state received as many electors as their total of Senators and Representatives in Congress.) Later in U.S. history these electors in the Electoral College would be required to vote for the presidential candidate who won the popular vote in their state.

Another distrust of the people can be seen in the election of United States Senators. These senators were elected by state legislatures, not the people. However, later, the 17<sup>th</sup> Amendment changed that and the people in the states now elect their own senators.

The lack of trust of the common man was due partly to the fact that there were very few representatives of the common man at the Constitutional Convention. Forty of the 55 delegates were wealthy enough to have loaned money to the government, fifteen were slaveholders, and fourteen held western land. None

were small farmers or working men. And the champions of the common man, including Jefferson and Henry, were not present.

Most of the democratic features we know in our government today are features that have evolved since the Constitutional Convention. The writers of the Constitution may have had some distrust of democracy. However, they wrote a document that was flexible enough to provide the basis for orderly change, most of these changes making our country more democratic as the years passed.

#### **D. Ratification**

As soon as nine states approved the Constitution it would go into effect. On September 17, 1788 the convention adjourned and the bitter fight for ratification began. The Constitution was supported by the “Federalists.” Hamilton, Jay, and Madison published the “Federalists Papers.” These papers were very important in convincing the people that the Constitution was of value. The “Anti-Federalists” fought against the Constitution but, of course, they were not successful. By the middle of 1788 the required nine states had approved and the remainder joined by 1790. The Federalists and Anti-Federalists continued their battle under the Constitution and became two separate political forces under the new government.

#### **E. Slavery**

How could a country like the United States, so interested in freedom, not outlaw slavery in 1781? Many northern states, (Mass., Del., Conn., R.I., Penn.) had outlawed slavery. But the delegates at the Constitutional Convention knew that southern states would never accept the Constitution if it interfered with slavery. So, to create the new government the delegates did not outlaw the terrible practice of slavery. They left the problem for another day and another war.

#### **F. Who Was Missing?**

Who was missing from the Constitutional Convention? No women, blacks, Indians, or whites of modest or poor means attended the Constitutional Convention. This was not surprising since most of the above groups could not even vote at that time.

#### **G. Popular Vote**

What is “the popular vote?” We hear a lot about this phrase. It simply means “the vote of the people.” When a candidate wins the popular vote, he or she has won more votes of the people than his or her opponent. A vote only by certain people, like a vote in the US House of Representatives, is not a direct vote “of the people,” and therefore is not a “popular vote.”

#### **H. Political Parties**

The Federalists and Anti-Federalists were the first political parties under the Constitution. These parties became known as the Democrats and the Republicans. In 1874 a political cartoonist, Thomas Nast, drew the Democrats as

represented by a donkey and the Republicans as represented by an elephant. The symbols stuck and the parties themselves often use the symbols in advertising.

### III. THE BILL OF RIGHTS

“I will tell you what I do not like. (There is no) bill or rights providing . . . . What the people are entitled to against every government on earth.” -Thomas Jefferson, commenting on the Constitution

The authors of the Constitution trusted that the Congress would make good and just laws and that the courts system would see that every person would be treated fairly. Many people, however, feared that the new government would be too strong and maybe take away individual freedom as they experienced with the British government.

The Federalists proposed a Bill of Rights, during a fight to ratify the Constitution that would safeguard the rights of the people. This Bill of Rights would be added to the Constitution as soon as the new Congress met. When Madison proposed twelve amendments in 1789, the new Congress took action. Ten of the amendments were approved in 1791. They make up what we call the Bill of Rights or the First Ten Amendments.

The amendments provided certain guarantees that had not been written into the Constitution itself. The Bill of Rights tells the government just how far it can go. These were for the protection of the rights of the people against any misuse of governmental powers. The first ten amendments guarantee some of the fundamental freedoms including:

- Freedom of religion, freedom of speech, and freedom of the press.
- The right to assemble and to petition the government.
- The right to bear arms.
- Freedom from unreasonable search and seizure.
- No person to be deprived of life, liberty, and property without process of law.
- The right to a fair and speedy trial.
- The right to a trial by jury.
- Protection against excessive bail or unusual punishment.

The colonists had fought for these rights against the English king and they did not intend to give them up.

These important freedoms can be threatened even today. Religion, unpopular ideas, censorship, membership and activity in unpopular organizations, expressions of minority opinions, and so on are very controversial things that come under the protection of the Bill of Rights.

Human nature, it seems, is to believe strongly in one's own ideas and to think that ideas of the opposition must be wrong. Government officials have almost always resented criticism of their conduct of affairs. Most of us find opinions expressed by others to be offensive and distressing. Sometimes, we wish that these opinions could be suppressed. We must remember, however, that freedom to express only popular opinions is no freedom at all.

It is easy to fall into the habit of thinking that measures which infringe upon individual rights can be or should be taken “for the good of the country.” This is especially true in times of emergency, such as the state of “cold war” that existed at the end of World War II. Since it strikes at the very foundation of our democratic system, this attitude could be dangerous. More and more rights could be taken under the justification that it is “for the good of the country.”

Before you decide that “it doesn’t matter” if the rights of someone you don’t agree with are violated, stop to consider whether you are willing to risk the loss of your own rights because other people disagree with you.

### **A. Strengths of the Constitution**

The authors of the Constitution could not have imagined that in less than two hundred years people would be exploring outer space, or that we would be going from coast to coast in a few hours. They could not imagine all the changes in living that would occur. We still claim the protection of that Constitution that was written when there were only a few million people in the United States. The Constitution today protects over 281 million Americans. Almost everything about the United States has changed except the Constitution. It is truly an outstanding document that has withstood the test of time. Or has it?

The Constitution does change in some very important ways. Later we will see how the Constitution is officially amended. It is more important to see how the Constitution changes in another way. Officials who operate the government under the rules of the Constitution constantly interpret its meaning. The Constitution allows a great deal of freedom to do this. It is a basic guide for government and safeguards our freedom, yet it is flexible enough and brief enough to allow for adjustments. An example would be: the Constitution sets up rather strict rules for the making of laws to see that they are just and democratic, but also allows Congress broad areas of power over which it may make laws. This provides our congress with power to make laws over areas that did not even exist when the Constitution was written. An example of this would be space exploration.

Within the framework of the Constitution, as interpreted by the courts, we are governed by laws, treaties, and customs. Later we will study how the Constitution changes. The Constitution has lasted so long because:

1. It provides for a government by the people.
2. It provides for a government that can act when in danger.
  3. It provides for a federal union where people retain certain rights and powers in their own states.
4. It guarantees individual rights, even when the individual’s views are unpopular or in the minority.
5. It has preserved the union.
  6. It provides the leaders of our government an opportunity to interpret the Constitution and to apply it to changing times.

7. It has provisions for orderly changes.

## **B. The Preamble**

The beginning of the Constitution is called the Preamble to the United States Constitution. It explains the goals of the 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 defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The six reasons for the new government are clearly stated and the phrase “a more perfect union” refers to the hope that the Constitution will do a better job than the Articles had done.

Some terms that we will be using on the following pages are: federal, national, and central. These words all refer to the United States Government in Washington D.C. Our Constitution is a federal constitution, while states have their own constitution. We will study the Federal Constitution and in another text we will study about state governments.

There are three branches of government that we will study at some length: executive, legislative, and judicial. We will learn about the duties of the President, how and where laws are made, how the courts protect us and many other things concerning our Constitution. We will learn how these three branches check each other’s powers.

## **IV. TIMELINE OF CONSTITUTIONAL EVENTS**

1763: England decides on a program of taxation and control of the colonies.

1765: The American colonists begin organized protests against British rule. Patriotic groups such as the ‘Sons of Liberty’ were formed. Laws such as the ‘Quartering Act,’ ‘Stamp Act,’ and ‘sugar act’ angered the colonists, who were forced to pay unjust taxes and to provide supplies to British troops.

1767: Parliament continued to tax colonies without proper representation and the colonists continue their boycott of British imports. The British pass the ‘Townshend Act,’ which taxed glass, lead, paper, and tea.

1770: Colonists reduced their boycott of British goods when they withdrew all of the Townshend Act, except the tax on tea. ‘Boston Massacre’ occurred when an angry crowd of citizens surrounded a group of soldiers causing them to open fire.

1773: With American colonists and merchants still angry over British tax policies, an uprising called the ‘Boston Tea Party’ occurred.

1774: In response to the Boston Tea Party, the Parliament passed several acts to punish Massachusetts. The colonies named delegates to a congress, 'The First Continental Congress.' On September 5<sup>th</sup>, 12 of the 13 colonies sent a total of 56 delegates to meet in Philadelphia mainly to deal with Britain's actions.

1775: When the Americans learned that the British planned on seizing their guns and ammunition, 'Paul Revere' was sent to alert the countryside and gather the Minute Men. An unidentified shot triggered this 'Battle of Lexington.' This started the 'American Revolution.' This also led to another famous battle, 'Bunker Hill.'

1776: On July 4<sup>th</sup> the 'Second Continental Congress' adopts the 'Declaration of Independence' (written by 'Thomas Jefferson' and a committee.) A few days later the Liberty Bell was rung in Philadelphia to call the people to the first public reading of the Declaration.

1777: On June 14, Congress declared that the flag of the United States would consist of 13 alternating red and white stripes, and a blue field with 13 white stars.

1781: The 'Articles of Confederation' are adopted by the states.

1787: On May 14<sup>th</sup>, The 'Constitutional Convention' met in Philadelphia, it lasts until September 17<sup>th</sup>. Here the delegates reviewed and approved the Constitution.

1788: 11 states ratify the Constitution and it is put into effect. America prepares to be run under this new document.

1789: On March 4<sup>th</sup>, the new federal government was inaugurated in New York, In April the first House of Representatives was organized. 'George Washington' was elected the first President on April 6<sup>th</sup>. He was later inaugurated on April 30<sup>th</sup>. And on September 25<sup>th</sup> the first ten amendments ('Bill of Rights') were adopted by Congress.

1790: North Carolina and Rhode Island became the last two of the original 13 colonies to ratify the Constitution.

1791: On December 15<sup>th</sup>, Virginia ratifies the Bill of Rights, making it part of the United States Constitution.

## **V. BRIEF OVERVIEW OF THE U. S. CONSTITUTION**

The Constitution has a preamble, seven original articles and twenty-seven amendments.

### **A. Preamble**

The Preamble comes at the beginning of the Constitution. The six goals of the

Constitution are found here.

1. Article I – Legislative Branch. This article tells about the Legislative Branch, how laws are made, requirements for Congress, the elastic clause, and forbidden powers. It is the longest article in the Constitution.
2. Article II – Executive Branch. This article tells about the President and Vice-President, term of office, succession, impeachment, oath of office, and specific executive powers.
3. Article III – Judicial Branch. The judicial powers of the United States, the Supreme Court and other courts, and judges are discussed in this article. It also defines treason.
4. Article IV – States and the Union. This article tells how the states are to fit in with the plan of federal government. It sets requirements for new states and requirements of the federal government in respect to states.
5. Article V – Amendments. How to amend the Constitution is told in this article.
6. Article VI – United States Constitution Supreme. This is very important part of the Constitution makes it very clear the federal Constitution is the supreme law of the land.
7. Article VII – Adoption Procedure. This article tells how the Constitution would be adopted.

## **B. Amendments**

The first ten amendments were adopted in 1791 and they are known as the Bill of Rights.

1. Freedom of Religion, Speech, Press, Assembly, and Petition.
2. “A well regulated militia begin necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.” In this Second Amendment we see an opportunity of the need to interpret the Constitution. Some Americans believe that the Second Amendment simply refers to the right of states to have state militias (a body of citizens enrolled for military service, and called out periodically for drill but serving full time only in emergencies). Others believe it means that government cannot control gun ownership. So, Americans, and their courts, have to decide, under the Constitution, what we should do about controlling guns, while keeping in mind the rights of individuals to own guns. (Some types of gun control has already been approved by the courts.)

3. No quartering soldiers
4. No unreasonable search or arrest.
5. No person tried without grand jury indictment, not to be punished twice for same offense (do double jeopardy), no witness against yourself, and due process of law.
6. Rights of accused in criminal cases.
7. Trial by jury.
8. No excessive bail or cruel punishment.
9. People retain rights not listed in Constitution.
10. Power not given to the federal government is given to the people or states. This is very important for state governments.

Following, at various times, other amendments have been added:

11. 1789 – Individual cannot sue a state in federal courts.
12. 1804 – Repeals part of Section 1, Article 2 of the Constitution. Electoral College must cast separate ballots for President and Vice-President. In 1800 there was difficulty when Jefferson and Burr received the same amount of votes in the Electoral College, even though the electors meant Burr's votes to be for the position of Vice-President. The election had to go to the House of Representatives where Jefferson won, thanks to the support of Alexander Hamilton. This helps explain why Hamilton and Burr would later have a duel in which Hamilton would be killed.
13. 1865 – Abolish slavery.
14. 1868 - All persons born or naturalized in the United States enjoy full rights. This was done to protect the rights of the Negroes after the Civil War, but it applies equally as well to all Americans. This amendment also made certain rules concerning the Southern states after the Civil War.
15. 1870 – States cannot prevent a person from voting because of race, creed (any system, doctrine, or formula of religious belief, as of a denomination), or color.

16. 1913 – Income tax amendment.
17. 1913 – Provides for popular election of United States Senators. Repeals part of Section 2, Article 1. Senators used to be elected by state legislatures.
18. 1919 – Prohibition. No alcoholic beverages to be bought or sold in the United States.
19. 1920 – Right to vote for women. Some states had already given women the right to vote in some elections, but this made the right universal.
20. 1933 – Changed the time the President takes office from March 4 to January 20. (4 year term). Also changes the start of Congress to January 3 and ended old second sessions (End of Lame Duck Congress.)
21. 1933 – Repealed prohibition. Amendment XVII void. The only amendment to repeal another amendment.
22. 1951 – Limits the President's terms to two.
23. 1961 – Gives vote to residents of Washington, D.C. in presidential elections, and gives Washington, D.C. three electors in the Electoral College.
24. 1964 – Anti-poll tax amendment defines voting requirements.
25. 1967 – It established the process by which an ailing President can pass the duties of office to the Vice-President and for the filling of the V.P. office when vacant. When the President notifies Congress of being unable to serve, the Vice-President becomes President until the President feels able to serve again. (If, in the judgment of the majority of the Cabinet and the Vice-President, the President is not able to serve, the Vice-President will become President until the President can serve. Prolonged disputes over this amendment are settled by Congress. Any vacancy in the Vice-Presidency is filled by appointment of the President with the approval by a majority of both houses of Congress. In 1973, we saw the first use of the 25<sup>th</sup> Amendment. Vice-President Agnew was only the second Vice-President ever to resign. President Nixon then proposed Gerald Ford as Vice-President and he was approved by both houses of Congress.
26. 1971 – Eighteen year olds are allowed to vote in federal elections.
27. 1992 – Forbids pay raises to Congress until next Congressional election after pay raises is passed by Congress.

The Constitution is filled with hidden techniques and ideas. It uses different ways to choose some officers, different lengths of term, different age requirements. And while the President is elected like the Senate and House, he was really to be elected by the Electoral College, not the people. We will learn more about this later. Also, while the Senate and House were both elected by the people, Senators were elected by vote of all people in the state. Representatives were elected by people from one area of the state. Federal judges were not to be elected by the people at all.

## **VI. LEGISLATIVE BRANCH**

Article I of the Constitution describes the Legislative Branch. It is the first branch mentioned in the Constitution and has the major duty to make the country's laws.

### **A. The Congress**

The main body of the Legislative Branch of the federal government is called Congress. Congress is made up of two houses: Senate and House of Representatives. We have a representative government which means that we are governed by representatives we elect. (Senators and Representatives in Washington, D.C.)

The term of a Congress begins on the third day of January every odd-numbered year and lasts for two years. The Constitution says that during this two year term "Congress shall assemble (meet) at least once in every year...." Today there is so much business before the Congress that they meet almost all year. Special sessions may be called by the President of the United States.

Congress meets in the Capital Building in Washington, D.C. Both the Senate and House meet there, but in different chambers. The Capital is the only place where Senators and Representatives have their offices nearby.

### **B. Rules and Privileges**

Congress may expel or punish its own members by a two-thirds vote. Records are kept of all meetings and it makes the rules about its procedures. Members are privileged from arrest when going to or coming from Congress, or while attending a session. However, if they should commit a very serious crime they could be arrested. A member of Congress cannot be sued or otherwise punished for what he says in Congress but that body may make certain rules about proper behavior and speech of its members.

Every day the proceedings of the Congress are printed in THE CONGRESSIONAL RECORD. It prints a copy of all bills introduced into both houses of Congress and the speeches and testimony before Congress. Almost four million copies of THE RECORD are printed every year.

#### **1. The Senate**

Article 1, Section 3 of the Constitution discusses the Senate of the United States. The Senate has 100 members, two from each of the fifty states. We previously studied about the dispute between the small states and the large states at the Constitutional Convention. The number of members of the Senate is due to the proposal of the small states to have equal representation. Every state, regardless of population size has two members.

Two-thirds of the one hundred Senators are elected every two years for six-year terms. Terms are staggered this way so that only one-third of the Senate goes out of office at any one time. This assures that the Senate will have experienced members at all times. Each third of the Senate is called a class. All Senators serve six-year terms. Senators can be re-elected for an unlimited number of times. This is not uncommon and many Senators have had long careers.

Each state has a Senior Senator and Junior Senator. The Senior Senator would be the Senator that has been in office the longest. The Junior Senator would be the Senator having served the least amount of time among the two. If the Senior Senator of a state does not choose to be re-elected, gets defeated in re-election or retires from the Senate, then the Junior Senator would become the Senior Senator of the state.

a. Salary and qualifications

A Senator receives a salary of \$162,000 and an expense allowance. A Senator must be thirty years old, a United States citizen for nine years, and must live in the state represented in the Senate.

b. Vacancies

If a vacancy occurs in the office of a Senator, the Governor of the state affected makes a temporary appointment until the next election. This appointment is a very important duty for the Governor.

c. Officers of the Senate

The Vice-President of the United States is President of the Senate. This is established by the Constitution. Since the Vice-President is the second highest official in the Executive Branch of government and the Senate is part of the Legislative Branch, this is one way in which the two branches are drawn closer.

Although the Vice-President is the presiding officer of the Senate, this official cannot debate or vote, except in the case of ties. The Senate also elects one of its members to be President Pro Tempore. The President Pro Tempore serves in the absence of the Vice-President. There are also Senate Majority and Minority Leaders in

the Senate. (The President Pro Tempore, Majority and Minority Leaders all receive a salary of \$171,000.)

d. Senate duties

The Senate passes bills it hopes will become laws. The House of Representatives must also pass this bill before it is sent to the President for his or her approval. ("Bills" is a term used for proposed laws.) You will learn how this process works when we study the Lawmaking Process section.

The Senate also has the important job of approving treaties made by the President. They also have to approve the selection of certain federal officers by the President. The Senate. When the President is tried for impeachment, the Chief Justice of the Supreme Court presides over the trial. The Senate has sat in 15 impeachment cases. The earliest was in 1799 when U.S. Senator William Blount of Tennessee had charges dropped. The latest was in 1989 when Walter L. Nixon, a United States court judge was removed from office. In early 1999 the Senate acted as a jury in the impeachment trial of President William Clinton and found him not guilty.

e. Electing Senators

Remember the Seventeenth Amendment changed the way Senators are selected. Article 1, Section 3 of the Constitution stated that state legislatures originally had the job of electing Senators. Amendment Seventeen states that the people of the states now elect their Senators to represent them.

2. The House of Representatives

Article 1, Section 2 of the Constitution discusses the House of Representatives. The House has 435 members from the various states. This number is fixed by law. According to the population of each state, they are given their share of the 435 members. We previously studied about the dispute between the small and large states concerning representation. This plan was proposed by the large states since they would get more members.

Each state gets at least one Representative and the largest states gets more than fifty. Alaska, as well as several other states, has just one Representative. States select their Representatives from state districts. Only these districts vote for a Representative. Senators do not have these districts since they represent the entire state.

All members of the House of Representatives are elected every two years for two year terms. They are elected at the general elections held in the states in November of even-numbered years. They take office on January 3 of the odd-numbered years. Representatives may be elected for an

unlimited number of times.

a. Salary and qualifications

A Representative receives a salary of \$162,000 and an expense allowance. A Representative must be twenty-five, a citizen for seven years, and must be an inhabitant of the state represented. A vacancy in the office of a Representative is filled by a special election called by the Governor of the state affected.

b. House officers

The presiding officer of the House is the Speaker of the House who is elected by the majority party. The majority party would be the political party with the most members in the House. The Speaker's salary is \$198,600 plus an expense allowance. There is also a House Minority and Majority Leader elected by the minority and majority political parties.

c. House duties

The House passes bills it hopes will become laws after the approval of the Senate and the President. All bills for revenue must begin in the House. The House also has sole power of impeachment. Impeachment means the power to bring charges against any member of the executive or judicial branch of federal government. The House decides to bring such charges against by majority vote of the House. (A majority vote is one more than half of the members.) The Senate decides the guilt or innocence and sits as a court of decide the case. A guilty vote in the Senate requires 2/3 of the Senate.

d. Impeaching the President

Only two Presidents have ever been impeached by the House: President Andrew Johnson in 1868, and President William Clinton in 1998. Remember that being impeached does not mean you are guilty of anything. It is up to the Senate to decide guilt or innocence. In both presidential impeachments, the Senate acquitted the president. (Found him not guilty.) When the President is impeached (and only then) the Chief Justice of the United States presided over the impeachment trial.

The House also has the important duty of selecting the President if no candidate has a majority in the Electoral College.

### **C. Women in Government**

Many Representatives and Senators have been women who have distinguished themselves in the service of their government. It has become apparent that women can take their rightful position of high responsibility along with men in the government of the United States. As a result of the recent elections a record 20% of state legislators will be women.

At the present time there are less than eighty women serving in Congress. In addition to this, however, there are many women involved in all levels of government: in the legislative branches, executive branches and judicial branches at the state and federal level. Our government could not function without the services of such individuals.

### **D. The House and Congress' Number**

Congress gets a new number each time the House of Representatives starts a new term. (Every two years, odd-numbered years) Therefore every two years we have a new Congress. For example, the House that began its term in 2001 was the 107<sup>th</sup> Congress. The House that began its term in 2003 was the 108<sup>th</sup> Congress, and in 2005 it is the 109<sup>th</sup> Congress. The 109<sup>th</sup> Congress will begin in 2007.

### **E. The Census**

Article One of the Constitution required that a census (count) of our country be taken every ten years. The next census will be in 2010. The census serves many purposes. The most important being: 1) It tells us about the makeup of our large American population and how the government and business might serve that population. 2) It tells the federal government how federal money should be divided among the states and local areas. 3) It helps determine the number of representatives in the U.S. House of Representatives and the legislatures of the states. (Census note: Although females outnumber males nationally, there are four states where females were in minority: Alaska, California, Nevada, and Wyoming.) In the most recent census, Year 2000, some states gained representatives in the U.S. House of Representatives, and some states lost them. For example, Pennsylvania lost 2, Illinois lost 1, Ohio lost 1, and California gained 1.

## **VII. LAWMAKING PROCESS**

In Article I of the Constitution it gives a description of the powers given to Congress (Senate and House of Representatives) to make laws.

In both houses of Congress no business can be transacted without a quorum. A quorum in each house is a majority of the members.

Laws, called bills before they are passed, may be started in either house of Congress. The only exception is bills for revenue which must begin in the House of Representatives.

After a bill is introduced, it is given a number and usually referred to a committee. There are twenty Senate standing committees, twenty House standing committees, and three joint committees made up of Senators and Representatives.

In a committee, in depth studies are made of the bill and hearings may be held. A committee may amend, re-write, recommend passage, or ignore a bill. It is possible to pass some bills without committee approval, but this does not happen often. Some people feel that these committees are too powerful and that they can keep members of Congress from considering certain laws, which they were elected to do. Committees are necessary, but rules controlling their behavior and power are up to Congress.

Ten to fifteen thousand bills go into the hopper during a session of Congress. Four out of five of these bills have little or no chance. The committees ignore bills that seem to be unimportant. About one out of five bills is taken seriously and public hearings on the bill may be held. After the committee finishes with the bill, it is reported to the house favorably or unfavorably. Then the bill is voted on.

The bills that come from committees are put on a calendar and voted on according to a schedule. Changes may be made and then the final vote is taken. The bill is sent to the next house of Congress if the vote is favorable.

In the second house of Congress the same type of procedure is followed. If the second house passes the bill, but in a somewhat difficult form, a joint committee from both houses is set up to work out differences.

After the bill has passed the second house, it is sent to the President who has the choice of signing and approving the bill or rejecting or vetoing it. This particular duty is found in Article I, Section 7 of the Constitution. If the President signs the bill, it becomes another law of the land.

If the President does not sign the bill, but vetoes it, the two houses of Congress may try to pass it over the President's veto by a two-third vote in each house. Very few bills pass this way.

If the President does not act at all, the bill becomes a law automatically in ten days, providing Congress is still in session. If Congress should adjourn before the ten-day period is up and the President does not act on the bill, it is automatically vetoed. This is called a pocket veto.

After Congress, (legislative branch), has passed a bill and the President, (executive branch), has signed it into law, it becomes the duty of the President to enforce it. The courts, (judicial branch), then interpret it and administer justice under it and the Supreme Court, (judicial branch), may rule whether or not the law is constitutional.

## **A. Lobbies**

Our lawmakers in Congress feel the effect of pressure groups and lobbies. Pressure groups are groups of Americans interested in certain goals. Lobbies are the active parts of these pressure groups that work to influence our legislators by

informing them how certain groups feel about important issues. However, a legislator must be careful that these lobbies do not exert too much influence and that views of other Americans are not overlooked. It is the right and duty of organized groups to let their legislators know of their opinions on legislative matters, but we must be careful that these groups are kept within proper bounds.

## **B. What are Liberals and Conservatives?**

Two words often used when referring to Congress and politics are: “liberal” or “conservative.”

1. LIBERAL: Someone who believes the national government should be very active in helping individuals and communities promote health, education, justice, and equal opportunity. Twentieth century Presidents who would be known as liberals include Democrats Franklin D. Roosevelt and John F. Kennedy.
2. CONSERVATIVE: Someone who believes that the role of the government in society should be very limited and that individuals should be responsible for their own well-being. Twentieth century Presidents who would be known as conservative include Republicans Richard Nixon and Ronald Reagan.

Both conservatives and liberals have played a large part in the success of our American nation and both points of view have strong points that have been important to our nation. Neither term, liberal or conservative, should be used as a “dirty” name. Both liberal and conservative views have merit and the honest political debate between them has been good for our country and workable compromises between the two views have been found.

## **C. Extremist**

What is an extremist? This is someone who stops at nothing to get his or her political ways. They would ruin the reputations of political enemies, lie, steal, or even kill. The 1995 bombing in Oklahoma City is an example of extremist activity. Extremism is a threat to our Constitution, laws, and society. There is no justification for extremism.

## **D. Extremism, September, 2001**

The ultimate in extremism in the United States occurred September 11, 2001 when foreign extremists attacked the World Trade Center in New York City, Shanksville, PA, and the Pentagon in Washington D.C. The final death toll was 3044 innocent humans. Many heroic acts that day have united the American people. America has turned its attention to fighting terrorism on a world-wide scale and has been joined by many of its friends throughout the world. This nation, the most powerful and advanced nation on earth, is capable of meeting this challenge and its challengers. This was one of the most significant events of American history. You and your friends will play significant roles in deciding how we deal with it.

## **E. Term Limits**

A few years ago public support began to build for an idea called “term limitation.” It is the idea that the number of terms a government official can have should be limited. The idea has been suggested for many different government officers, but especially towards U.S. Senators and Representatives and state senators and representatives.

In 1995, the idea of term limits lost some support when the Congress rejected a term limit amendment to the United States Constitution by a close vote. Supporters say they will propose the idea to Congress again.

In May of 1995 the U.S. Supreme Court ruled that neither the states nor the Congress may impose term limits on members of Congress. Because of Article I, Section 2 and 3, of the United States Constitution, the court has ruled that only the Constitution can provide for any term limitation. Therefore, the 23 states that voted for term limitations between 1990 and 1995 had their term limitations ruled unconstitutional and invalid. States may continue to limit the terms of Governors, state legislators, or other officers if they choose. Any future term limitations for the U.S. Congress can be done only by Constitutional amendment.

The 22<sup>nd</sup> Amendment of the U.S. Constitution limits the President of the United States to two terms, or eight years. This amendment took effect in 1951.

### **1. Pro term limitation**

When officials stay in office too long they become more interested in their long political careers than they do the people. They become very close to special interest groups and the same people get elected over and over. More people will get to participate if we have term limitation.

### **2. Con term limitation**

Term limitations are an insult to the intelligence of the voter. The voter can decide when someone has been in office too long and vote them out. Also, the valuable experience of dedicated and popular officials would automatically be lost with term limitations. Some of the greatest heroes of federal and state government have been people who were elected many times to their offices.

## **F. Congressional Powers**

About eighteen powers are given to the Congress by the Constitution. These powers can be classified into three groups:

### **1. Money**

Congress' greatest power is the fact that they have the power to raise,

borrow, and coin money. It sets the value of money and punishes counterfeiters. Raising money is done through taxes and borrowing is done through government bonds. Coining money is the task of the Treasury Department.

## 2. Defense

Powers relating to defense include powers for raising and supporting armed forces. Also, Congress has the power to declare war and to send troops to trouble spots.

## 3. Miscellaneous

Congress regulates immigration, issues copyrights and patents (to protect the creation of inventors, writers, and composers). Congress also governs commerce between states and between the United States and foreign countries.

Congress also governs the District of Columbia, or Washington, D.C. It does so to insure that the capitol of the United States will be run in the best interests of all Americans.

## **G. Elastic Clause**

The most all-inclusive power granted by the Constitution to Congress is found in Article I, section 8, Clause 18. After spelling out the duties of Congress, the authors realized that situations might come up not covered under the provisions of the Constitution. Therefore, the clause called the elastic clause states that Congress shall "make all laws which shall be necessary for carrying into execution the foregoing powers."

This means that Congress has the power to make all laws necessary to carry out the spirit of the Constitution as outlined in Article I. This clause has been used to cover a number of area and situations never dreamed of by the members of the Constitutional Convention. Powers that are actually expressed in the Constitution are called expressed or enumerated powers. Powers that are not actually expressed but believed to be a power of the Congress and called implied powers. (The power to declare war is an expressed power. The power to regulate TV stations is an implied power.)

## **H. Things Congress Cannot Do**

Congress cannot pass a law that makes something a crime after it is committed. This type of law is called an ex post facto law. An example would be a woman who gets a ticket for parking on Main Street on Monday, when there is no law against it. When she gets to court later in the week she finds that such a law was passed Tuesday and she is being punished for her Monday violation. This type of law was used by unjust kings to trap their enemies.

No person holding a federal office is permitted to accept a title of nobility, such as duke, earl, etc. from a foreign country. No member of Congress can accept a present from a foreigner without Congress' consent.

Congress cannot suspend the right of Habeas Corpus except under special circumstances. Habeas Corpus is a Latin term meaning "you may have the body." It is an order to the jailer to bring a prisoner to court or to set a prisoner free on bail. Without Habeas Corpus prisoners can be detained almost permanently without a trial. Congress is also not permitted to pass a Bill of Attainder. A Bill of Attainder says a particular person is guilty of a crime and sentences that person to death.

Congress cannot tax any goods exported from any state, whether the goods are going to another state or to a foreign country. The provision for no export taxes comes from the weaknesses of the Articles of Confederation. States under the Article had been taxing each other harmfully and commerce was at a standstill. No state may tax commerce either.

Neither the Senate nor the House of Representatives can adjourn or move to another place without the consent of the other house. These denials of power came about either as a result of the misuses of power under the Articles of Confederation or under British rule

#### **I. For Your Information**

Have debates in the House every become violent? Several times. The first fight in the hall of Congress was in 1798 between Connecticut Federalist Roger Griswold and Republican Matthew Lyon of Vermont. Griswold made a disparaging remark about Lyon's record in the Revolutionary War. Lyon spat in his face. Two weeks later Griswold attacked Lyon with his cane. Lyon retaliated with a pair of tongs taken from one of the fireplaces in the hall.

#### **J. Page Boys and Girls**

Approximately 100 boys and girls are employed as pages in the Senate, the House, and the Supreme Court to act as messengers for the members. They are usually high school juniors. In 1972, for the first time ever a girl was allowed to be a page. They are appointed on recommendation of members of Congress or the Supreme Court Marshall.

The pages receive about \$1,000 a month while Congress is in session. All pages must attend school every day except Saturday and Sunday. Their classes meet on the top floor of the Library of Congress and start at 6:30 a.m. Classes are over at 9:30 a.m. so that the pages will be on time for their duties before the Congress or the Supreme Court convenes.

After graduation, some pages go on to college while others return to their homes. Many pages have later become members of Congress.

## **K. Oldest State Constitution**

With the adoption of its second constitution in 1780, Massachusetts set a pattern for constitution making. Its constitution was drafted by a popularly elected convention and then submitted to the voters for their approval. The Massachusetts constitution is the oldest written constitution in the United States that is still in effect.

## **VIII. CONGRESS AND THE STATES**

The Constitution has something to say about how the states should act towards each other and towards the federal government. For example, in Article IV there is the “full faith and credit” clause. Under this clause every state must accept the statutes, records, and decisions of all the states. In criminal cases the criminal found in a state must be returned to the state of the crime by a process called extradition. Because each state must accept the statutes of another state, we sometimes find people crossing state lines for court decisions when it works for their own benefit, as it sometimes does in marriage and divorces.

Each state must treat the citizens of other states the same way it treats its citizens. There cannot be special laws for those who are from other states. This is covered in Article IV, Section 2 of the Constitution.

The federal government in Washington, D.C. must guarantee to all the states a republican form of government and must also guarantee to protect them from invasion. Also, the state may call for federal assistance to put down domestic violence such as riots.

The states must not do anything that is forbidden by the Constitution or do anything that is given to the federal government to do. For example in Article I, section 10, the Constitution says that, among other things, the states cannot coin money, make treaties, grant titles of nobility, pass ex post facto laws, or impair obligation of contracts. In Section 8 of Article I can be found the powers of Congress and one would know that the states cannot use any of these powers.

Anything not forbidden by the Constitution or given to the federal government may be done by the states through state constitution. States make laws about education, traffic, doctors, state lands, local government, criminals, state taxes, recreation, intrastate commerce, and in many other areas. This idea is further strengthened by the tenth amendment which states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states...or to the people.”

There are some things that state and federal governments both have power over. For example, both have power to tax, to charter banks, to establish courts, to encourage agriculture and industry, borrow money, and protect the public health and welfare. These are the most important duties that both share.

Each state has a government much like the United States government. They have three branches of government with duties similar to the duties of the three branches of federal government. Some of the exceptions would be in foreign affairs, postal affairs, and

defense, which are the duties of the federal government.

State governments are much more detailed than the United State Constitution. For example, one state constitution is so detailed that it provides for the teaching of home economics in the high schools. The United States Constitution leaves most of the details to Congress, but most states try to include all their details in writing. Because of this, state constitutions often get far behind the times and many are in need of serious revisions.

## IX. PRESIDENTS OF THE UNITED STATES

President	Term	Party
1. George Washington	1789-1797	None
2. John Adams	1797-1801	Federalist
3. Thomas Jefferson	1801-1809	Dem-Rep.
4. James Madison	1809-1817	Dem-Rep.
5. James Monroe	1817-1825	Dem-Rep
6. John Quincy Adams	1825-1829	Dem-Rep.
7. Andrew Jackson	1829-1837	Democrat
8. Martin Van Buren	1837-1841	Democrat
9. William H. Harrison	1841	Whig
10. John Tyler	1841-1845	Whig
11. James K. Polk	1845-1849	Democrat
12. Zachary Taylor	1849-1850	Whig
13. Millard Fillmore	1850-1853	Whig
14. Franklin Pierce	1853-1857	Democrat
15. James Buchanan	1857-1861	Democrat
16. Abraham Lincoln	1861-1865	Republican
17. Andrew Johnson	1865-1869	Republican
18. Ulysses S. Grant	1869-1877	Republican
19. Rutherford B. Hayes	1877-1881	Republican
20. James A. Garfield	1881	Republican
21. Chester A. Arthur	1881-1885	Republican
22. Grover Cleveland	1885-1889	Democrat
23. Benjamin Harrison	1889-1893	Republican
24. Grover Cleveland	1893-1897	Democrat
25. William McKinley	1897-1901	Republican
26. Theodore Roosevelt	1901-1909	Republican
27. William H. Taft	1909-1913	Republican
28. Woodrow Wilson	1913-1921	Democrat
29. Warren G. Harding	1921-1923	Republican
30. Calvin Coolidge	1923-1929	Republican
31. Herbert Hoover	1929-1933	Republican
32. Franklin D. Roosevelt	1933-1945	Democrat
33. Harry S. Truman	1945-1953	Democrat
34. Dwight D. Eisenhower	1953-1961	Republican
35. John F. Kennedy	1961-1963	Democrat
36. Lyndon B. Johnson	1963-1969	Democrat
37. Richard M. Nixon	1969-1974	Republican

38. Gerald R. Ford	1974-1977	Republican
39. Jimmy Carter	1977-1981	Democrat
40. Ronald Reagan	1981-1989	Republican
41. George Bush	1989-1993	Republican
42. William Clinton	1993-2001	Democrat
43. George W. Bush	2001-2005	Republican
44. George W. Bush	2005-	Republican

## **X. EXECUTIVE BRANCH**

Article II of the Constitution discusses the Executive Branch of government. The main duty of the Executive Branch is to enforce or administer laws. The most important official in this branch is the President. The President and Vice-President are the only national officers of the government elected by votes of the entire United States. The President is thought of as being a representative of all the people. Unlike Senators and Representatives, all of the people in the U.S. vote for the President.

The President assumes the duties of office on the twentieth day of January following the election and serves for four years. The President can be re-elected only once since the Twenty-second Amendment provides for a limit of two terms for any President.

A candidate for the office of President is nominated at a party convention the summer before election time. A party convention is a meeting of delegates from each state and party officials for the purpose of nominating candidates and carrying out other party business.

After a candidate has been nominated for President by the party, the candidate then picks who will be nominated by the party for Vice-President. After the nomination for President and Vice-President, a campaign begins. This campaign is an organized attempt to get elected in the November election. The major candidates are those nominated by the Democrat and Republican Parties. These campaigns get underway in late summer and last right up to the November election.

A President or Vice-President must be a natural born citizen, thirty-five years of age, and a resident of the United States for at least fourteen years.

The President and Vice-President must always run on the same party ticket. You vote for the President and Vice-President at the same time, always assuring that the President and Vice-President are from the same political party.

The yearly salary of the President is \$400,000 plus an expense allowance. The Vice-President receives a salary of \$198,600 plus an expense allowance. Before 1999, the President's salary had not been increased for 20 years. As a result, the salary was very low for the leader of the most powerful country in the world. All the chief executive officers of large American corporations make more than 10 times the salary of the President. Finally, in 1999, the Congress raised the President's salary from \$200,000 to \$400,000. If you adjust for inflation, the President today makes less than George Washington!

### **A. Oath of Office**

“I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.” This is the simple oath for the most important position in the world, President of the United States.

The entire section of the Constitution that tells about the powers of the President contains only 320 words, but the wording is so designed that the office gets a maximum of necessary powers with necessary safeguards to the people.

## **B. Critical Issues**

The President faces critical issues daily. The day is long and the pressures are great. The Vice-President may be assigned duties by the President and in recent years Presidents have given considerable authority and responsibility to their Vice-Presidents. This is one way the President can ease the presidential burdens of the office. Remember, the Vice-President is the President of the Senate and provides the President with a valuable link with the Congress.

In 1973 the Office of Vice-President became vacant when Vice-President Agnew resigned in a scandal. President Nixon made the first use of the 25<sup>th</sup> Amendment when he nominated Gerald Ford, House Minority Leader, as the new Vice-President. Congress approved this nomination.

Before 1974, the only way the Office of the President had become vacant was through death. However, in 1974, when President Nixon was found to be involved in the Watergate cover-up, he became the first President ever to resign. Vice-President Ford then became the 38<sup>th</sup> President of the United States.

## **C. Fathers and Sons as President**

Twice in the history of the United States has there been a father and son combination elected as President. George W. Bush became our 43<sup>rd</sup> President while his father, George Bush, was the 41<sup>st</sup> President. The only other time this happened was 176 years previous. President John Adams was the 2<sup>nd</sup> President and his son, John Quincy Adams, was the 6<sup>th</sup> President.

## **D. Duties of the President**

In general, the duties of the President can be divided into five classes:

### 1. Foreign affairs

The President makes treaties with Senate approval, nominates ambassadors and other foreign service officials, and receives foreign

representatives. The President is in charge of all of our foreign affairs. Much of the work in this area is done through one of the Cabinet officials, the Secretary of State.

## 2. Domestic and military administration

The President is commander-in-chief of the armed forces including the state militia. Since the President appoints many domestic officials and prepares the budget of the nation for Congressional approval, the office has many domestic powers.

## 3. Legislation

The President may call both houses of Congress into special session. The President may recommend measures to Congress, and the President may veto bills from Congress. The President informs Congress of views on the progress of the nation and its needs through the “State of the Union” speech at each session of Congress. And, as the political leader of the party in power, the President has much informal power over legislation.

## 4. Appointments

The President appoints a great number of officials in the Executive Branch as well as in the Judicial Branch. Some of these appointments include judges, cabinet members, advisors, department heads, etc. Many of these appointments must be approved by the Senate.

## 5. Judicial Functions

The President may grant pardons and reprieves for federal offenses.

### **E. Presidential Inauguration**

Although the President of the United States is elected in an even-numbered year, he does not take office until January 20<sup>th</sup> of the next odd-numbered year. For example, President George W. Bush was first elected in November, 2000, but took office in January of 2001. The ceremony surrounding the President taking office is called the Presidential Inauguration.

### **F. The President’s Cabinet**

“...he (the President) may require the opinion, in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices...” (The Constitution)

The above quote comes from Article II, Section 2 of the Constitution and is the closest mention it makes concerning the Cabinet. Men who were appointed by the President to these “executive departments” became known as members of the President’s Cabinet. This group of presidential advisors now has 15 members.

President Washington's first cabinet had only 3 important members. Through the actions of succeeding Presidents, Cabinet officials were added to meet changing needs. The President appoints all cabinet members and they must be approved (confirmed) by the Senate.

Each member receives a salary of \$166,700.

1. The Department of State – Secretary of State

This department is charged with foreign affairs, including participation in the United Nations, issuing passports, and running our foreign embassies.

2. The Department of Justice – Attorney General

This department enforces laws of the United States in federal courts, conducts suits in which the United States is concerned, and is chief legal officer of the federal government. This individual conducts investigations and suits concerning monopolies, anti-trust laws, and organized crime.

3. The Department of Defense – Secretary of Defense

All provisions for the defense of the United States are carried out in this department, including the operation of the armed forces.

4. The Department of Agriculture – Secretary of Agriculture

This department conducts educational and research plans aimed at aiding agriculture. It also promotes legislation to help farmers and aids them with their problems.

5. The Department of Labor – Secretary of Labor

This department aids wage earners, enforces labor standards and laws, runs employment bureaus, mediates strikes and suggests legislation.

6. The Department of Commerce – Secretary of Commerce

This department promotes all phases of commerce, industry, trade, and business

7. The Department of the Treasury – Secretary of the Treasury

Manages our nation's finances, responsible for coinage and printing of money, enforces money laws, and runs the Secret Service.

8. The Department of Health and Human Services – Secretary of Health and Human Services.

This department takes care of health matters and many programs that affect the lives of American citizens. Agencies include Public Health Service, Social Security, Food and Drug Administration, the Office of Vocational Rehabilitation and many other programs affecting children, aged, and other Americans.

9. The Department of Education – Secretary of Education

Manages all the federal education programs in the nation and oversees educational programs in the nation and oversees educational grants to the states. This Cabinet position was created in 1979.

10. The Department of Housing and Urban Development – Secretary of Housing and Urban Development.

Seeks solutions to the many problems of urban life. Its addition is an example of the growing needs for urban living.

11. The Department of Transportation – Secretary of Transportation

Transportation has become a vital problem to a complex society like ours. All methods and use of transportation come under its jurisdiction, as well as the Coast Guard.

12. The Department of Energy – Secretary of Energy

This agency created in 1977 is charged with establishing an energy policy for the United States. Any issue involving energy is the responsibility of this department.

13. The Department of Veterans' Affairs – Secretary of Veterans' Affairs

Created in 1989, this position is responsible for taking care of all matters having to do with veterans. Since over \$26 billion dollars are spent on veterans each year, it is a most important federal department.

14. The Department of Interior – Secretary of Interior

This department is charged with all natural resources of the nation, scenic and historical regions, the National Park System, Native American affairs, and dams and water power.

15. The Department of Homeland Security – Secretary of Homeland Security

This is the newest cabinet position, approved by Congress in December

2002. This cabinet position combines over 170,000 workers from 22 agencies including Border Patrol, Coast Guard, Secret Service, and Customs Service. It does not include the FBI or CIA, which some Americans hoped it would. The tragedy of the terrorist attack on 9-11 made Americans realize that such a department like this was necessary for America.

We might say, in general, that the Secretaries play a major role in advising the President in each of their areas and that the Secretaries are specialists in their fields. The various cabinet members play a vital role in shaping national policy.

## **XI. ELECTORAL COLLEGE**

We have previously studied about the electing of the President and Vice-President by the Electoral College. The College is a group of individuals from the states appointed by the state legislatures. Originally these individuals were to elect the President themselves. However, over the years this group has lost much of its original power. Today, the Electoral College members are under some obligation, in most cases, to vote for the Presidential candidate who received the most popular votes in their state. However, there have been instances when electors voted contrary to the popular vote, and that is entirely legal.

Electors in the Electoral College never really meet together and there is no “college” in the usual sense. The electors meet in their own state capitals after the presidential election and cast their votes for the candidate who won the popular vote.

The number of representatives each state gets in the Electoral College is determined by the total Senators and Representatives the state has. The total number of electoral votes is 538. Since there are only 535 total senators and representatives in Congress you may wonder where the extra 3 come from. The District of Columbia (Washington D.C.). Remember the 23<sup>rd</sup> Amendment to the Constitution gave the residents of the District of Columbia the right to vote for President of the United States and then have 3 votes in the Electoral College. The winner of the Electoral College vote must have at least 270 Electoral votes.

All of the state’s electoral votes go to the candidate who received the majority of popular votes, regardless if the candidate won the popular vote by one vote or a million votes. This sometimes results in a candidate getting a majority of electoral votes even though that person received less popular votes.

Some people feel we should drop our Electoral College and elect our President and vice President by popular vote. This would require a Constitutional Amendment.

### **A. Presidential Elections of 2000, 2004**

The Presidential election in 2000 will be remembered as one of the most controversial elections in the history of our nation.

In this election Democrat Al Gore, a former Vice-President under President Bill

Clinton, received 50,996,000 popular votes and George W. Bush received 50,456,000 votes. Gore's Vice Presidential candidate was Joseph Lieberman, first Jewish candidate for President or Vice President, and Bush's Vice Presidential candidate was Dick Cheney. Because of the arrangement of the Electoral College, Bush ended with 271 electoral votes to Gore's 266. Americans have grown use to having the candidate who receives the most votes as their President.

Since 1888, every President has won the popular vote. Many Americans feel that Al Gore should have been their President because he won the popular vote. Political scientists have warned Americans for several years that this type of election could happen. They suggested that there be reforms in the method of electing the President. Electoral College supporters feel the college protects the smaller states.

Also in this election there were other conflicts that had to be solved. The last state to cast their electoral votes was Florida. It seems that there were some problems with the voting machines not punching the ballots clearly enough to make an accurate count. After a time of trying to solve the problem and trying to recount the votes the U.S. Supreme Court was involved. The Supreme Court stated with a ruling of 5-4 that the final election results should stand and they stopped the recounting process. The final election results gave Mr. Bush a slight victory in the Electoral College as he won the popular vote of Florida. Another interesting twist is that Jeb Bush, George W. Bush's brother, was Governor of Florida at the time of the election.

This election was a trying time for Americans. By popular vote Americans wanted Al Gore to be the President. Some of the issues and results were very divisive (dividing us). The Electoral College is a concept that many Americans do not understand and some do not support. In some countries of the world, divisions like this result in elections being decided by riots and civil war. In our country, however, we have the centuries of strong beliefs that the government should change peacefully and lawfully. When Al Gore made his concession speech several weeks after the election, he made this clear and called for the nation to support their new President, George W. Bush. In his victory speech Mr. Bush vowed to be the President for all Americans. We decide our election by the ballot box and by laws, not guns. Those who do not like the results will be free to use the election process in future Presidential elections.

## **B. Did Ralph Nader Decide This Election?**

Independent Green Party candidate, Ralph Nader received 2% of the Florida votes, or about 100,000 votes. Mr. Nader tended to get many more Democratic votes than Republican ones and his presence in the election may have made the critical difference in Mr. Bush's victory.

## **XII. WHO CAN DECLARE WAR?**

Article I, Section 8 of the Constitution gives the power to declare was to the U.S.

Congress. It states in the Constitution that “The Congress shall have the power to declare war,” you would think the power is very clear, but it isn’t. The President of the United States is Commander-in-chief of the armed forces. (Article II, Section 2) The President has often used his military powers to run a “war” that was never declared by Congress. (Korean War, Vietnam War, War in Iraq 2003.) Congress may have approved some of these “wars” but they were not declared wars. So, it remains unclear exactly who can declare a war and who can run a war, and you can only be informed that this is not always clear. There have been wars where Congress clearly declares war, and the President carries them out (World War I and World War II.) Sometimes the President carries out a “war” that the Congress doesn’t seem to really want. This became the case in the latter part of the Vietnam War.

We hear the term “war” used many times such as the Korean War and Vietnam War. Since they were not declared wars by Congress, the term “conflict” should be used. This is why you will hear some Americans refer to these “wars” as the “Korean Conflict” or “Vietnam Conflict”.

### **XIII. THE FEDERAL BUDGET**

The Constitution gives Congress the power to manage the spending of the federal government. Since it is the duty of Congress to decide how the government will spend money, it also makes a budget each year.

The budget is the federal government’s plan for raising and spending money for a year. Both the Executive and the Legislative Branches get involved. The government’s taxing and spending policies are called fiscal policies.

While the Congress has control over federal taxing and spending, laws passed since 1921 have given the President responsibility of preparing an annual budget which must be ready in January of each year. This budget is then presented to Congress. The Congress then debates possible changes or additions. They may make numerous changes, but their work must be done by October.

#### **A. Federal Government Dollars – a Recent Estimate**

Following is an estimate of where the money comes from, revenues of some \$1,950 billion estimated:

1. Corporate income taxes – 10%
2. Social insurance payroll taxes – 34%
3. Individual income taxes – 45%
4. Excise taxes – 4%
5. Other – 4%

Where the money goes, in an outlay of some \$2,325 billion estimated:

1. Medicare – 11%
2. National defense – 15%
3. Non-defense discretionary – 17%

4. Net interest – 11%
5. Social Security – 22%
6. Medicaid – 6%
7. Remaining entitlements – 6%
8. Other means – tested entitlements – 6%
9. Reserve pending Social Security reform – 6%

## **B. Federal Deficit**

The current deficit for the Federal Government was about \$375 billion. Events in the conflict in Iraq, the worsening American economy and the devastation of Hurricane Katrina may drive the deficit to over \$475 billion by the end 2005 and even through 2006.

With a government budget at over 2 trillion dollars, it is easy to see how the government shapes American economics. (Economics is the study of how people and countries use their resources to produce, distribute, and consume goods and services.) When the government spends its trillion dollars it affects jobs, businesses, farms, and families. When the government borrows it affects banks and all those who might also borrow money. When the government taxes it affects how much people will have left to take care of their families. While government activity is not the only factor in the American Economy, it is an important one.

## **XIV. THE AMERICAN ECONOMY**

When the US Constitution was written the authors knew that the American economy would be affected by the Constitution. Congress has powers to taxation, spending, and borrowing. Congress has even more economic powers such as: 1) Printing money; 2) Regulating commerce; 3) Regulating foreign trade; 4) Regulating banking.

There are some economic terms that every person should know. The most important of these economic terms are:

### **A. Gross Domestic Product (GDP)**

This term appears every day in our newspapers. It is measured in dollars. Currently the Gross Domestic Product of the US is over 11 trillion dollars. It is the total value of all goods and services produced in our country in one year. Goods are all the things we make (like autos, furniture, clothing, TVs, etc) and services are all the services we produce in one year. (Services are things like the services of your dentist, the service of an appliance repair person, the service of your local police, etc.)

### **B. National Debt**

The National Debt is the total amount of money the federal government owes, which is actually money each and every American owes. The government has no money except what it taxes its citizens. Currently, the National Debt of the US is over \$7 trillion. The debt was accumulated over the years and the debt was

increased each year the federal government spent more than it took in.

### **C. Surplus - Deficit**

The surplus is what occurs when the government takes in more money in taxes than it spends in a particular year. Conversely, deficit is what occurs when the government spends more money than it takes in taxes in a particular year.

If the national debt is over \$7 trillion, your share of the debt would be about \$24,200. You can send in your share of the debt to the Bureau of Public Debt, The Treasury Department, Washington DC.

Why does a government spend more than it takes in? The demands for government spending in a democracy are very high. We have many needs in our country and items like defense, public health, the war on drugs, and education are very expensive. Raising taxes higher and higher to pay for these needs is not popular in Congress, and may harm the economy. In a democratic country like ours the government must try to meet all these popular demands. Sometimes the government cannot cut these “necessary” expenditures, and our deficit and debt goes up. One of the problems that a federal debt brings is the high cost of borrowing this money. When the government borrows huge amounts of money, it must pay interest on that money.

Remember that the annual G.D.P. of the US is over 11 trillion. That large amount and the wealth it represents makes it possible for the government to run up large debts and still do well. However, very large deficits cannot go on forever. These debts must be reduced in the long run and the government must be sure that changes in taxing and spending take place slowly so that the economy is not deeply disturbed.

## **XV. JUDICIAL BRANCH**

Article III of the Constitution talks about the Judicial Branch. The main purpose of the Judicial Branch is to interpret the laws and administer justice.

The Judicial Branch consists of a system of federal courts. Each federal judge is appointed by the President with the approval of the Senate. They hold office for life and may be removed only by impeachment. There are no expressed qualifications for federal judges in the Constitution.

The power of the Judicial Branch through the courts is extended to all cases arising under the Constitution, laws, and treaties of the US, and in some other special cases.

There are three major types of federal courts:

### **A. Supreme Court**

A major duty of the nine justices (judges) of the Supreme Court is to decide whether state and federal laws are constitutional and whether actions by lower

courts or other governmental agencies are legal. This power is not given to the Supreme Court directly by the Constitution, but precedent and tradition have given the court this power. It also hears cases of appeal from lower courts providing a federal matter is involved. In some special cases it hears the matter directly.

There are nine Supreme Court Justices and one serves as Chief Justice. Court Justices receive a salary of \$190,000. Chief Justice receives \$198,600. Six justices make a quorum and a majority is necessary for a decision. The Court meets in its own building in Washington D.C. In 1981, the first woman was appointed to the Supreme Court. She was Sandra Day O'Connor. She became the 102nd Justice of the United States Supreme Court. She resigned from her position in 2005.

## **B. Court of Appeals**

The United States has thirteen Court of Appeals, each with three to nine judges. Mainly they hear cases of appeal from the lower courts. Their salary is usually about 85% of Supreme Court salaries. This court was created in 1891 to relieve the Supreme Court of the large burden of cases appealed from the District Courts.

## **C. District Courts**

There are ninety-four District Courts in the United States. Each court has from one to twenty-four judges. The salary of a district judge is usually about 80% of Supreme Court salary. The District Courts are the ordinary trial courts in the federal system. Almost all cases to be heard in the federal system begin here. Most people would come in contact with this court if they were involved in a federal matter.

There are a number of other courts for special cases. Some of these special courts are U.S. Court of International Trade, U.S. Claims Court, U.S. Tax Court, and U.S. Court of Veterans Appeals. As their name show, their duties are limited to specific areas. Also, states have a system of state courts for state matters.

## **D. Judicial Review**

Judicial review is the name given to the process by which the courts interpret the meaning of the constitution and the laws passed under it. It is clear that the Constitution is the supreme law of the land and take precedence over any law passed or any action taken by any state or federal official. The constitution is not a detailed legal code, and it is not always easy to see how the Constitution can be applied to particular cases. As condition change, new interpretations may be placed on the Constitution; actions may be taken in areas which are not directly covered by the Constitution. Someone, then, must have the authority to say exactly what the Constitution means and to decide if the government is acting within constitutional limits. Most historians agree that the members at the Constitutional Convention meant the courts to have the power of judicial review, even though they did not write it out in detail. Apparently they thought that the idea had been conveyed adequately through the wording in Article III, the judicial article,

and Article VI, the supreme law of the land.”

There had been some discussion of this question after the Constitutional Convention, but nothing had been settled until 1803, when the Supreme Court handed down its decision in the case of Marbury vs. Madison. The court ruled that one section of a 1789 law was contrary to the Constitution and therefore was not a valid law. This case established the precedent for judicial review.

The Supreme Court’s right to interpret the Constitution has been challenged at times but has always been upheld. In a sense all of our courts contribute to the interpretation of the Constitution through the rulings they hand down on various cases involving the Constitution. But the Supreme Court can and often does overturn the rulings of lower courts, and is thus the final authority on the meaning of the Constitution.

## **XVI. THE SYSTEM OF CHECK AND BALANCE**

The authors of the Constitution wanted to be sure that no one person or group would seize power and control the American government. To insure that this would not happen, our government under the Constitution was divided into three parts: executive, legislative and judicial. Each of these three branches has a check on the powers of the others. These checks provide a system of balance in our government and that is why we call the system checks and balances.

### **A. Checks and Balances**

The most important checks and balances are: 1) The Executive branch can check the Legislative branch by vetoing laws; 2) The Legislative branch can check the Executive branch by passing laws over the veto by two-thirds vote in each house; 3) The Judicial branch can check both the Legislative and Executive by declaring laws unconstitutional.

### **B. Other Balances of Power**

This not the whole system, but it is the main idea. Other checks and balances include:

1. Executive over the Judicial branch - The President appoints all federal judges.
2. Legislative over the Executive branch - The Legislative branch must approve appointments that the President makes. The Senate must approve treaties that the President makes, and the Legislative can investigate the Executive.
3. Legislative over the Judicial branch - The legislative branch must approve the President’s choice of judges in the Judicial branch.
4. Legislative over the Executive and Judicial branch - The Legislative

branch has impeachment powers over all federal officers.

### **C. Further Checks and Balances**

There are other checks and balances in the American government besides those between branches of government.

#### 1. Senate - House of Representatives

The Senate and House can check each other by rejecting bills passed by the other. The House has added check of sole power to start revenue bills.

#### 2. Checks on the people

A President is not elected directly by the people, only one-third of the Senate is elected at one time, and judges are not elected by the people.

### **D. Federalism**

Another check and balance is the theory of federalism. This is a division of power between the national government and the state government. In many ways this is a natural division of functions. Local affairs are handled by local governments, national affairs by the federal government.

The Constitution lists certain specific powers that belong to the federal government. These are called enumerated powers. In addition, Congress has the authority to pass laws that are “necessary and proper” to fulfill the purposes of the Constitution. Powers under this authority are called implied powers.

Since the Constitution does not list in detail the powers belonging to the states, there have been many conflicts over their respective powers. The Constitution does say that any powers not delegated by the Constitution to the federal government are reserved to the states or the people. These are called reserved powers.

## **XVII. THE FLAG**

On June 14, 1777, less than a year after the Declaration of Independence was signed, the Continental Congress adopted the stars and stripes as the flag of the United States. Original plans to provide a new star and a new stripe for each new state proved impractical and it was decided that only a new star would be added with each new state. Our flag today retains 13 stripes in honor of the 13 original colonies and 50 stars, one for each of our 50 states.

We look upon our flag as a symbol of union, freedom, and justice. Historically, the red of the flag stands for courage, the white for liberty, and the blue for loyalty. Since the number of stars show the growth of our nation, the flag is not only an emblem but a history of our

nation as well.

It should be important to all Americans to fly the flag from their homes on national holidays and other patriotic occasions. When we pledge allegiance to our flag, it is not a pledge to any person or political party but to the United States Constitution and its ideals.

When the flag passes in a parade or during the ceremony of raising or lowering the flag, all persons present should face the flag, stand at attention, and salute.

**A. The Pledge of Allegiance:**

“I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty, and justice for all.”

All Americans should follow the flag code very closely in the use and display of the flag. The purpose of these guidelines in the use and display of our flag is to show respect for it and the country it represents. Some of the main points of the flag code are:

1. The flag should be flown only from sunrise to sunset.
2. The flag should be hoisted briskly and lowered ceremoniously.
3. When displayed against the wall, the union should be on top and to the flag's own right, your left.
4. The flag may be used to cover a casket but should not be lowered into the ground.
5. In a procession the flag should always be in the front.
6. Shown with flags of states or other groups the flag should be in the center and highest.
7. Shown with flags of other nations the American flag should not be flown higher than others.
8. The flag should never be used as a cover or carrying device.
9. The flag should be displayed daily and especially on national holidays.
10. The flag should never be used for advertising.
11. Nothing should be attached to the flag.
12. The flag should not be bowed or lowered to any person or thing.
13. The flag should never touch the ground.
14. Worn flags should be burned and not thrown in the trash.
15. On a speaker's platform the flag should be displayed at the right if it is on a staff or on the wall behind the speaker if it is flat.
16. Flags flown from fixed staff are placed at half staff to indicate mourning. The flag so used should be first raised to the peak and then lowered to half staff, it is again raised to the peak before lowering.

Contrary to popular belief, the flag code is not a law with penalties. It is a guide for American citizens on what is the best etiquette for displaying and honoring the American flag. The Supreme Court has ruled that even those who desecrate the flag by burning or mutilating the flag are simply exercising their right of free speech and cannot be prosecuted. However, most Americans heed the flag code and treat it very seriously.

## **B. Flag Design**

Who designed the flag? Did Betsy Ross design the flag? Probably not. Historians have been unable to find solid evidence that Betsy was involved in either making or designing the flag. Best guess as who did? Probably Francis Hopkinson, a naval flag designer, who billed Congress for that service in 1781.

## **XVIII. CHANGING THE CONSTITUTION AND OTHER INFORMATION**

Our constitutional form of government can be changed without revolution or rebellion. The authors of the Constitution, who were revolutionaries themselves, felt that they should have provisions for orderly change..

Article V discusses the amendment process. In making an amendment to the Constitution, the amendment must be proposed by the states or Congress and then ratified by the states.

### **A. Methods of Change**

There are two methods of proposing amendments to the Constitution:

1. Congress may propose amendments by a two-thirds majority in each house or
2. The legislatures of two-thirds of the states may require Congress to summon a constitutional convention to consider amendments.

After this has been done there are two ways of ratifying amendments:

1. An amendment is official when three-fourths of the state legislatures approve or
2. When special conventions in three-fourths of the states approve.

All amendments except the Twenty-First, were approved by using the first method of ratifying and proposing.

### **B. Miscellaneous Constitutional Information**

In Article IV of the Constitution, debts made under the Articles of Confederation were declared valid under the new government of the Constitution.

Also, in Article VI we find that there is no religious test for government office, including the Presidency. However, John F. Kennedy was the first Catholic to be elected to the Presidency. There has never been a Jewish President, and all American Presidents have been white. Article VI also requires that government officials take an oath or affirmation supporting the Constitution.

### **C. Miscellaneous Amendments**

There have been twenty-seven amendments to the Constitution, the most recent in 1992. This is not many if you take the age of the Constitution into consideration and the changes that have taken place since its signing. One state, Georgia, has 767 amendments to its constitution, which is only about 35 years old. One amendment, the Sixteenth, was passed to allow income taxes after an earlier income tax law was found unconstitutional by the Supreme Court. This shows that the Constitution can be altered when necessary.

### **C. Conclusion**

The responsibility and importance of the voters have increased with the growth of the federal government and our country. The only way to safeguard the people's rights and interests under the Constitution is understand what the Constitution is and become an enlightened, intelligent, and interested voter. Though our government may cost a great deal of money and our duties may take a great deal of effort, American constitutional government has proven to be well worth it. Americans must be willing to work for good, honest government.

## **XIX. U.S. CONSTITUTION OUTLINE**

### Declaration of Independence

- I. Second Continental Congress meets in Philadelphia
  - A. War with England is in progress
  - B. Some delegates feel that peace is still possible, but after deliberation they decide war is necessary
- II. Thomas Jefferson and a committee write the Declaration
  - A. The Declaration is signed on July 4, 1776
    1. It announces a new nation
    2. Gives the reasons for separation from England
    3. Gives reasons for rebellion against England
  - B. The Declaration asserts the fact that the rebellion is definite

### The Constitution as a Document

- I. Preamble
  - A. States the six reasons for the Constitution
  - B. Tells who the Constitution is for and who gave it the right to set the rules of government
- II. Body
  - A. Provided framework for three branches of government
    1. Legislative, makes laws
    2. Executive, enforces laws
    3. Judicial, interprets laws
  - B. Provides framework for other governmental matters
    1. Relations between states
    2. Amending process
    3. Ratifying process
    4. Constitution is supreme law of the land

### III. Amendments

- A. Twenty-seven in all
- B. First ten called the Bill of Rights
  - 1. Concerned with the rights of the people
  - 2. Passes in 1791
  - 3. Applies to all levels of government
- C. Provide orderly change in government rules

### Checks and Balances and Electoral College

- I. Major Checks and Balances
  - A. The Legislative Branch can pass bills over the President's veto
  - B. The Executive Branch can veto bills
  - C. The Judicial Branch can declare laws unconstitutional
- II. Electoral College
  - A. Elects President and Vice-President
  - B. Each state gets as many members as it has Representatives and Senators
  - C. Members are obliged to vote for the person who got most of the state popular vote

### The Three Branches of Constitutional Government

- I. Legislative Branch
  - A. Main duty – make laws
  - B. Main body is called Congress
    - 1. Life of Congress begins on January 3<sup>rd</sup> every odd-numbered year, limited to two years
    - 2. Session last from January to late in the year
    - 3. Meets in Capitol /building, Washington, D.C.
    - 4. Powers – See Article I, Section 8; Powers denied – See Article I, Section 9
    - 5. Lawmaking process
      - a. bills must be passed by both houses and sent to the President for approval
      - b. bill is law if signed, if not, Congress may attempt to pass by 2/3 vote in each house
  - C. Two houses
    - 1. House of Representatives
      - a. 435 members divided among the states according to population of each state
      - b. elected every two years on even-numbered years for two-years terms (take office in January of next year, an odd-numbered year)
      - c. qualifications: 25 years old, a citizen for seven years, an inhabitant of the state
      - d. special powers
        - (1) initiate all revenue bills
        - (2) start impeachment proceedings
        - (3) select President if no candidate has Electoral College majority
      - e. officers

- (1) Speaker of House
- (2) Speaker elected from the House by majority party
- (3) Minority Leader, Majority Leader
- f. salary
  - (1) House \$162,000
  - (2) Speaker receives \$198,000 plus expense allowances
- g. representation
  - (1) each state gets at least one member, membership based on population
  - (2) sessions begin on January 3 and last until late in the year

## 2. Senate

- a. two Senators from each state, 100 Senators
- b. one-third of Senators elected every two years for six-year terms
- c. qualifications: 30 years old, a citizen for 9 years, an inhabitant of the state
- d. special powers
  - (1) approve nominations of President
  - (2) approve treaties made by the President
  - (3) try impeachments
  - (4) investigate the executive
- e. salaries: \$162,000
- f. officers
  - (1) President of the Senate is Vice-President
  - (2) Senate selects President Pro-Tempore to act in the absence of the Vice-President
  - (3) Majority and Minority leaders

## II. Executive Branch

- A. Main duty – enforce laws
- B. The President of the United States is chief officer
  - 1. Qualifications: natural born citizen, 35 years old, live in the United States for fourteen years
  - 2. Duties: foreign affairs, domestic administration, armed forces, national budget, legislation suggestions, acts on bills (approve or veto), appoints many officials, judicial functions, for complete description of powers, see Article II
- C. The Vice-President
  - 1. Duties
    - a. President of the Senate
    - b. takes the place of the President
    - c. takes duties assigned by the President
  - 2. Qualifications, same as President
- D. Salaries
  - 1. President: \$400,000 plus \$150,000 expenses
  - 2. Vice-President: \$198,000 plus expense allowance
  - 3. Cabinet member: \$166,700 salary each
- E. Cabinet, fifteen members
  - 1. Secretary of State

2. Secretary of Defense
3. Secretary of the Treasury
4. Secretary of Agriculture
5. Secretary of Labor
6. Secretary of Commerce
7. Secretary of Interior
8. Secretary of Health and Human Services
9. Attorney General
10. Secretary of Housing & Urban Development
11. Secretary of Transportation
12. Secretary of Energy
13. Secretary of Education
14. Secretary of Veteran's Affairs
15. Secretary of Homeland Security

### III. Judicial Branch

- A. Main Duty: interpret laws, administer justice
- B. Court system
  1. Supreme Court
    - a. nine judges
      - (1) selected by President, approved by Senate
      - (2) serve for life, no special requirements
      - (3) \$190,000 salary, and Chief Justice salary is \$198,000
    - b. duties
      - (1) decide if laws brought before it are constitutional
      - (2) hear cases of appeal on important matters
  2. United States Court of Appeals
    - a. there are thirteen courts
      - (1) each with three to nine judges appointed by the President with Senate approval, for life terms
      - (2) salary about 85% of Supreme Court Justices
    - b. duties: hear cases of appeal from lower courts
  3. United States District courts
    - a. there are 94 district courts
      - (1) each court has one to twenty-four judges, appointed by the President, with Senate approval, for life terms
      - (2) salary about 80% of Supreme Court Justices
    - b. duties
      - (1) ordinary trial courts
      - (2) first court of contact on the federal level
- C. The Constitution and the courts
  1. The Constitution does not give the Supreme Court direct power over the constitutionality of laws but precedent has established this right
  2. The power of the courts is extended to all cases arising under the Constitution, laws, and treaties of our nation

### Amending the Constitution

- I. Two ways of proposing an Amendment
  - A. Congress proposes an amendment by 2/3 vote, most common way
  - B. Legislatures of 2/3 of the states require Congress to summon a

- constitutional convention to consider amendments
- II. Two way of ratifying (approving) the Amendment
  - A.  $\frac{3}{4}$  of the state legislatures approve (most common) or
  - B.  $\frac{3}{4}$  of special state conventions approve
- III. Changing of the Constitution through other methods
  - A. Judicial Review: the courts interpret the Constitution, give it new and changing interpretations to meet modern conditions
  - B. Practices and customs sometimes modify, replace, or extend government under the Constitution (for example, political parties play a big role in the government but are not even mentioned in the Constitution)

### Lawmaking Process

- I. Bill is introduced by Congress
  - A. Sent to appropriate committee
    - 1. Hearings may be held
    - 2. Committee acts on bill, if favorably it will most likely come to floor, if unfavorably it will most likely be killed
  - B. If favorably acted on in committee and then passed on by the full house, it will be sent to the second house of Congress
    - 1. That house takes similar action to that of first house
    - 2. If they pass bill without change, it is sent to the President
    - 3. If they don't pass, bill is denied
    - 4. If they pass in different form, both houses must meet, represented by committees, to work out differences. New bill is then returned to both houses and re-voted.
    - 5. Before any bill and become law it must be approved by the President. However, if the President vetoes a bill, the Congress has the opportunity to attempt to pass the bill by  $\frac{2}{3}$  vote in each house. If it does, then the bill becomes law without the President's approval.

### **III. STATE CONSTITUTIONS**

Each of the fifty states has a constitution and government. You will notice that there are similarities (things that are the same) between the Federal Government and the state constitutions. For example, there are three branches of federal government: the executive branch, the legislative branch, and the judicial branch. The state governments also have these three branches with many of the same duties. The difference is that the Federal branches work on matters of national interest and the state branches work on matters of more local interest.

The framework for the federal government and constitution is often the same as for state governments and constitutions. Certain powers belong to the federal government, certain powers belong to the state government, and certain powers are shared by both. You will notice that certain powers are prohibited (not allowed) to both.

This plan of shared powers of government between a federal government and a state government is called federalism. Federalism has many advantages. Through the national or federal government we remain large and powerful. Through the local and state government we can meet the local and special needs of our own area.

#### **A. State Identification**

States play a very important role in our lives. With certain exception for the District of Columbia and some federal territories, all Americans live in a state. Although we all think of ourselves as U.S. citizens, we don't really think of ourselves as living in the United States. When asked where they live, Americans typically say, "in Maine," or "in Oregon," or "in Georgia."

#### **B. State Government**

States play an important role in our federal system. Very often attention is focused on national government and the affairs of the state government are overlooked. State governments have important jobs to do such as providing education, building roads, protecting safety, and many other functions that are very close to the daily lives of citizens. One would be well to become actively involved and aware of events at the state level.

State government has grown in recent years at a tremendous rate. State government in many areas has grown at a faster rate than the activities of the national government. Each of the states is unique and different. In understanding state government, it is important to know and be aware of the particular background, history, and ideas of an area. There is great similarity among the states no matter where the location or the size. There are many reasons for these similarities and the ways each state is the same and the ways each is different will be discussed in this course.

The governments of all of our 50 states are based on written state constitutions.

All are divided into 3 branches: legislative, executive, and judicial. We live in a

nation of states. States and state governments existed before we had a national constitution and a United States constitution. It was the delegates from the 13 states that met in Philadelphia in 1787 “to form a more perfect union.” Since then, 37 more states have joined the Union. So, if you live in one of the 13 original states, your state constitution and government are older than the United States Constitution.

State constitutions establish the fundamental law under which the government is organized and the rights of individuals are laid down. The Federal constitution is such an outstanding document because it was as effective in the “horse and buggy” days as it is in the space age. It has changed and grown with our nation. The records of the state constitutions have not been so flexible and this has led to some difficulties in state government.

### **C. Typical State Constitutions**

Although each state constitution is different, there are some similarities from state to state. Since many of the state constitutions were based on the Federal Constitution, this is not unusual. The major parts of most state constitutions are:

1. Preamble: tells the purposes of the state government.
2. Bill of Rights: lists the rights of the citizens
3. Government Provisions: establishes legislative, executive, and judicial branches; and their duties, qualifications, and powers.
4. Special Provisions: these deal with voting, taxation, education, elections, and the many other details of government.
5. Amendment Procedure: lists ways of changing the state constitution.
6. Local Government: sets up the duties of your state’s local governments.

Originally state constitutions were short and brief, but now the 50 state constitutions average about 25,000 words. (The United States Constitution has about 7,000 words.) These state constitutions are longer because they have so many details in them and it is easy for these details to become out-of-date. Remember that the United States Constitution leaves the details to the lawmakers in Congress and to the courts. This makes the U.S. Constitution very flexible and makes many states constitutions inflexible.

Another problem with state constitutions is age. The average age of the state constitutions is 80 years. When you have a long detailed constitution, age can be a serious problem. (One state constitution is so detailed that it provides for the teaching of home economics in the high schools.) Although most of them have been amended many times, the amendments add to the clutter, details, length, and confusion. Many states retain their original constitutions. Louisiana and California have amended their constitutions over 300 times. The U.S. Constitution has been amended only 26 times in 200 years.

### **D. Constitutional Change**

There are two ways to change a state constitution: totally or piece by piece. When changing a constitution totally a constitutional convention is usually called by the state legislature, and this convention writes a new state constitution. This happened in Illinois in 1970. The voters must approve the new constitution. Piece by piece amendment of state constitution can be carried out in two ways.

Most amendments are proposed by the state legislature. After the legislature approves the amendment, it must be sent to the voters for approval. Also, in many states voters themselves may propose amendments to their constitution by signing petitions in favor of the proposed amendment. This process is called initiative. Amendments proposed through successful initiative are placed directly on the ballot for a yes or no vote from the voters.

NOTE: Get a copy of your state constitution by contacting your Secretary of State in your state capital.

#### **IV. STATE LEGISLATIVE BRANCHS**

The legislature is the lawmaking branch of the state government. In many ways, it can be compared with the federal Congress. However, it must be remembered that the legislature is responsible for lawmaking on a statewide basis in your state, while the United States Congress, in Washington D.C., is responsible for national issues and laws. The legislature has been called the “powerhouse” of state government, because of the fact that its tremendous lawmaking power keeps the state operating on a day-to-day basis.

The name “State Legislature” is the official name of twenty-seven states. In the others, it is called “General Assembly”, “Legislative Assembly” or “General Court”. See pages to 2-12 to find the name of the legislature in your state. Whatever the name, this body’s functions are basically the same from state to state.

In all but one of the states there is a bicameral legislature. This means that it is divided into two houses: a house of representatives (or assembly) and a senate. Only Nebraska has a one house legislature called the Senate. When there is only one house in the legislature, this is called a unicameral legislature. Of course, in the federal government, we have a bicameral legislature because there are two houses of the Congress, the House of Representatives and the Senate. Altogether state voters elect almost eight thousand men and women to serve in the fifty state legislatures.

Each state sets certain qualifications for a person to become a member of the state legislature. The usual qualifications are:

1. Age:

Twenty-one is the common minimum age for the lower house although a high age is usually required in the upper house, often twenty-five years old. (The term “lower house” refers to the House or Assembly, and the term “upper house” refers to the Senate. This is true in the federal government

too.) If you want to be in the state legislature when you are eighteen, move to Hawaii or Louisiana.

2. Citizenship:

The members must be a United States citizen.

3. Residence:

The members must be a resident of both the district and state from which elected.

### **A. Legislator Pay & Responsibilities**

The issue of how much legislators (an elected member of the legislature) are paid is a very controversial issue. Some feel that whatever legislators are paid is too much. Others feel that unless salaries are high enough to attract highly qualified people, many won't make the financial sacrifice to serve the state. Low salaries for elected government officials are a shortsighted way to save tax dollars. Certainly the job of lawmaking requires very capable individuals.

Approximately three-fourths of the states have an annual (yearly) session while the others meet biannually (every other year). The trend is to yearly sessions because of the need for constant government work. If the business of the state is not complete during a regular session, a special session may be called. This is usually called by the governor.

The officers of the state legislature are similar to those in the federal Congress. The lower house in each state elects the presiding officer, called the Speaker. In most states the lieutenant governor presides over the Senate. In other states, the Senate elects its own president.

As in the federal Congress, committees play a very important role in the lawmaking process. It would be very difficult for a legislator to stay on top of every bill that was introduced into the legislature. Typically over eight thousand bills are introduced in a state legislative session, less than 30 percent will pass. Committees help to organize the work of the legislature and it could not function without them.

The rules of the procedure are determined by each house of the legislature. Each house also determines the eligibility of members and can punish wrongdoers. The legislature also has the power to impeach and remove executive and judicial officials. Another important function of the Senate in many states is to approve appointments made by the governor.

The term of office for legislators varies from state to state. You can find details about the term of office for legislators in your state on pages 2-12. Most commonly the members of the lower house serve for two years and the members of the Senate serve for four years. In a very few states the members of the lower house serve four year terms.

## **B. How Legislators are Chosen**

“Legislators represent people, not trees or acres,” the United States Supreme Court ruled in 1964. As a result of that decision, people now are elected to state legislatures under a system based on population. Each state is divided into districts that are approximately equal in population. Voters elect at least one state senator and one state representative from each district.

State legislatures are changing. In 1969 only 4% of the members of state legislatures were women. By the early years of our new century, more than 22% are women. However, women and minorities are still underrepresented in state legislatures and in our United States Congress as well. But women and minorities: blacks, Hispanics, and other minorities are growing in numbers in our state legislatures and U.S. Congress. This trend is expected to continue.

## **V. STATE AND LOCAL GOVERNMENT EXPENDITURES**

### **A. State Governments**

#### Sources of Income

1. Federal government
2. General sales tax
3. Personal income tax
4. Cigarette, gasoline, and liquor taxes
5. Corporation income tax
6. Inheritance tax
7. Licenses and fees

#### Major Services

1. Education
2. Public welfare
3. Highways
4. Health and hospitals
5. Police
6. Public building program

### **A. Local Governments**

#### Sources of Income

1. Federal & state governments
2. Property tax
3. School tax

4. Licenses and permits
5. Fines
6. Amusement taxes
7. Personal property taxes

#### Major Services

1. Schools
2. Public welfare
3. Fire & police protection
4. Health & hospitals
5. Utilities
6. Streets & roads
7. Sewage systems
8. Parks & playgrounds
9. Libraries

## **VI. STATE LAWMAKING PROCESS**

Lawmaking at the state level is, in many ways, similar to lawmaking at the federal level. The two houses of the legislature are patterned after the federal Congress and many duties and responsibilities are the same.

A bill becomes a law after passing both houses of the legislature and getting the governor's approval. Bills only need a majority vote for passage. However, if the governor vetoes a bill that has been sent to him, the legislature may pass the bill over his veto. Most commonly this is done by a two-thirds vote in each house. The number to override a veto varies from state to state. Vetoing a bill and overriding a veto at the state level is very similar to Congress and the role of the President at the federal level.

A bill may start in either house of the legislature. As in the federal congress, committees play a very important role in the day-to-day business of the legislature. In becoming a law, the usual path of a bill is as follows:

1. Introduction, read by title, given a number.
  2. Referred to appropriate committee by speaker or president of senate.
3. Bill placed on calendar and read for the second time when calendar date comes up.
4. Amendments added, the bill comes up for a third reading, debated, and passed or rejected.
5. If passed, it goes on to the other house for a similar route.
  6. Both houses have to agree on an identical bill and amendments. At this point, a joint committee (members from each house) may have to meet to work out differences.
7. The bill goes back to the house of origin, is signed and sent to the governor.

The death rate for bills is very high. In each session of the legislature, less than one-third

of bills introduced become laws.

The process of passing laws often seems inefficient, slow, and cumbersome to the average citizen. The process, however, has developed slowly over many generations. Much of what happens in the legislature is based on rules made up by Thomas Jefferson for the Congress of the United States in the early years of this country. Lawmaking is a slow process, but it promotes careful consideration of legislation and prevents hasty, thoughtless legislation. The whole process, slow as it may be does work and protects our rights as citizens.

### **A. What Laws Do States Write?**

State legislatures write laws on:

#### 1. Taxes & spending

One of the most important duties of the state legislature is to pass laws for the collection of taxes to pay for government. No money can be spent from the state treasury unless the legislature approves.

#### 2. Laws to guide behavior

These laws spell out what people and businesses must and must not do. All criminal laws are in this category, but there are many other areas including health and traffic.

#### 3. Education

A large portion of the state budget goes for education and its regulation. Your graduation requirements may be determined by your state government.

#### 4. Local government

All the powers of local government in a state are set by the state legislature.

#### 5. Other legislative activities

The legislature, especially the senate may have power to approve or reject some of the governor's appointments. Some powers of impeachment like the federal ones may exist. The legislatures also vote on amendments to the United States Constitution on behalf of the Senate.

It is an interesting and worthwhile experience to visit the state capital and observe lawmakers at work. Although it is impossible to see them while legislative process at work, a visit to the legislature can help you understand lawmaking better.

In the state capital during every session of the legislature, one can also find groups known as 'lobbies'. These organized groups seek to influence lawmakers. Most of these 'lobbies' operate legally under the laws controlling them, and some of them do a service of informing our lawmakers of the many aspects of issues. There are some instances, however, where these 'lobbies' exert too much influence and the views of other citizens are overlooked.

Selection of officers in the federal government gets more publicity and voter participation than does the selection of state officers. This is unfortunate since many important state matters are close to our homes and jobs. These matters require as much or more talent as federal offices and the citizen of any state would do well to increase their interest in the state and local governments.

## **VII. EXECUTIVE BRANCH**

### **A. The Governor**

The executive branch of your state government is headed by the governor. The executive branch, as you remember from the federal government, enforces and administers the laws. The office of the governor often receives a lot of attention and it is usually the governor who is given the blame or praise for what happens in the state.

Many governors have gone on to become President: Woodrow Wilson, Calvin Coolidge, Franklin D. Roosevelt, Jimmy Carter, Ronald Reagan, and George W. Bush. The first women governors were "Ma" Ferguson of Texas and Nellie Ross of Wyoming who were both elected in 1925. By 2003, there were six current women governors. Since women currently hold only slightly more than 20% of elected offices in the United States, it is clear that more women need to be elected to public office.

Every state constitution sets up certain qualifications for governor. Most states list three main qualifications:

1. Being an American citizen
2. Residence in the state (most states say at least five years)
3. Age (most states say at least thirty years of age)

In addition to this, however, there are a great many unwritten qualifications that a person must have to be a governor. Some of these are voter appeal to a large number of citizens, a good reputation, and not too many political enemies. Even though the governorship is a relatively low-paying in many states, it does draw a great number of able persons as candidates. The office has great prestige in the state and very often leads to higher office.

### **B. Legislation Oversight**

The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the legislature. The governor also has

many other important duties. Among these are:

1. The governor appoints many members of the state government. The more important of these appointments require approval by the senate.
2. The governor may grant pardons, commutations and reprieves as he or she thinks proper.
3. The governor must approve the spending of all federal aid grants, state purchases of land, or the construction of highways and airports.
4. The governor represents the state at interstate meetings and national conferences.
5. The governor must spend a great deal of his time explaining the goals of his or her administration to the citizens of the state.
6. The governor plays a part in the lawmaking process when he or she vetoes laws or threatens the veto. Often the governor confers with the legislatures concerning state legislation.
7. The governor proposes a state budget each year in a special message to the legislature. This is a very important plan for the future of the state.
8. The governor may call special sessions of the legislature in most states.
9. The governor addresses the legislature in a "state of the state" message (named after the President's "State of the Union" message).
10. The governor is commander-in-chief of the state militia.

## **B. Vetoes**

In all states but North Carolina, the governor has the power to veto bills. The governor may veto bills in several ways:

1. If the governor disapproves of a bill, he or she may reject the whole thing, in much the same way the President can veto a bill.
2. In most states, the governor also may use the item or line veto. This veto means that the governor may approve part of a bill while rejecting other parts. The vetoed parts are returned to the house where the bill was started.

## **C. Term of Office**

The governor is elected to a four year term in most states. In the others, he or she is elected for a two year term. In many states there are also restrictions on the number of terms that a governor may serve.

The governor's office is similar to the office of President in many ways. It is a less demanding job than that of President although, it certainly requires an extremely qualified man or woman.

## **D. Other members of the Executive Branch**

Although the governor is probably the most well known member of the executive branch, there are many other individuals who contribute to the smooth operation of the state government. Most states have six main executive officers in addition

to the governor. There are many differences from state to state. Some states list less officers, and in some states these officials are appointed, but in most they are elected. They usually serve the same term of office as the governor. The main executive officials are:

1. Lieutenant Governor:

This officer presides over the state senate, ruling on parliamentary points and exercises a tie-breaking vote in many states. If the governor resigns or dies, the lieutenant governor becomes governor. Besides this, the lieutenant governor serves on many committees acting as the governor's representative.

2. Secretary of State:

This officer records, files, and certifies the public documents of the state, corporation records and election records. This official is the keeper of the state's official seal.

3. Attorney General:

This officer is the chief law enforcement officer of the state and the state's legal counsel. Some of the legal duties of this office are: (A) Provide legal and criminal investigation for the state. (B) Provide legal representation for the state. (C) Advise state officers, departments, and agencies as to their legal rights and responsibilities. (D) Provide the governor, legislature, and other officials with legal opinions.

4. Auditor and Comptroller:

This officer examines the accounts of all state agencies to see if their spending is within the law. This official reports to the governor and the legislature.

5. State Treasurer:

This official is often the governor's financial advisor and is responsible for the custody and spending of state monies.

6. Superintendent of Public Instruction:

The official name of this office varies from state to state but this official is the chief school administrator and supervises the schools.

Since many of these officials are elected by the people, the governor doesn't really have the complete control of the executive branch like the President does. The President appoints the officials that serve with him and can thus influence what happens in the executive branch much more than the governor can. Only in New

Jersey can the governor appoint all of the executive officials.

Although state constitutions provide for the officials discussed previously, there are a great many individuals not actually mentioned in the constitution whose service is vital to state government. Many of these officials are appointed by the governor with legislative approval.

The total number of individuals involved in the operation of the executive branch is great. Administering and enforcing the state laws is a very difficult and challenging task. The individuals who are members of this branch of state government are very important for the smooth, day-to-day operation of state government.

## **VIII. JUDICIAL BRANCH**

The main purpose of the judicial branch is to interpret the laws and administer justice through the state court system. Under our federal system, there are two separate court systems, the state and the federal. The federal system has jurisdiction over certain classes of cases, all other cases are state cases. The greatest number of cases heard by far are state cases. The court system has several main functions.

1. It settles disputes between private citizens and between citizens and government.
2. It protects the rights of persons under the federal and state constitutions.
3. It determines the guilt or innocence of persons accused of a crime.
4. It acts as a check on the executive and legislative branches of government.

In some states, the court system has the power of appointment to other branches. In Tennessee for example, the state supreme court appoints the attorney general. The organization of courts in the state can be grouped as follows:

### **A. Local Courts**

In this group of courts there are many whose jurisdiction is very limited. Many are limited to handling misdemeanors (less serious offenses). There are many types of courts in this category and below are examples of two that exist in most states:

### **B. Probate Courts:**

Each county usually has its own probate court with jurisdiction over wills, estates, juveniles, and incompetent persons.

### **C. Magistrate Courts:**

The magistrate courts in the state are responsible for hearing minor criminal or civil cases. Their jurisdiction is rather limited in these cases.

There are many other local courts. Some other examples are domestic relations,

small claims, traffic, juvenile, municipal, and others. These courts handle many cases and one of the main characteristics of each is limited jurisdiction to certain areas of the law.

#### **D. General Trial Courts**

This court is the main trial court in the state, having broad jurisdiction over major civil and criminal matters. These courts handle more serious matters and serve as the main focus of the judicial system in the state. In various states this level of court is called circuit, district, county, common pleas, or superior court. A more serious crime is called a felony.

#### **E. Appellate Courts**

Approximately one-third of the states have courts of appeals to help ease the burden on the state supreme court. Individuals who are not satisfied with the rulings of lower courts may appeal to this court for a ruling. These courts are generally concerned with questions of law rather than questions of fact.

#### **F. State Supreme Court**

This court is the final authority on the state constitution and is the highest tribunal for any action begun in the state courts, except when a federal question is raised. The state supreme court's primary function is to hear appeals from the decisions of the lower courts. It is the final interpreter of the state's constitution and laws.

#### **G. Judges: Selection and Terms**

There is a great variation in how judges are selected from state to state. Judges are selected in one of three ways: election, appointment by the governor, or appointment by the legislature. Most experts feel that appointment by the governor is probably the best form. Most of the judges in the various states are selected.

#### **H. Civil Law and Criminal Law**

Civil law concerns rights of individuals and disputes among them. Criminal law has to do with persons who are charged with illegal acts.

### **IX. VOTING AND ELECTIONS**

In a democracy, a citizen has the responsibility for the government under which he lives. By voting, he takes part in the business of government. With every freedom we enjoy, there is also corresponding duties. We must perform these duties, such as voting, if we expect to enjoy our freedom.

A citizen in any state must obey the election laws. The basic election laws are as follows:

1. Age:

Voters must be at least eighteen years old on election day.

2. Residency:

Voters must have lived in the election district of the state for a certain period of time.

3. Registration:

Voters must register with the local election district as stated in state law.

### **A. General Elections**

The most publicized election in the state is the general election. In most states, this corresponds with the date Congress has set for national elections; in November of each even-numbered year. Some states have chosen other dates. Some hold their elections in November of odd-numbered years while others hold their elections in the spring. Many city and local elections are held in the spring also. Voter turnout is usually the greatest when national elections are held. One can learn about the dates of local elections by watching the newspapers.

### **B. Primaries**

Primaries are elections in which party members elect the candidates of their party. These party candidates face other party candidates in the general election. When the primaries are held varies from state to state.

### **C. Ballots**

When voting, voters receive a paper ballot or use some sort of automatic voting device called a voting machine. Instructions for using such machines are available at each voting place. The Australian ballot is used in all states today. This ballot has three main features: (1) It is printed at public expense. (2) It contains the names of all the candidates in the election. (3) It is voted in secret.

### **D. Absentee Voting**

When voters are going to be absent from the voting area on election day, they may apply for an absentee ballot. Voters who are sick or meet certain other requirements may also request an absentee ballot. Local election officials can provide details on absentee ballots.

## **E. Voter Disqualification**

Every state bars certain groups from voting. A person convicted of a felony or who is otherwise under sentence in jail for a serious crime may lose the right to vote. Certain other restrictions may be placed on citizens who are not capable of voting, such as those in mental institutions.

## **F. The Right to Vote**

State constitutions stress the right of a citizen to vote. For example, a voter cannot be arrested on election day unless he has committed a serious crime. He cannot be required to do military duty and lose his vote unless there is serious danger. A voter in the military is guaranteed his right to vote.

In many elections, citizens fail to exercise their right to vote. One of the main reasons for this is indifference-not caring. If a democracy is to work, all must get involved in government. One of the best ways of doing this is to vote.

Presidential elections, a campaign for U.S. Senator, or a fight over the nomination for U.S. Representative – all of these seem more colorful and exciting than the business of state and local government. However, the citizens must take an active part in their state government and always strive to be informed if they want honest and effective government in their state and local area.

## **X. MUNICIPAL GOVERNMENT**

A municipality (city, village or town) is created upon the request of or with the consent of the residents in order that they may provide for themselves the services that they need or desire. Some of these services are recreational facilities, water and sewer systems, street maintenance and construction, traffic regulation, building and zoning regulation, and general health and welfare of the community.

Cities are created by the state. They are responsible to the state and receive their powers from the state. State control of the cities comes from the state constitution and laws passed by the state legislature.

States have many different sizes and types of municipalities from the largest city to the smallest village. Each municipality may organize its government under certain basic forms. Among these are the mayor-council form, the city-manager form, the commission form, and the trustee-village. About one-half million of Americans serve as elected officials in local governments.

### **A. Mayor and Council Form**

In the mayor and council form of municipal government, the size of the council varies depending on the population of the city. Cities are divided into wards, with

one, two, or three alderman from each district. This council is the legislative body of the city and passes local laws or ordinances. These laws must not conflict with the state constitution or state law. The mayor presides over council meetings and usually may vote only in the case of a tie. He may veto measures of the council, but they can override his veto.

The mayor is the chief executive officer of the city and he enforces all laws and appoints some city officials, with council approval. A city clerk and treasurer are also elected. Many serve four year terms but in some cities, the term is for two. The mayor and council is by far the most popular and common form of municipal government. A further breakdown of this type of government can be made into the strong mayor type and the weak mayor type. They differ in that in one case the mayor has more power and authority and can influence the city government more than in the other.

### **B. Council-Manager Form**

This form of local government may be adopted by cities if they wish, usually by referendum. The basic idea of this form of government is that a professionally trained manager, often an outsider, is selected as manager of the city government by the city council. Over two thousand cities have this form of government in the United States, some of the larger being Cincinnati, Ohio; Fort Worth, Texas; and Kansas City, Missouri.

The manager of city government reports to the city council regularly and is held accountable for the operation of the city. Because it brings professionally trained personnel into city government, this form of government is held in high esteem by political experts. Increasingly, cities are turning to this form of government.

### **C. Commission Form**

Cities and villages can also select the commission form of government. This form provides for an elected mayor and four or more commissioners to serve two or four year terms. There is usually no division into city wards or districts. The duties of city government are divided among these officers. Usually there are no other elected officers.

### **D. Trustee Village**

Villages are usually the smallest unit of local government. However, some villages are larger than medium sized cities. Each village has a law making body consisting of a board of trustees selected by the entire village. The executive officer is also elected and called the mayor or president. Other elected or appointed village officers may include a clerk, treasurer, and attorney. Their terms are usually two or four years

### **E. Home Rule**

Many states have home rule clauses in their constitutions. This means that local

levels of government can run their affairs and change their forms of government with little or no interference from the state government. Without home rule, the state must approve all changes that occur.

## **XI. LOCAL GOVERNMENT**

A discussion of local government would not be complete without a discussion of counties, townships, and special purpose districts.

Townships and counties had their origin in England and were brought to the United States by the colonists. Although in some cases they have lost some of their traditional functions and purposes, they still survive and serve an important function in our governmental system.

### **A. County**

Counties are servants of the state. All counties carry out state policy of a general nature: they enforce laws, prosecute offenders, build and maintain roads, keep records, conduct elections, assess property, and collect taxes. In addition, counties are authorized to provide a variety of local government services, such as public health and planning, licensing, regulating the use of land, and establishing such diverse services as health care, hospitals, parks and libraries.

The county is governed by a county board. In some states the governing body is called county court, board of chosen freeholders, board of supervisors, board of commissions, or various other titles. The function of each is much the same. In almost all cases, the members of the county board are elected officials serving two or four year terms. Other county officials elected usually include county judges, sheriff, a recorder of deeds, a prosecuting attorney, and others. There are many exceptions to this pattern from state to state

### **B. Township**

Counties are divided into townships, (in some states they are called towns). Like the county, the township has certain specific powers and is subject to state restriction and supervision. Township affairs are administered by elected officials including: supervisor, clerk, assessor, and auditor.

The functions of township government vary from state to state. In the southern and western states townships don't really exist. There are districts for handling different local functions but the township does not really exist as it does in other states.

### **C. Special Purpose Districts**

In order to provide certain special services for the people of the state, many different kinds of special districts have been created. Most districts perform a single function or job. The most common type of special purpose district is the school district which may cross the boundaries of other governmental bodies.

Examples of some other special purpose districts would be a conservancy district, a county library district, a metropolitan housing authority, joint fire districts, park districts, port authorities, regional transit authorities, sanitary districts and hospital districts.

An elected board is usually the governing body of the special district and it has taxing power to raise the money to carry out its special purpose.

## **XII. TAXATION AND FINANCE**

In 2003 – 2004 budget years, state governments in the United States spent more than 1.3 trillion dollars. Any discussion of government has to take into account a very real and critical problem, which is financing the cost of government. In recent years, the costs of government have gone up and up while the revenues haven't been able to keep up causing the various levels of government serious financial problems. Citizens demand certain services from their governments and these services must be paid for. Governments raise the necessary money for expenses through taxation. Citizens pay their taxes in different ways to the different levels of government.

### **A. State Government Finances**

General revenue of state governments by source for a typical year.

1. Excise taxes – 8.0%
2. General Sales tax – 16.1%
3. From the Federal government 18.5%
4. Other taxes, severance, property, gift, death – 2.4%
5. Licenses – 9.1%
6. Current charges – tuition, hospital fees, tools – 13.7%
7. Other - 13.4%
8. Corporation income taxes – 4.0%
9. Individual income tax 14.8%

General expenditures of state governments by function for a typical year.

1. Education – 32.9%
2. Public welfare – 17.4%
3. Other 25.1%
4. Interest on debt – 4.2%
5. Police and corrections – 4.9%
6. Health and hospitals – 7.2%
7. Highways – 8.4%

### **B. State Taxation**

As the federal government, certain sources provide the state with a major amount of income although the state spends its money in different ways. The chart above shows the state situation.

Although the lists above don't provide you with a complete idea of the source of funds and where all the money goes, a fair idea of the state's budget can be gained. As you can see, much federal money comes into the state. And from the state level, much money is shared with local governments.

### **C. Local Taxation**

In the area of local taxation, the most important tax for local government is the property tax. About 35% of local tax money is raised this way. This tax is a direct tax levied on land, buildings, and improvements to property.

Taxes raised from this source are used to help local governments: city, village, county, special districts such as the school district, run their affairs. Besides this source, some local governments (especially some cities) raise money by taxing income or earnings.

### **D. The State Budget**

All states have some sort of budget system. The budget is a planned system of spending in the state for a particular period of time (usually two years, but in some states for just one year). There are two main kinds of state budgets, one kind prepared by a commission or board and one where the governor prepares the state budget. In forty-seven states, the governor is responsible for the preparation of the budget, and thus can greatly influence what happens as far as state spending. Usually the legislature must approve the budget so the governor does not have final say on state spending. (In the other three states the governor has only partial control.)

### **E. Defining Tax Terms**

#### 1. Revenue:

Revenue is income. It can be your income or, the income of state governments. Your income is how much money you make. The state's income is how much it gets from taxes.

#### 2. Expenditure:

Expenditure is what is paid out. Your expenditures are what you pay out. Expenditures for states are how they spend their revenue.

## **XIII. POLITICAL PARTIES**

Our system of government would not be complete without a discussion of political parties.

Although the founding fathers did not plan for political parties and they are not mentioned in the Constitution, they are a vital part of our government system. Political parties developed quite early in our history, even as the debate raged over whether to adopt the Constitution. The Federalists and the Anti-Federalists were the two groups that represented the beginnings of our political parties.

Politics have often had a bad reputation. Expressions like “dirty politics” indicate how many people feel about this area. The fact is though, that we could not have our system of government without politics. At some times and in some places of our country, politics have not been very good. This just shows once again that citizens are responsible for the quality of politics and it is necessary for citizens to be involved in our political system to make sure that the quality does remain high. It will if people care and are involved.

### **A. Functions of Political Parties**

A political party may be defined as a body of citizens, voluntarily joined together seeking to control government by winning elections. Political experts list five main functions of political parties. These five are:

1. Nominate candidates and present them to the voters.
2. Inform the voters about issues and build interest in the issues
  3. Select qualified and reputable people to represent the party in a positive way.
4. The party out of power serves as a “watch-dog” over public affairs.
  5. The parties conduct the business of government as they organize along party lines in the process.

Our system could not function without political parties. The party system plays a great role in the democratic process of day-to-day governing.

### **B. The Two Party System**

Our form of political setup is called the two-party system, although we have more than two parties. There are a number of minor political parties that exist. Very often, though, these parties do not elect officials to office. Usually only the candidates nominated by the Republican and Democratic parties have a realistic chance of getting elected. It is because of this that it is said that we have a two-party system.

The two major parties have existed for a number of years. The Democratic party traces its origin back to the Anti-Federalists and is nearly 185 years old. The Republican party can be traced to the Civil War and the antislavery debate. Abraham Lincoln was the first party candidate elected to the Presidency. The Republican party dominated the national scene from 1860 to 1932; the Democrats were only able to elect two Presidents during this period. The Democrats took over in 1932 and remained in power until 1952 when President Eisenhower was elected. Since then, the Presidency has gone back and forth between the Democrats and the Republicans.

### **C. State Politics**

Many states are known politically as either Democratic states or Republican states because they can be counted on to vote one way or the other. In many elections, however, it is hard to tell which way a state will go. When one party controls both the legislature and the governor's office the political process functions more smoothly than when the different parties control the branches of government. Some interesting and heated political battles often take place in the individual states.

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## **THANK YOU**

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## **CHRISTIANS ARE CO-LABORERS**

"Who then is Paul, and who is Apollos, but ministers by whom ye believed, even as the Lord gave to every man? I have planted, Apollos watered; but God gave the increase. So then neither is he that planteth any thing, neither he that watereth; but God that giveth the increase. Now he that planteth and he that watereth are one: and every man shall receive his own reward according to his own labor. For we are laborers together with God: ye are God's husbandry, ye are God's building. According to the grace of God which is given unto me, as a wise masterbuilder, I have laid the foundation, and another buildeth thereon. But let every man take heed how he buildeth thereupon. For other foundation can no man lay than that is laid, which is Jesus Christ."

**I Corinthians 3:5-11**